

PROMOTION AND PROTECTION OF HUMAN RIGHTS: INCLUSION OF PERSONS WITH DISABILITIES IN NORTH MACEDONIA

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Abstract

North Macedonia's accession negotiations are conditioned by the country's progress on fulfilling the Copenhagen criteria. Respect for human rights, defined as one of the founding values of European Union, it is associated with the fundamental political criteria for full membership for every candidate state. In the Progress Report for 2022, European Commission raised the concerns that North Macedonia had made "limited progress in improving the rights of persons with disabilities". Considering that the country since its independence ratified several international treaties on human rights and assumed obligation not only to guarantee but also to protect the fundamental human rights, in this paper will be analyzed: the national legal framework on the protection of the fundamental rights of persons with disabilities, national strategies on the rights of persons with disabilities, and national policies on the integration of persons with disabilities. The purpose of this study it is to analyze the responsibilities and commitment of the state authorities in providing equal rights and opportunities for persons with disabilities, especially focusing on the access of women with disability to the labor market and access of children and young people with disability to education. The research it is in-depth analysis and guided by two research questions: What are the responsibilities of North Macedonia as a candidate country in promoting and enforcing the rights of persons with disabilities? What have done North Macedonia for social inclusion of persons with disabilities?

Keywords: Fundamental human rights, social inclusion, national strategies, accession negotiations, Copenhagen criteria, European Union

Introduction

North Macedonia's membership in European Union (EU) it is aligned with fulfilling the Copenhagen criteria. The advancements in accomplishing the political, economic and institutional conditions demonstrate whether the country made the necessary progress and to what extent the progress is made. This is a segment where dedication for EU membership it is far beyond declarations in defining the membership exclusively as state's strategic goal and as a priority of the foreign policy. North Macedonia must demonstrate that it is capable to undertake all responsibilities like an EU Member State. For that reason, harmonization of the national laws with the EU law and Europeanization of public policy it is associated with essential reforms in several fields. Protection and promotion of the rights of persons with disabilities it is one of those preconditions.

In essence, Copenhagen political criteria are synonym for "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (European Council, 1993). The same definition it is preserved and continues to be applicable even thirty years later for potential candidate countries and candidate countries (Treaty on European Union, 2016). From its application for membership to the status of the candidate country North Macedonia needed to make efforts for a stable political system where political dialogue prevails, major political breakdowns are prevented and/or managed,

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functioning of institutions is in line with the national constitution, laws, and international treaties and will of people is freely expressed and exercised. This commitment for stability of institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities must continue up to the membership in EU and after it. European Commission through the annual reports observes and assesses the progress made by institutions in North Macedonia. Definitely, respect for the human rights it is one of the segments where Brussels it is focused on, including the rights of people with disabilities. Protection and promotion of the rights of people with disabilities must lead to their better inclusion and integration in every sphere of life.

According to the data from the Census 2021, in the territory of North Macedonia, there are 94.412 persons with disabilities or 5.14 % of the total population (State Statistical Office, 2022, 2022a). From them 42.209 are male (4.63% of males with disabilities in the total male population) and 52.203 female (5.64 % of females with disabilities in the total female population) (ibid). By the nature of the disability there are persons facing locomotor disability(ies) (38.499), visual impairment and blindness (12.371), hearing impairment (5.947), speech impairment (3.896), and other disabilities (33.699) (ibid). From the statistical data, highest disability prevalence occurs among the elderly people (51.753) but the percentage of the people age 15 to 65 it is also significant (40.985). In the country, there are around 1.674 children with disabilities (ibid). Unemployment rate of the people with disabilities, registered as active job seekers, it is much higher for the group that have attended only elementary schools or have no formal education (Employment Service Agency of the Republic of North Macedonia, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021). Regarding the unemployment structure by the type of the disability, from the people that have physical or sensory disabilities, higher percentage of active job seekers it is found in the persons with locomotor disabilities (ibid).

