



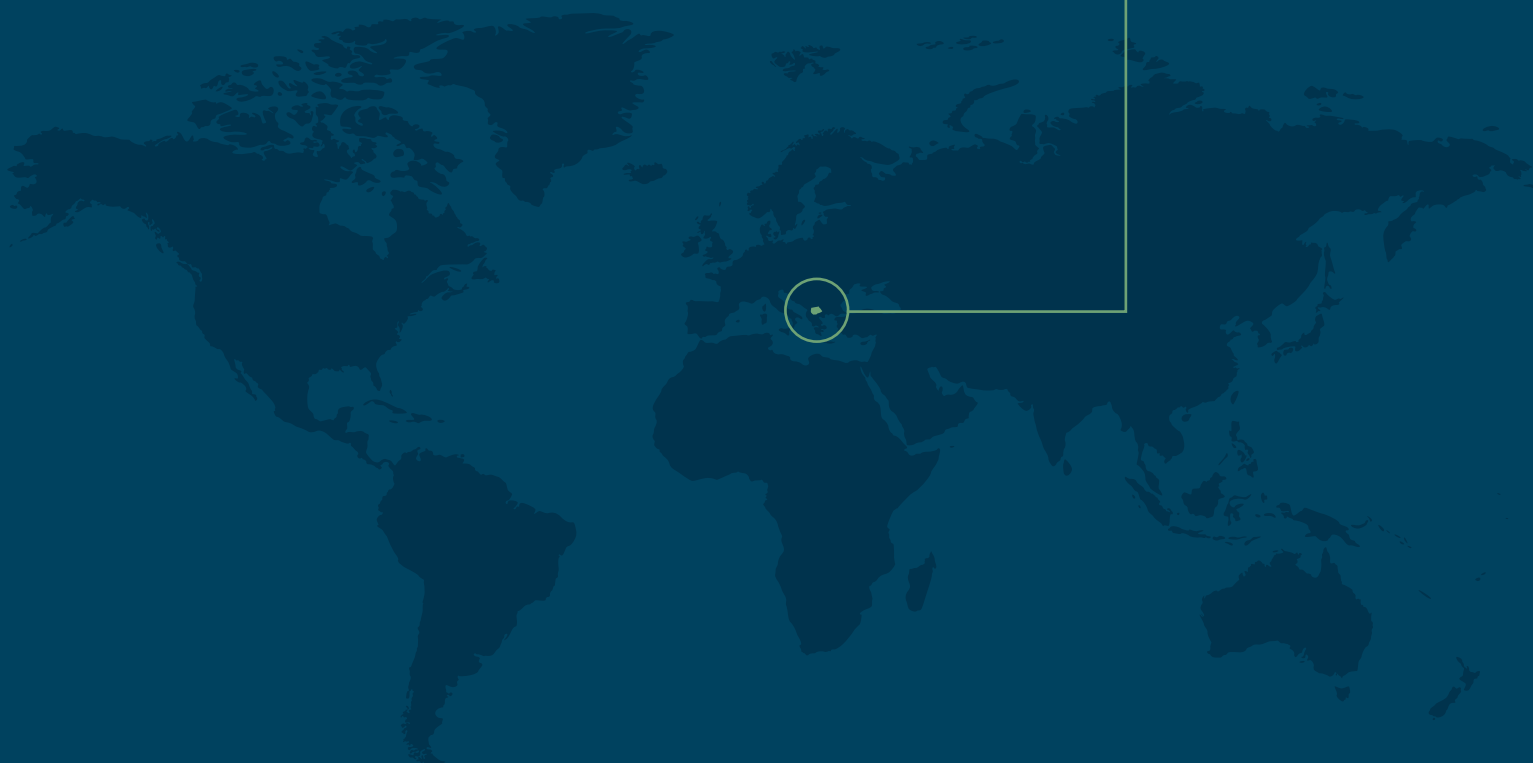
UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
NORTH MACEDONIA
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SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

NORTH MACEDONIA



COUNTRY BRIEF

SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES IN **NORTH MACEDONIA**

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November 2022

Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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ACRONYMS AND ABBREVIATIONS

CPPD	Commission for Prevention and Protection from Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
GBV	Gender-based Violence
MoLSP	Ministry of Labour and Social Policy
MPTF	Multi-Partner Trust Fund
NCB for CRPD	National Coordination Body for implementation of the UN Convention on the Rights of Persons with Disabilities
NCDO	National Council of Disability Organizations
OPDs	Organizations of Persons with Disabilities
OHCHR	Office of the High Commissioner for Human Rights
PFM	Public Financial Management
SDG	Sustainable Development Goals
SRH	Sexual and Reproductive Health
UNPRDD	United Nations Partnership on the Rights of Persons with Disabilities

1 BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs), and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025 UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The 26 selected teams (see Annex 1) were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

The 26 countries each conducted a comprehensive multistakeholder situational analysis to identify gaps and opportunities around preconditions to CRPD implementation and agree on a set of recommendations to address them.