Considering that economic independence and poverty reduction cannot be achieved without creating opportunities for equal employment and quality education, in this paper the focus it is on the most vulnerable groups of people with disability: children and women with disability. In North Macedonia, since its independence are ratified several international treaties on human rights, including the UN Convention on the Rights of Persons with Disabilities. Nevertheless, as it is emphasized by the European Commission institutions in North Macedonia must be more engaged in the implementation of legal framework of human rights, including the rights of people with disabilities, through strategies, programs and policies. The research it is in-depth analysis and it is composed by two main parts. In the first one are analyzed the Treaty on European Union, Treaty of Lisbon, EU Charter of Fundamental Rights, the EU Directives and EU Strategy for the Rights of Persons with Disabilities 2021-2030 aiming to understand the approach of the EU regarding the rights of people with disabilities and the responsibilities of the EU Member States in guaranteeing those rights. In the second part, it is analyzed protection and promotion of the rights of people of disabilities in North Macedonia by examining the content of the Constitution of Republic of North Macedonia, National Strategy on Equal Rights for People with Disabilities for the period 2010-2018, National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030, Law on Employment of Disabled Persons, Law on Primary Education, Operational plans for active employment programs, Regulation for Functional Assessment , Regulation on the Assessment of Students with Disabilities, and European Commission's progress reports for North Macedonia (2013-2023). Therefore, the paper it is guided by two research questions: What are the responsibilities of North Macedonia as a candidate country in promoting and enforcing the rights of persons with disabilities? What have done North Macedonia for social inclusion of persons with disabilities?

In the documents that have been studied are present different terminologies referring to the persons with disabilities. Considering that EU and North Macedonia in their legal frameworks have incorporated the UN Convention on the Rights of Persons with Disabilities, in this paper it is used the term and definition found in Article 1, paragraph 2 of the Convention. As well, in this paper, the terms people with disabilities and persons with disabilities are used interchangeable.

EU's founding values: the right opportunities for the right of equal opportunities

European Union (EU) it was founded upon common values and protection and development of these values continues to be of crucial importance, both for the EU and the Member States. This attitude it is not only declaratively associated to the vision and mission of the Union, but the importance given to these values, for the functioning of the EU, it is reflected as well within the EU law. In the Treaty of Lisbon and the EU Charter of Fundamental Rights respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights are defined as EU founding values. In the Article 3 of the Treaty of Lisbon it is underlined that promotion of these values is among the main objectives of the Union. Further, in the Article 10 it is stated that *"in defining and implementing (Union's) its policies and activities"* must be avoided and prevented all forms all discrimination. Very similar formulation it is present in the Article 21 of the EU Charter of Fundamental Rights. In this document, Article 26, it is emphasized that:

"The Union recognizes and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community".

In the European Commission's Progress Reports for the candidate countries and potential candidates it is reaffirmed the same approach. Therefore, any country aspiring to be member state of EU must demonstrate that EU's core values will be guaranteed within national legislations and will be achieved great advancement in the implementation of policies that will improve the well-being of all citizens. Respect for the human rights, including the rights of persons with disabilities, shows not only the level of preparations made by the specific country in fulfilling the preconditions regarding social policy but it is an indicator on functioning of the democratic institutions and the rule of law.

In the EU Strategy for the Rights of Persons with Disabilities 2021-2030 the EU's founding values and goals are turned out in concrete policies and actions. Referring to the document, EU and Member States in the upcoming years must actively work in creating an environment where persons with disabilities will live independent life and independently will decide for their life. In other words, to feel equal to all EU citizens and to enjoy all political, economic, social and cultural rights enjoyed by all EU citizens within EU Member States and within EU itself (European Commission, 2021). Therefore, disability (ies) they face not to be barrier for a quality life, basis for discrimination, and/or reason for social isolation. Access to institutions and services and participation in the labor market and political life to be reachable and appropriate to the needs and abilities of the persons with disabilities. In that direction, concrete measures are proposed as it is the initiative for the *"European Disability Card"* to facilitate recognition of their disability in EU Member States (ibid). EU strongly advocates that persons with disabilities must be encouraged and supported to be active participants in the democratic processes as voters, EU citizens' representatives and policymakers (ibid). Among the most common problems that people with disabilities experience are technical barriers, lack or insufficient information in sign language, audio recorded and/or printed in Braille. Persons with disabilities face these difficulties particularly during the election campaigns and not only on the day of the elections. For that reason, EU in an institutional level makes the necessary

preparations and coordination in the upcoming European Elections 2024 persons with disabilities to enjoy equal opportunities in being well-informed about the political platforms and to ensure their greater mobilization and participation during the elections period. In the Strategy, it is emphasized that “*participation in employment is the best way to ensure economic autonomy and social inclusion*” for the persons with disabilities (ibid). Among the 20 principles of the European Pillar of Social Rights (EPSR) special attention it was dedicated also to the inclusion of persons with disabilities in the labour market (European Commission, 2021a). This attitude it is done aiming to be guaranteed and provided necessary legal and practical solutions for persons with disabilities who will have the possibility to enjoy their right to work and choice occupation. In this way, persons with disabilities can feel they are contributors and not a burden for the society, the state they live and EU. This is very useful also for their perception for themselves and for the perception of the society for the person with disabilities. In other words, disability and/or impairment to be altered to unique abilities. Furthermore, their engagement in the labour market it is important in terms of poverty reduction. In the EPSR Action Plan it is pointed out that working conditions for persons with disabilities must be adapted to their needs and to have fair chances for career development (ibid). Regarding participation of women with disabilities in the labour market the percentage it is lower compared with man with disabilities in EU. Along with salary inequalities very often they are at highest risk of poverty. In the Gender Equality Strategy 2020-2025 it is underlined that “*EU is a global leader in gender equality*” but in the document are not found specific measures, actions or policies about the economic independence and participation of the women with disabilities in the labor market (European Commission, 2020). Access of children and young people to education it has been one of the priorities for EU since the 1990s. In the upcoming years aiming to be achieved certain results and improvements also have been adopted additional legal acts. In the EU Council Resolution on Equal Opportunities for Pupils and Students with Disabilities in Education and Training it is emphasized the need that Member States and the European Commission to “*encourage and support full integration of children and young people with special needs in society through their appropriate education and training, and their insertion in a school system which is adapted to their needs*” (EU Council, 2003). Therefore, at Union level it was adopted a resolution whether the responsibility for policies mainly remained to the Member States based on the national education systems they have (ibid). In the resolution, the focus it was also on the cooperation at European level in sharing information and experiences with organizations and networks that actively work in enhancing participation of persons with disabilities, particularly of pupils and adolescents, in primary, secondary and tertiary education and vocational training (ibid). It was pointed out particularly the cooperation with the European Agency for Development in Special Needs Education. That cooperation continues to be very important for the European countries, even after 20 years from the adoption of the resolution, due to its role and the engagement in identifying the challenges related to inclusive education systems, providing data and analysis, and developing recommendations for the policymakers. The right for inclusive and quality education for children with disabilities it is underlined in EU Strategy on the Rights of Children 2021-2024, too. Further, in the EU Council Recommendation, respecting the principle of subsidiarity, the attention it is directed also in the need for qualified teachers and professionals in working with children with disabilities, particularly in pre-school and elementary schools (EU Council, 2021). This demonstrates that building a comprehensive approach for inclusive, equal and quality education requires to be combined and coordinated laws, policies and practices and as such to be at EU, national and subnational level.

North Macedonia's founding values: equal opportunities for employment and education

In North Macedonia, referring to the constitution, respect for human rights it is defined as one of the founding values for the constitutional order and as one of the principal goals of the country. In that direction, within the Chapter "*Basic freedoms and rights of individual and citizen*", in Article 35, it is set up the obligation of the state to protect and promote the rights of persons with disabilities:

"The Republic guarantees the right of assistance to citizens who are infirm or unfit for work. The Republic provides particular protection for invalid persons, as well as conditions for their involvement in the life of the society".