From March to October 2021, the North Macedonia UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

The full situational analysis report can be found [here](#).

2 WHY A COUNTRY ANALYSIS?

Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analyses were designed to:

- Inform the design of future PRPD-funded programmes in the country and serve as a baseline for them;
- Inform UNCTs of gaps in achieving disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations (CSOs), as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

3 INTRODUCTION TO DISABILITY CONTEXT IN NORTH MACEDONIA

 Population	2.1 million
 Disability Prevalance	Not Available

The Republic of North Macedonia ratified the UNCPRD in 2011. Following ratification, a positive trend was observed in advancing the rights of persons with disabilities. Reforms were initiated in the social protection and education sectors and improvements were noted in the areas of non-discrimination, inclusive employment services, deinstitutionalization, access to sexual and reproductive health (SRH) services, gender-based violence (GBV), and gender equality. The legislative framework reflects a clear political will to ensure the active participation of persons with disabilities.

4 FINDINGS

4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A comprehensive list of stakeholders is included in the full report.

Government

- The **Ministry of Labour and Social Policy (MoLSP)** is considered the main government body that ensures the rights of persons with disabilities; most of the entities responsible for disability-related issues fall under it.
- The **Macedonian Parliament** created an informal group, the Inter-party Parliamentary Group for the Rights of Persons with Disabilities in 2003 at the suggestion of an OPD.
- The newly established **Commission for the Prevention of and Protection against Discrimination (CPPD)** was established in 2020 and began its work in February 2021. Since then, the commission's members have promoted their work actively through the media and their presence at public events, emphasizing their openness to cooperating with relevant stakeholders. Their collaboration with CSOs during the first few months of the commission's work also underscored that openness.
- The **National Coordination Body** for implementation of the Convention on the Rights of Persons with Disabilities (NCB for CRPD) was founded in April 2018. It is a cross-ministerial platform which brings together the relevant ministries, government representatives, the National Council of Disability Organizations (NCDO, an umbrella OPD), and a resource centre. However, it does not coordinate with independent and rights-based OPDs and CSOs supporting persons with disabilities.

Organizations of persons with disabilities (OPDs)

NCDO is an umbrella OPD that includes seven unions of OPDs, most of which were formed by the former Yugoslavian government as a channel through which to provide services.

The situational analysis suggested collaboration could be improved between NCDO and OPDs that are not part of the umbrella organization in keeping with the new cross-disability rights-based approach with the aim of strengthening their organizational capacities.

Another type of OPD - parental OPDs and resource centres - focus primarily on providing services. Finally, several rights-based CSOs are active in the disability field, implement projects and develop programmes that address disability rights issues.

UN System

The UN agencies working in the country have established partnerships with all relevant public institutions, including ministries, social work centres and municipalities. UN agencies do not coordinate formally around disability-related activities.

Summary of stakeholder coordination analysis

In general, all stakeholders consulted during the field work highlight the limited cooperation among stakeholders working on the rights of persons with disabilities as a key obstacle. This includes cooperation among UN agencies, international donors, government agencies and, especially, between OPDs and CSOs. A visible division exists, especially among the OPDs, which is reflected in their low level of representation and limited success in achieving systemic changes. The rights-based OPDs lack a platform or network for sharing and coordinating their work. Some have managed to organize into small informal groups, focused primarily on seeking certain legal reforms, but these initiatives remain ad hoc, poorly organized and limited in visibility. Although the OPDs' needs and goals are quite similar or overlapping, there are no plans to create a common agenda.

During the focus groups and interviews, most of the stakeholders emphasized the need for better cooperation and coordination among the organizations working in this field. Some interviewees stated that the lack of cooperation among the country's OPDs is concerning and should be taken seriously as it can have an impact on donor support.

4.2 Preconditions for disability inclusion

In its Strategic Framework, UNPRPD identified five preconditions as foundational elements that must be in place to address the rights of persons with disabilities across sectors. The following findings focus on these preconditions in the North Macedonian context.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Equality and non-discrimination

The analysis indicates that a medical approach to disability still predominates and that a rights-based approach is not consistently applied in legislation. While the regulations under the Law on Prevention and Protection Against Discrimination comply with the CRPD, the Constitution and the existing legal framework include derogatory terminology and as noted, rely primarily on a medical approach. Differences within the disability community are not recognized or considered in legislation, strategies, plans and budgets. The legal framework for humanitarian crises and emergencies is not in line with the CRPD. People with disabilities have been marginalized further during the pandemic, as their specific needs have not been addressed appropriately.