From the above formulations it is apparent that it is given more importance to the social protection and social security of persons with disabilities. As well, terminology used for persons with disabilities it is "*invalid persons*". Taking into consideration that in the constitution, Article 8, it is written that "*the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution*" and that North Macedonia have ratified the UN Convention on the Rights of Persons with Disabilities it was legally binding the state to broaden the national legislation as an instrument where rights of people with disabilities will not be treated solely inside social policy but greater importance will be given also to the economic, political and cultural rights.

Analyzing the European Commission's progress reports, it is evident that in North Macedonia, for the period 2013-2023, in the field of the human rights in general are made improvements but in specific areas still are deficiencies in the national legislation and particularly in the implementation part. In these years, harmonization of the national legislation with the EU law and ratification of the most international human rights instruments it was seen as a gradual progress. Therefore, in the reports very often it is underlined that in the country "*The legal framework on the protection of fundamental rights is largely aligned with the EU acquis and European standards on fundamental rights*" except for the report in 2023. Main challenges regarding implementation are identified: human and institutional capacities, coordination among institutions, lack of funds or insufficient budgeting, inadequate and/or insufficient implementation of strategies and/or action plans, public awareness, political will. Persons with disabilities are among the vulnerable and marginalized groups that experience the negative outcomes from the delay, not-fully or inadequate implementation of laws, policies, and/or strategies in the country.

North Macedonia after ratification of the UN Convention on the Rights of People with Disabilities (UNCRPD) readapted the National Strategy on Equal Rights for People with Disabilities for the period 2010-2018. The primary goal defined in the Strategy it was protection and promotion of the rights of people with disabilities equally to the rights of all citizens living in the country. Harmonization of policies and laws, and incorporation of good practices were among the specific goals. The foundation for implementation needed to be established. For that purpose, it was taken the responsible through annual action plans to be guaranteed and improved the opportunities for equal opportunities, particularly in the sphere of education, employment, health and social protection. As it is underlined in the Strategy, in a period of 8 years, it was expected that will be advances in the inter-institutional cooperation and coordination, both on horizontal and vertical level among the state institutions, adequate legal framework against discrimination, accessible services for people with disabilities, and development of policies and programs that will facilitate and improve the overall wellbeing of persons with disabilities. In the Strategy, in the part of international cooperation, harmonization of the national legislation to the EU law it was seen as a supportive process in the commitment of the country regarding realization of the above objectives and tasks (ibid).

This was one of the common points, between North Macedonia's national Strategy with the European Disability Strategy 2010-2020. In the EU's Strategy, the importance given to the rights of the people with disabilities it was added also within the EU's enlargement policy where it was emphasized that:

“The Commission will work to ensure.....that candidate and potential candidate countries make progress in promoting the rights of people with disabilities and that the financial instruments for pre-accession assistance are used to improve their situation”.

The European Commission in 2014 considered that North Macedonia had made “*limited progress*” in the implementation of the National Strategy on Equal Rights for People with Disabilities. The main remarks were about the access in the labour market and identifying the national policies as insufficient in addressing the issue of employment for people with disabilities. It was the period when the Government undertook an initiative to employ 300 people with disabilities as part of the Operational Plan for active employment programs and measures for 2014 (Kanal5, 2013). The objective it has been increasing the employment of the people with disabilities and their integration in the labour market (ibid). Large number of applicants, three times more than the available places, made European Commission to question whether the principle of merit it was respected during the selection procedures for the employments in the State administration (European Commission, 2014). As well, in the progress report were displayed concerns if state institutions had taken enough and proper trainings, measures and preparations for better integration of the people with disabilities considering that they might needed a period of adaptation in the workplace and adapting of the working environment to theirs skills and needs (ibid). For the Ministry of Labour and Social Policy of North Macedonia this process it was managed professionally with high level of responsibility and transparency by all state institutions engaged (MLSP Media Center, 2014). In a statement, it was emphasized that it was taken into consideration also the principle for equal representation of all ethnic communities living in the country (ibid). Nevertheless, there weren't data whether were quotas for employment of women with disabilities.

In the upcoming years within the Operational plans for active employment programs and measures continued actions for employment of people with disabilities and for each year were planned around 300 new employments. As well, importance it was given to the programs for self-employment and to the trainings for integration in the labour market. For the period 2015-2017 as a result of the self-employment assistance including trainings, mentorship and financial support, unemployed people with disabilities were encouraged and gained the opportunity to open or formalize their businesses. In 2017 increased the number of women and young people with disabilities participants in the trainings and also in starting own business (Employment Service Agency of the Republic of North Macedonia, 2017). Even though, the progress it was below the requirements and expectations of the European Commission (European Commission, 2018). The main problem remained in the implementation and the sustainability of the programs (ibid). For the period 2018-2023 employment of people with disabilities continued to be part of the Operational plans for active employment programs. In the programs remained the state's financial support for employment of persons with disabilities, adaptation of the workplace, procurement of equipment, workplace personal assistant and job training. Regarding the reports from the Employment Service Agency of the Republic of North Macedonia applications for financial support were mainly for the employment of the persons with disabilities whether for the adaptation of the workplace and workplace personal assistant were few or there were no applications (ESARNM, 2020, 2021, 2022). The number of applicants to open or formalize businesses, the self-employment program, followed a linear line through the years which it was also below the expectations (ibid). In the progress report for 2023 it is underlined that employment remains one of the issues that people with disabilities have limited access (European

Commission, 2023). European Commission even for this year repeated that the country continued to make progress in the protection of the rights of people with disabilities but the main problem it is found in the everyday life where this group of citizens very often cannot enjoy equal opportunities and also being discriminated (ibid).

In the North Macedonia's National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030¹ it is emphasized that *“the active participation of persons with disabilities in the labor market is one of the best ways to ensure their economic independence and social inclusion”* (NSRPD, 2023). This is in the same line with the EU Strategy for the Rights of Persons with Disabilities 2021-2030 which indicates that the Strategy it is drafted taking into consideration the EU's priorities, policies and actions in the forthcoming years regarding the employment of the persons with disabilities. As well, treating the rights of the persons with disabilities within the framework of the human rights (ibid) demonstrates that the country prepared the foundation in following EU's approach and it is an indication what in future must be done by the institutions in North Macedonia in order to be fulfilled the requirements of the EU in becoming a member state of the Union. Important elements are found also in the three priorities defined in the Strategy, particularly paying attention to the formal and non-formal education of the persons with disabilities for developing and improving their professional growth based on the demands of the labour market. Among the long-term goals it is to be created a system that will be effective in allowing people with disabilities to have continuity and advancement in their workplace (ibid). Putting as a priority the career growth of the persons with disabilities it is significant because it means improving options and opportunities. This is the only way in bringing sustainability for an economic independence and social integration of the persons with disabilities, especially by bridging the needs of the people with disabilities and of the labour market. In other words, it is a win-win situation where the knowledge and the skills of the persons with disabilities can be of benefit in the labour market as well the labour market can be of value in creating and offering those opportunities where people with disabilities can show their competences. Moreover *“that ensuring accesses to goods and services for persons with disabilities is an indispensable element of sustainable development”* (Nienartowicz, 2020). Therefore, career growth of the people with disabilities can be worthwhile for the economic growth of a state and businesses and vice versa. Successful implementation of these goals will have its impact over society, too. In the following years if these can be achieved that it will contribute also in raising public awareness and reducing prejudices, stereotypes and discriminations. In the society, not to dominate the perception that disability is a synonym for inability. An important factor it is the employers' respond to the idea for employing people with disabilities and their attitudes to the nature of the disability, too (Wu et al., 2023).