Key findings

- The Constitution and existing legislation are not in line with the CRPD and there is no national disability strategy.
- The capacities of the human rights protection mechanism and stakeholders in the justice system are very low relative to the CRPD provisions.
- The existing guardianship system restricts the legal capacity of persons with disabilities, limiting their right to decision-making and choice.
- OPDs lack financial and institutional capacities, partnerships and cooperation that would help to build a unified voice.
- Certain stakeholders – including CSOs, OPDs and individuals with disabilities – do not understand the concept of reasonable accommodation.
- Duty bearers have very limited technical capacities and know-how regarding the concept of legal capacity and CRPD article 12.
- The State has failed to create a supported decision-making mechanism, which would restore the legal capacity of people with disabilities in institutions, including those who are deinstitutionalized and relocated to group homes.

Inclusive service delivery

Disability assessment and referral services

The disability assessment certification process is complex, involving multiple standards and agencies. Apart from the functional assessment introduced recently and conducted by the National Functional Assessment Body, those other processes are still performed in parallel, without coordination. These processes are inefficient and time-consuming and are not user friendly, supervised or monitored.

Under the current disability assessment system, individuals may request certification through one of at least three agencies. Complex processes and lack of coordination among the agencies have resulted in parallel processes, duplication and burdensome administrative procedures. To receive each benefit, individuals must obtain approval from different medical commissions for the determination and assessment of disability. Apart from the functional assessment, the definition of disability and the assessment are strictly medically based, do not consider functionality and do not take a needs-focused approach.

The National Functional Assessment Body was established as a result of government decisions to simplify, unify and streamline parallel processes. Two regional bodies have been created to date out of a total of nine that will assess the functional disability of children and youth. These bodies do not include persons with disabilities and trainings for their members focus solely on the International Classification of Functionality. The MoLSP plans to introduce a disability assessment system with a broader scope.

Disability support services

Despite formal equality, services and benefits to persons with disabilities are based on a medical disability approach. People over the age of 26 may access benefits and services based on the type and degree of disability. Persons with psychosocial disabilities, those with intellectual disabilities who are not in wheelchairs, and those over the age of 26 who are placed in foster families are excluded from these benefits.

Mainstream services

The report highlights that mainstream services in the areas of social protection, health, education and employment are not fully aligned with the CRPD.

Social protection

Services and benefits to persons with disabilities are based on a medical disability approach. Individuals over the age of 26 may access them, based on the type and degree of disability. As described above, certain persons are excluded from these benefits. The Law on Child Protection replicates this approach. Under that law, only children with disabilities up to 26 years of age are eligible. Further, social protection mechanisms, such as the personal assistance programme, do not comply with the CRPD and are considered equivalent to institutional care. In this process, people with disabilities are only users and recipients of services and benefits. They have no active role in assessment, training or defining the eligibility criteria for personal assistance services.

Health

The procedures for obtaining primary, secondary and tertiary health care are not accessible and available to persons with disabilities. Health services are based on the medical model of disability. Despite the existence of legislation and strategies, access to health for persons with disabilities remains a major constraint. For example, access to orthopaedic devices and equipment is quite limited, determined by age, amount of co-payment, expiration date of the devices and, for some devices, the individual's employment status may be important. There is a lack of specialized health services and programmes and services for prevention, early detection, diagnosis, early treatment and rehabilitation of children and adults with disabilities. Disability is not one of the criteria involved in preparing and providing programmes for professional training in the field of public health. Additionally, service providers in general lack knowledge of SRH and GBV. Women and girls with disabilities cannot access the existing services for GBV prevention and sexual and reproductive health (SRH) services due to inaccessible infrastructure and lack of information. The relevant stakeholders in these fields are not familiar with CRPD provisions regarding SRH and GBV.

Education

The overall legal framework for education does not take a comprehensive inclusive approach to achieving the right to education for people with disabilities, as required by the CRPD. The most significant progress in terms of inclusive education has been the reform undertaken in primary education. The new primary education law will incorporate the concept of inclusive education and related regulations and paves the way for the inclusion of all children in regular education by 2023. No similar policy measures have been taken in secondary or tertiary education.

In practice, most children with disabilities do not attend the regular school system, but are placed either in special schools or institutions. No systematic efforts have been made in recent years to increase the educational and social skills of persons housed in institutions. The majority of children and young people who are deinstitutionalized, living with biological or foster families, or in a small group home do not participate in any education systems based on the perception that they cannot learn because they have 'severe and profound disabilities' combined with 'health problems.'

In terms of participation and consultation, OPDs, persons with disabilities, children and young people with disabilities have not been consulted and actively involved in drafting legal changes in education.

Another challenge, particularly for children and young persons with disabilities, is the lack of comprehensive sexuality education within the formal school curricula, which make these groups of people more vulnerable to violence, including GBV and sexual harassment.