From the 2021 Census in North Macedonia there are data on the type of the disability, gender, age and municipalities. Nevertheless, regarding employment structure of people with disability there are lack of data in the country. In general, from the ESARNM there can be found statistical data about the: annual employment rate of the persons with disability, paid employments and self-employment. For an effective and efficient employment policies that will improve the employment gap in the state and will contribute for better inclusion for the working-age of the people with disabilities in the private and public sector there are needed specific data on the employment based on the type of the disability, gender, age, sector, and employment opportunities. In the Action Plans, the Strategy for the Rights of the Persons with Disabilities for the period 2023-2030, one of the planned activities it is to be developed a register for people with disability. This will be very helpful tool for the employment structure and also for keeping track of on the carrier growth of the persons with disabilities.

¹ The draft of the National Strategy for the Rights of the Persons with Disabilities it was adopted by Government of the Republic of North Macedonia, on 26 December 2023, <https://vlada.mk/node/35646>, Retrieved on 30.12.2023

In the Law on Employment of Disabled Persons are no quotas for employment of women with disabilities as the most vulnerable group. Furthermore, in the law are regulated the conditions under which can be employed persons with disabilities and there are legal instruments that protects them from an undesired outcomes in case they lose the job. Another segment it is that in the law it is determined that the scope of employment for persons with disability it is broad, including employment in public administration, municipalities, governmental bodies, self-employment, and employment in private sector (Law on Employment of Disabled Persons, 2000). As well, quotas regarding positive discrimination based on gender are not found also in the Employment Directive of European Council. The similarity in North Macedonia's law and EU's Directive it is found in the part where in the Directive it is emphasized the obligation of the employer to adapt the workplace of person with disability and the flexibility they must demonstrate regarding working hours (Directive 2000/78/EC). Complementary element regarding the equal treatment in employment, in an indirect form also for gender equality, can be found in the country's Law on prevention and protection from discrimination. The importance of this law it is two sided: from one side it provides the basis for non – discrimination concerning disability; and from the other side in regard to gender. From a legal perspective, the assessment of the European Commission it is that the law “*set in great details*” the rights of people with disabilities (European Commission, 2023). This law, as it is emphasized in the document, it is drafted based on the EU Directive for equal treatment in employment and occupation and the EU Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Law on prevention and protection from discrimination, 2020). In other words, North Macedonia continued to make progress concerning harmonization of the national law with the EU law and it remains to be worked on the implementation of those documents and laws.

Better inclusion and integration of persons with disabilities in the labor market it is conditioned also by the opportunities they have for education. Therefore, in advance the state must have well prepared strategies and programs on how children with disabilities tomorrow can be active participants in the labour market. Professional growth and economic independence cannot be achieved without considering these two components that are closely interlinked. As well, from the perspective of the human rights, the right for education it is one of the fundamental rights that must be guaranteed for each individual. For sure, the conditions for education must be adapted based on the disability of the children, young people or adults. In North Macedonia the right for education it is guaranteed with the constitution, as the highest formal legal act in the country. As well, it is determined that “*education is accessible to everyone under equal conditions*” (R.M.V. Const. art.44). The right for education and access to education it is also one of the fundamental rights in EU (Treaty on European Union, art.165; EU Charter of Fundamental Rights, art.14).

European Commission for years calls that in North Macedonia, particularly in primary education, must be improvements that will facilitate the access of children with disabilities to enjoy their right for education. Since 2013 there are repetitions in the progress reports that in the mainstream education children with disabilities continuously encounter discrimination, stigma and segregation. What has been done till now in the country it is related to the advancements into the legal framework but still there are “*insufficient financial and human resources*” (European Commission, 2023). Therefore, long-term impact cannot be achieved without well-coordinated efforts, including state institutions, schools, experts, and families. Adequate teacher training it is essential in providing quality education (European Commission, 2016). Financial support it is crucial, too. The adaption of classrooms and teaching and learning materials must be appropriate to children's disability. In here, it is very important the work of the commission that evaluates the nature and the level of the disability

(ies) because based on that report will be preceded with the measures needed to facilitate the access and accommodation of the children in schools. Encouragement of parents to be engaged in the education process of their children it is prerequisite for overcoming prejudices and moving beyond stigma and segregation. It is an undeniable fact that socio-cultural context it is a decisive factor for a successful integration of children with disabilities in the mainstream schools (Onet&Marian, 2023).