Employment

Employment levels of persons with disabilities are extremely low compared to those of persons without disabilities. The overall legal framework for work and employment does not provide a coherent system in line with the CRPD. The existing criterion for general health condition restricts the access and inclusion of persons with disabilities in public administration.

With the new reforms, the government is trying to implement professional rehabilitation and active employment policies. Its plan is to start drafting a new Law on Employment of Persons with Disabilities in 2020. It will include a quota system and a new vocational rehabilitation system.

Key findings

- There is no clear vision on how a disability assessment system based on the needs of people with disabilities should be organized.
- The State has failed to create a supported decision-making mechanism, which would restore the legal capacity of people with disabilities in institutions, including those who are deinstitutionalized and relocated.
- Social services are medically based and discriminatory. Regulatory mechanisms for social services are lacking on the national level and are not well coordinated. Community-based integrated services to support of people with disabilities are not available.
- Municipalities and OPDs lack capacity to engage in productive partnerships, contribute to improved service delivery and help achieve local priorities in line with development strategies.
- Coordination and services for effective implementation of the deinstitutionalization process are lacking. The government has not adopted the 2021 deinstitutionalization action plan. Many parties that are unfamiliar with the CRPD are carrying out multiple projects, undermining deinstitutionalization efforts.
- Despite efforts to establish inclusive primary education, stakeholders and teachers still lack capacity and knowledge. Mainstreaming is not implemented in secondary education and teachers at all levels lack knowledge and capacity around inclusive education.
- Employment policy for persons with disabilities is not aligned with the CRPD and the special fund for employment of persons with disabilities does not operate transparently. The law overall does not promote or regulate any form of supported employment of these persons. Very few persons with disabilities are registered in the Employment Service Agency of North Macedonia. The regulation of vocational rehabilitation centres is not in line with the CRPD.
- Despite the existence of various laws and strategies, access to health care for persons with disabilities remains a major constraint. It is discriminatory and based on a medical approach. Persons with disabilities have limited access to information regarding SRH rights and GBV.
- Gender policies, as well as policies for children, adults and people with HIV, lack provisions for disabilities that align with the CRPD's intersectional approach. Women and girls with disabilities have limited information and access to justice and post-violence assistance.
- People with disabilities have limited access to information and services for SRH and GBV (including inaccessible infrastructure, knowledge and attitudes among service providers)

Accessibility

The lack of accessible infrastructure in public places (including workplaces, schools, courts, churches, police stations and prisons), transport and information have a significant impact on the full enjoyment of rights by persons with disabilities. Although North Macedonia has adopted policies and laws regarding accessibility of physical environments and transit systems and of information, the report highlights implementation and funding barriers impeding implementation. Further, regulatory bodies at the national and local levels have not developed accessibility standards, operating procedures and capacity levels. The accessibility and non-discrimination requirement is included in public procurement regulations, but not enforced.

Key findings

- The inaccessibility of infrastructure in public places, transport and information has a serious effect on the ability of persons with disabilities to enjoy their rights fully.
- Accessibility standards and operating procedures, capacity and the related implementation framework are lacking in the areas of construction, transport and information technologies.
- Some donors have announced that they will invest in school infrastructure, which will provide an opportunity to improve accessibility. Additionally, the government is revising the building law, which offers an opportunity to incorporate the CRPD's provisions.

CRPD compliant budgeting and financial management

Financial planning and monitoring

The Government of North Macedonia has adopted an ambitious and comprehensive Public Financial Management (PFM) Reform Programme. Despite the reforms, the PFM system has not yet been converted into a true results-based budgeting system at the central level. The country does not yet recognize or understand the concept of results-based budgeting for the inclusion of persons with disabilities. The disability provisions are not part of the new budget law, even within PFM. Very limited technical capacity and know-how exist within the public sector and among donors, including UN agencies, regarding how to budget for inclusion. Few programmes and services are provided with a budget for inclusion and reasonable accommodation.

Although North Macedonia has made progress in many aspects of intergovernmental finance, its 81 local governments still find it difficult to ensure adequate and efficient coverage of social services. According to the World Bank, "North Macedonia's social assistance spending is not only relatively low, but it is also fragmented. At the same time social insurances spending (with social insurance, including pensions) is quite large. Social

assistance is deficient in both quality and quantity. Social financial assistance benefits are barely adequate, but there are few financial incentives for social assistance beneficiaries to seek employment.”

Persons with disabilities do not participate effectively in monitoring budget implementation in part because of a lack of budget transparency at both the national and local levels and in part due to capacity limitations of OPDs.

Regulation of and support for the additional costs of disability

Reliable data on disability spending are difficult, if not impossible, to obtain from duty bearers. The only positive examples are social transfers to persons with disabilities under social benefit programmes. Many municipalities lack the administrative and financial capacity to develop services for people with disabilities due to the non-binding provisions in the Law on Social Protection and the country’s limited fiscal decentralization. Disability budgeting at the local level usually focuses on providing financial support for the operation of day care centres and transport for children with disabilities to and from schools. Regular general services at the local level are not available to citizens with disabilities.

Key findings

- The existing enforceable regulations across ministries and PFM do not incorporate disability issues, which means that public funds are spent every year for services that are not accessible to persons with disabilities.
- Systematic and transparent consultation with OPDs does not occur during the budget process.
- The public sector and donors, including UN agencies, have very limited technical capacities and know-how regarding budgeting for inclusion. Persons with disabilities have little knowledge of the budget, formulation, implementation, and monitoring and evaluation processes.
- The experiences of and support from UN agencies and relevant gender watch dog CSOs regarding gender budgeting can provide an opportunity for cooperation and networking with OPDs to launch initiatives addressing disability budgeting and the CRPD.

Accountability and governance

Inclusive evidence and data gathering systems

The key duty bearers that collect disability data are the MoLSP, the Centers for Social Work, the Employment Agency, the Pension and Disability Insurance Fund, the Ministry of Education and Science, the Ministry of Health, and the Health Fund. All of this data is one dimensional and suits the narrow needs of the entity that collects it. It is most often disaggregated by gender, age group and ethnicity, but only to show the number of male and female persons with disabilities in the subgroups.

The role of the State Statistical Office is to aggregate the disability data collected by duty bearers to produce its monthly, annual and topical reports. It is the best positioned to gather disability-disaggregated data if those duty bearers mainstream disability in their methodologies. The five-year Programme for Statistical Research is the key document that defines the scope of data that will be collected in that period. For various reasons, disability has not been mainstreamed in this programme over the years. The process of defining the needs and priorities for the 2023-2027 programme is scheduled to start after the 2021 census is conducted. The statistical office seems willing to cooperate on broadening the methodological approaches to mainstream disability.

Researchers, OPDs, CSOs and international organizations broadly agree that disability-related data and statistics in the country are scarce. Duty bearers collect disability-related data and statistics in rudimentary form and in isolation, resulting in partial, insufficient and scattered information. Disability data vary based on the definition of disability, but focus on numbers without examining cause-and-effect relationships in depth. Furthermore, these data are rarely made accessible to the public. They can be obtained only from the duty bearers' pre-cleared publications or by submitting requests for access to public data, although such requests are usually rejected. Most importantly, disability is not mainstreamed in the mechanisms and methodologies of data collection. This makes this group of rights holders even more invisible to policy makers, significantly undermines the overall accountability of duty bearers, and explains why the government is largely unable to design and implement sustainable, coherent and rights-based disability policies, strategies and measures in most areas.

National accountability mechanisms

Although North Macedonia ratified the CRPD 10 years ago, the government focal points responsible to oversee the legal and practical implementation of rights under the CRPD, as part of its broader three-tier framework for implementation, have not yet been designated.

Given that NCB's key aim to enhance cooperation among ministries and avoid isolated measures by policymakers, notable issues remain in terms of this body's accountability. NCB lacks influence and independence and does not include representatives from several relevant ministries, including the Ministry of Local Self Government and the Ministry of Economy. This suggests a possible lack of understanding of the concepts that are the foundation of the CRPD and a lack of political will to address rights-based disability topics systematically. Further, it underscores the lack of understanding among political elites about designing sustainable systems and infrastructure for the benefit of citizens.

The independent monitoring mechanism is based in the unit on the rights of children and persons with disabilities within the Ombudsman's Office, which complies partially with the Paris Principles (and, as such, has obtained 'B' accreditation status). The mechanism began operating in 2019 and relies on a three-member team. None of its members is a person with disabilities. Establishing this mechanism constitutes a positive step toward implementing the CRPD, but it needs to be strengthened. The unit has invited OPDs and CSOs to join the mechanism and 17 have already accepted. However, no clear process exists to determine whether an OPD or CSO truly represents persons with disabilities and there are no procedures for the appointment or dismissal of its members. The first two

official meetings took place in 2021, with the support of the UN Resident Coordinator's Office. The mechanism lacks structure and a system for setting priorities, as well as a shared understanding of the need for a systematic watchdog approach to monitoring.

The Minister of Foreign Affairs chairs the Intergovernmental Body on Human Rights. Its secretariat is housed in the Directorate for Multilateral Relations and Security Cooperation. This body is tasked with coordinating the full scope of human rights relating to all ministries and governmental institutions; exchanging information and data related to implementation of the recommendations of the treaty bodies; and, proposing amendments to further the human rights legislative framework. In short, this body coordinates fulfilment of the treaty bodies' recommendations by different government entities. It is comprised of the Minister of Foreign Affairs, 12 state secretaries from 12 ministries, four heads of government agencies, and four heads of independent mechanisms as outside members. The presence of high-level representatives indicates strong stakeholder buy-in for addressing the recommendations.