For the European Commission inclusive education it is seen as a positive advancement in the country but as it was mentioned above similarly in a period of five years it was underlined that in North Macedonia larger proportion from the state budget must be allocated to meet the needs of children and students with disabilities (European Commission, 2018, 2019, 2020, 2021). As well, Brussels paid attention to the number and nature of complaints addressed to the Ombudsman concerning children with disabilities. For the period from 2016 to 2022 there were around 132 complaints. The employment of education assistants that will work with the children with disabilities it is perceived positively, too (European Commission, 2023).

The responsibilities of North Macedonia as candidate country, regarding education of children with disabilities, remain in the implementation of the Law on Primary Education. European Commission concluded that “*the change from a medical-based to a social model of disability assessment based on human rights has not been brought in systematically*” (European Commission, 2022). As well, it was underlined that “*access to education for children is at an early stage*” (ibid). In 2023, North Macedonia received positive remarks regarding the regulations for the functional assessment of children with disabilities emphasizing that “*rules were adopted.....according to the international classification of functioning, disability and health*” (European Commission, 2023). Indeed, in the Regulation for Functional Assessment are specified the medical conditions under which it is defined the nature and percentage of disability (ies) in children and young people; and the team and procedure under which it is taken on the functional assessment in children and young people (Official Gazette of RMV, no.9, 2023, Art.2, 17 and 18)². Further, are set out the measures about the support that children and young people with disability must receive in the field of education depending on their disability, including personalized learning programs, modified learning programs, individual work with education assistant, trainings in learning Braille letters and alternative means for communication, etc. (ibid, art.12 and 13). The country made advancements in adopting the Regulation on the Assessment of Students with Disabilities, in 2021, too. In it are endorsed the rules and instructions upon which teachers can evaluate the work and progress of students with disabilities, engaged in primary schools and high schools. Principally it is in teachers’ responsibility which mechanisms and instruments will be used for the assessment but they also have the obligation to adapt the assessment based on the needs of the student with disability (Regulation on the Assessment of Students with Disabilities, 2021).

Referring to the National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030, in the field of education, the focus it is in children and young people with disabilities. The priority it is access and quality education in primary, secondary and tertiary education. For that reason, as main goals are defined “*the development and modernization of the education system*” and “*strengthening of the professional competences of the educational and teaching staff*” (NSRPD, 2023). In here, it is emphasized the responsibility also of the universities within curriculums in the study programs to incorporate modules that in future can fulfill the deficiencies regarding human resources and in short period North Macedonia to have teachers specialized in working with students with disabilities (ibid). Among the main activities in realization of the first goal it is the adaptation of the textbooks and teaching

² The professional team for functional assessment is composed by a doctor, psychologist, social worker and special educator. If necessary, in the team can be included also doctors - specialists from specific fields as: neurologist, orthopedist, psychiatrist, ophthalmologist, etc. (Regulation for Functional Assessment, 2023, art.18)

materials based on the needs of students with disability. The adaptations are planned in the tertiary education, too. Universities will need to improve infrastructure and services for students for disability.

Conclusions

Respect for human rights it is one of the key values upon which are founded political and legal system of the North Macedonia and EU. This derives from the Constitution of the Republic of North Macedonia and the founding treaties of EU, including the Treaty of Lisbon. Guaranteeing human rights requires strong foundation and commitment for the rule of law. North Macedonia as EU candidate country that aspires to become EU Member State must achieve to demonstrate that is responsible and capable in undertaking and accomplishing those responsibilities. The Copenhagen criteria are not only a guide on what potential and candidate countries must follow during membership negotiations but how institutions of those countries need to transform the EU founding values into concrete goals and policies.