Key findings

- Duty bearers' significant lack of disability-specific and disability-disaggregated data, combined with a lack of commitment to mainstream disability in existing data collection methodologies, shows that the political system does not give priority to disability issues. Data, evidence and statistics are lacking on disability, segregated by gender, age, ethnicity and impairment needed to inform planning and budgeting. The 2021 national population, households and dwellings census will not provide the data needed to develop sustainable disability policies.
- The CRPD reporting mechanism is not clear and does not have a functional operational framework. The government's SDG and CRPD processes do not include consultation with and participation of OPDs.
- Donors, including UN agencies, have very limited technical capacity and know-how regarding disability and the CRPD provisions.
- Existing coordinating bodies (NCB for CRPD, Ombudsman and the CPPD) are not financially and legally independent in terms of decision-making. Staff responsible for CRPD implementation are often the same persons tasked with the monitoring. Independent monitoring mechanisms are needed at the national and local level.
- Some OPDs and CSOs are also actively advocating for CRPD implementation. UN agencies and other international donors are also advocating for the inclusion of disability issues on the government's agenda. The Ministry of Justice has begun revising the law on CSOs and foundations, which is scheduled for completion in 2022. This offers an opportunity to influence and advocate for regulation of OPDs' work and for the distribution of State funds in line with CRPD provisions covering all OPDs.

4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

Participation

The exercise of the right of persons with disabilities to participate in political and public life today is restrictive and discriminatory when viewed through a CRPD lens. Many persons with disabilities have not even been granted legal capacity. The State has failed to provide an enabling environment in which persons with disabilities could exercise their right to study, work, live in their community, vote and run for office. The existing legal framework does not take an intersectional approach. The quota system intended to achieve equal gender representation, which is set out in the legislation, does not incorporate the issue of participation of women and girls with disabilities.

Persons with disabilities are not included or represented either in the CRPD, the Commission for Prevention and Protection from Discrimination or on the Ombudsman's staff. Although three persons with disabilities applied to serve on the Commission, the National Assembly did not select any of them.

Gender

The issue of disability is not incorporated in policies governing gender issues. Services and measures are not provided to help and support women with disabilities who are victims of domestic or sexual violence. Existing reintegration services and shelters are not accessible to people with disabilities.

Gender policies and policies for children, adults and people with HIV lack provisions for disabilities that follow the CRPD's intersectional approach. Women and girls with disabilities have limited information on and access to justice and post-violence assistance. Persons with disabilities have limited access to services and information regarding SRH rights and GBV. The standard technical and operational capacities and related mechanisms for

accessible and available services for GBV prevention and SRH for women and girls are limited and scarce.

Inequalities

Despite recommendations and efforts to apply an intersectional approach to the adoption of laws and policies, persons with disabilities who belong to marginalized groups (including based on gender, ethnicity and nationality and individuals with intellectual and psychosocial disabilities) do not receive sufficient recognition. However, when cases of discrimination are registered and recorded, the basis of that discrimination is considered. Disability is the leading grounds for registering a case of multiple or intersectional discrimination with the Ombudsman.

4.4 Disability inclusion in broader development, humanitarian and emergency contexts

National Development Plans

Thirteen development donors have invested in SDG implementation in North Macedonia. According to the report, 'Implementing Sustainable Development Goals: Rapid integrated assessment of key national policy development planning,' European Union investments focused primarily on SDG 16 (inclusive governance) and SDG 17 (partnerships), while most UN agency funds were directed to SDG 8 (economic growth and employment).

North Macedonia presented its Voluntary National Review in 2020; it highlighted important progress for persons with disabilities across various SDGs.

The situational analysis report notes that persons with disabilities and representative OPDs are largely excluded from national development planning and monitoring processes in North Macedonia. OPDs are consulted primarily on disability-specific issues and on some decisions directly affecting their constituencies. However, they are not represented in high-level policy consultations on the country's future, including development of the Common Country Analysis. However, that analysis presents barriers experienced by persons with disabilities and was identified as a key priority for them.¹ On a positive note, the government of North Macedonia and the UNCT developed the UN Sustainable Development Cooperation Framework for 2022-2025, which emphasizes persons with disabilities as a key priority group.²

Climate change, disaster risk reduction and humanitarian action

The existing legal framework for humanitarian crises and states of emergency is not aligned with the CRPD and does not provide and guarantee the participation and consultation of persons with disabilities and representative OPDs. The government and NCB for CRPD, in cooperation with persons with disabilities and OPDs, should revise the state of emergency laws to bring them into compliance with article 11 of the CRPD, as required

of States and the international community. The participation of persons with disabilities must be ensured in preparedness activities, humanitarian needs assessments, related monitoring processes, and in programmes and projects related to situations of risk and humanitarian emergencies, climate-related hazards and disaster risk reduction.

COVID-19

The government adopted several measures in response to the COVID-19 pandemic that directly affected persons with disabilities but were not in line with the CRPD. Travel bans and lockdown measures had negative impacts on persons with disabilities. During the lockdown, exceptions were allowed for parents of children with disabilities and persons with disabilities with their assistants, but only if they had a document proving their disability and right to assistance. In addition, there were no measures designed specifically for children with disabilities enrolled in special schools during the pandemic school period 10 March-10 June 2020. Disruption of services and support has created challenges for persons with disabilities.

The state has not consulted with persons with disabilities during the COVID-19 state of emergency. The existing legal framework for humanitarian crises and state of emergency is not aligned with the CRPD and OPDs were not actively involved in preparing, implementing and monitoring emergency laws and policies. Overall, the measures and actions initiated were not in line with CRPD article 11.

5 CONCLUSIONS

Although North Macedonia has made progress in advancing the rights of persons with disabilities in North Macedonia, those persons are still not perceived as equal in society. They continue to be systematically discriminated against and are not represented adequately or meaningfully in society. The situational analysis findings highlight a lack of effective participation of diverse persons with disabilities and OPDs in policy making and limited awareness of persons with disabilities, as well as poor organizational and financial capacity among OPDs.

Based on the challenges identified in the situational analysis, key recommendations are outlined below:

- The UNCT should systematically support capacity building of rights holders and their representative organizations for non-discriminatory, inclusive and accountable representation in UN-supported interventions, as well as support their capacity to undertake proactive advocacy and engage in meaningful dialogue with duty bearers (government) and CSO service providers on inclusive policies and inclusive service delivery. The UN should also engage with duty bearers (government) and other development partners to develop their understanding and capacity to undertake consultations that are inclusive of all disability groups and to provide reasonable accommodation to facilitate their meaningful participation.
- UN agencies should support the further development of the independent monitoring mechanism as a stand-alone entity within the Ombudsman, with dedicated financial and human resources for a Secretariat. This should include support for development of rules and procedures to better manage internal processes, together with opportunities for ongoing capacity building for its dedicated staff and other members.
- The UN and development partners should initiate and participate in a debate about CRPD article 12. Additionally, UN agencies need to support capacity building for public officials on the right to equal recognition before the law of persons with disabilities and supported decision-making arrangements in line with the CRPD.
- Concerning the challenging process of establishing integrated inclusive services for persons with disabilities at national and local levels that take an intersectional

approach into account, and based on the activities the UN has already undertaken in this regard, the focus should continue to be on:

- Strengthening the capacity of existing, new and all other commissions for disability assessment to use the functional assessment tools. UN agencies also need to facilitate the process of establishing proper regulatory systems for support services, including a licensing and monitoring system.
- Facilitating multi-stakeholder contributions to the design and delivery of disability support, social, health, educational and employment services, proposing policy recommendations on relevant laws and regulations governing these services; designing an administrative data collection system to provide information on service users; and, developing duty bearers' capacity to identify and address financing and budgeting bottlenecks for targeted services to most persons with disability, taking the intersectional approach into account.
- Supporting effective employment policies with a focus on persons with disabilities and complementary measures in the field of supported employment and development of supported employment centres.
- UN agencies should facilitate the development of common technical and operational capacities and related mechanisms for accessible and available GBV and SRH services for women and girls with disabilities. This should include developing GBV and SRH training curricula (family planning, care during pregnancy, motherhood and cervical cancer prevention) in line with the CRPD provisions.
- The UN and development partners should advocate for and/or support the development of technical and operational capacities of the regulatory bodies and other relevant actors related to procurement, buildings, housing, and hotels and restaurants on the national and local levels in line with CRPD provisions.
- Related to the precondition for CRPD-compliant budgeting and financial management, UN agencies should support capacity development of government, CSOs and OPDs on CRPD-compliant budgeting, as well as training for persons with disabilities on budget formulation, implementation, and monitoring and evaluation processes on a longer-term basis, based on the gender-responsive budgeting project model.
- UN agencies should provide technical support to the State Statistical Office in mainstreaming disability within their ongoing statistical operations through capacity building activities. This should include supporting the SSO to conduct the needs assessment and design the Programme for Statistical Research 2023-2027 with disability mainstreamed throughout the existing questionnaires and other statistical tools. Additionally, current data-gathering bodies (such as the International Classification of Functioning, Disability and Health assessment bodies), should develop a system to automatically process these data to provide evidence for policy making and service development and delivery.
- In light of the situation of persons with disabilities in emergency/humanitarian crisis-related contexts during the COVID-19 pandemic, UN agencies should encourage the government to pool its resources and capacities to address disability in the emergency measures. UN agencies also could build the capacity of regulatory bodies in this field based on their knowledge of the CRPD provisions in emergency situations.