From 2013 to 2023 North Macedonia in general has made progress regarding the protection of the human rights, according to the European Commission. Nevertheless, this progress it is most present in the harmonization of the national laws with the EU law and the international treaties. In the country, implementation of laws remains the principal challenge. Main remarks are about the institutional, human and financial resources. Cooperation and coordination between institutions, independent and professional working, efficient and effective planning of budgets are the segments that must be prioritized. More action must be taken also in the promotion of the human rights, particularly about the rights of the most vulnerable groups in the society. In that direction, despite the fact that European Commission in the 2023 progress report for North Macedonia concluded that were some advancements compared with 2022 again it is repeated that in the country must be strengthen state's capacities and coordination in fulfilling the obligations that derives from the UN Convention on the Rights of Persons with Disabilities. Implementation of the National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030 will be essential for the progress of the country in protecting and promoting the rights of people with disabilities living in North Macedonia, particularly considering that it is among the main documents upon which the activity of the EU and its Member States it is concentrated and build in regard to the rights of persons with disabilities. Furthermore, the UN Convention on the Rights of Persons with Disabilities and the National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030 remain to be the crucial documents upon which European Commission will continue to evaluate the progress of North Macedonia concerning the improvements in the overall well-being of the persons with disabilities and their integration in the sphere of education, employment, social protection, health, and politics. North Macedonia must demonstrate that EU's core values are guaranteed within national legislations and in future continuously to be achievements in the implementation of policies that will improve the well-being of all citizens. Respect for the human rights, especially of the most vulnerable groups like children and women with disability, shows not only the level of preparations made by the specific country in fulfilling the preconditions regarding social policy but it is an indicator on functioning of the democratic institutions and the rule of law. In the upcoming years, political elites and responsible institutions must actively work in creating an environment where persons with disabilities will live independent life and independently will decide for their life. In other words, to feel equal to all citizens and also to enjoy political, economic, social and cultural rights similar to EU citizens.

Considering the legal framework associated with the rights of people with disabilities, European Commission recognizes North Macedonia's efforts in fulfilling the obligation for

ratification of the UN Convention on the Rights of Persons with Disabilities and for adaption and/or amending of the Law on Employment of Disabled Persons, Law on Social Protection, Law on prevention and protection from discrimination, Law on Primary Education, Regulation on the Assessment of Students with Disabilities, Regulation for Functional Assessment, and the National Strategy for the Rights of the Persons with Disabilities for the period 2023-2030. Moreover, North Macedonia must stay firm in the implementation of the UN Convention, the laws and of the Strategy with the Action Plan. In the upcoming years, in North Macedonia, the policies that will guarantee opportunities for equal opportunities must continue to be carried out. That it is considered as the only way for inclusion and integration of people with disabilities and for positive remarks in fulfilling the Copenhagen criteria. In these lines, the capacities for equal access for employment and quality education must be improved. In these ten years, there are programs that facilitated the employment of people with disabilities in public and private sectors but it is necessary to be increased mechanisms for sustainability of those programs. Inclusion of children with disabilities in the mainstream schools it is listed among the achievements of the country but also are pointed the deficiencies in teaching and learning processes, including adaptation of the curriculums based on the needs and capacities of the children and engagement of teachers specialized in working with children with disabilities. In here, it is found also the obligation of the universities that in future to intensify their efforts and within the study programs to incorporate modules that can fulfill the deficiencies regarding human resources. In the upcoming years, this would be one of the mechanisms, in North Macedonia to be increased the percentage of available specialized persons in working with pupils with disabilities.

Considering that in this paper focus it was on North Macedonia's harmonization of the national laws and policies with the EU law and policies regarding human rights, particularly on the protection and promotion of the rights of persons with disabilities, through an content analysis of the documents, in future must be encouraged out-desk research in order to be understood the problems and solutions also from the perspective of persons with disabilities. As well, upcoming studies need to explore whether in the legal framework in North Macedonia, including the Constitution, the term "invalid persons" need to be substituted with "persons with disabilities".

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