ANNEX 1:

26 SELECTED COUNTRIES

Argentina
Colombia
Guatemala
Panama
Trinidad & Tobago

AMERICAS

Cameroon
DRC
Eswatini
Ghana
Rwanda
Sierra Leone
Tanzania
The Gambia
Tunisia
Zimbabwe

AFRICA

Montenegro
North Macedonia
Republic of Moldova

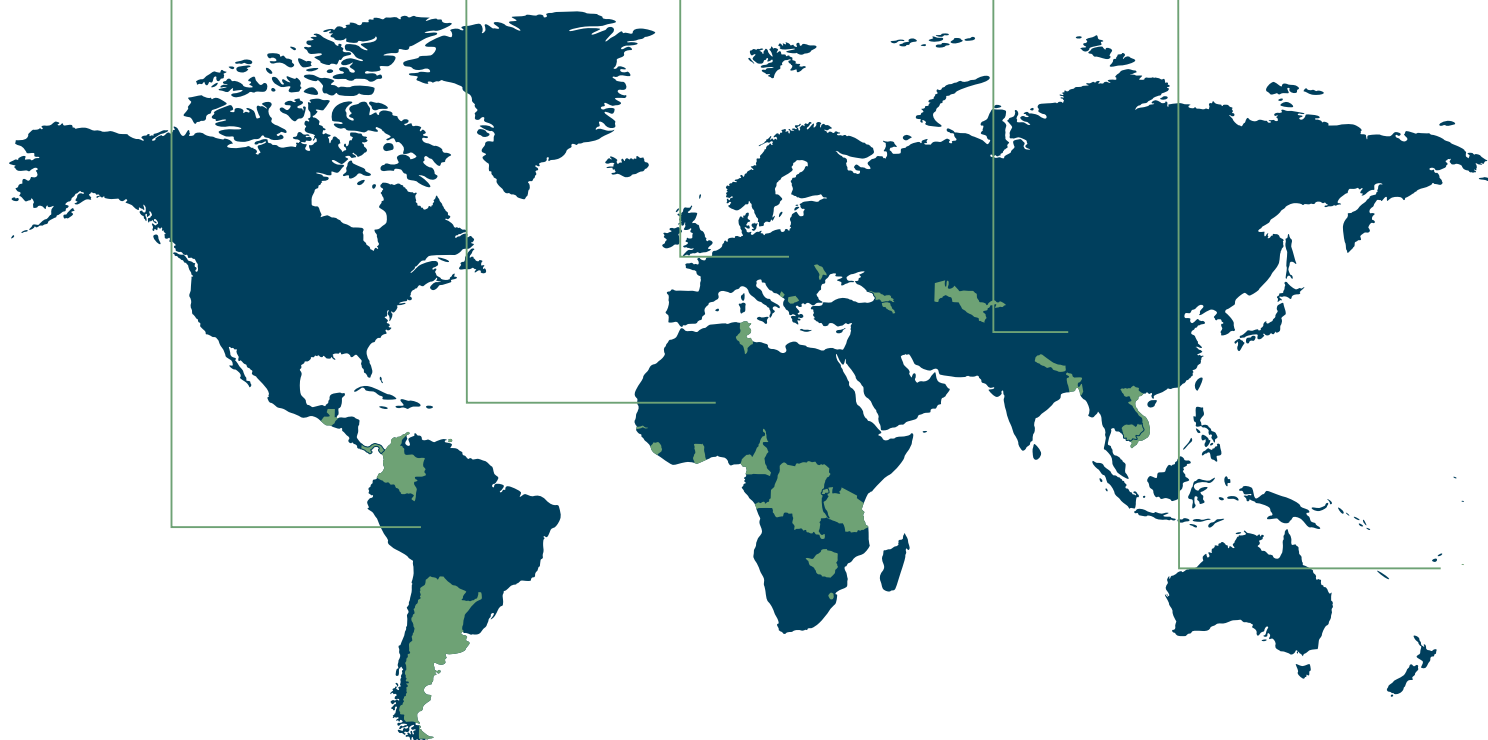
EUROPE

Armenia
Bangladesh
Cambodia
Georgia
Nepal
Uzbekistan
Vietnam

ASIA

Cook Islands

OCEANIA



ENDNOTES

- 1 <https://northmacedonia.un.org/en/157996-common-country-analysis-update-2021>
- 2 <https://northmacedonia.un.org/en/161463-republic-north-macedonia-and-united-nations-sustainable-development-cooperation-framework>



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