



The project "Margina Obscura"
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THE LOST AGENDA

Demystification of the issue
of disability in the field
of equality and
non-discrimination

Polio Plus
movement against disability





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THE LOST AGENDA

Demystification of the issue of
disability in the field of equality
and non-discrimination

The publication “**The lost agenda**” - demystification of the issue of **disability in the field of equality and non-discrimination** was prepared within the project: Margina Obscura - the issue of disability in the accession to the European Union. The main goal of the project is to strengthen the influence of the civil sector through the Single Voice of the Organizations of Persons with Disabilities, in creating public policies, decision-making and strengthening the civil and political dialogue.

The publication was prepared with financial support from the European Union.

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Demystification of the issue of disability in the field of equality and non-discrimination

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“THE LOST AGENDA” - DEMISTIFICATION OF THE ISSUE OF DISABILITY IN THE FIELD OF EQUALITY AND NON-DISCRIMINATION

Publisher

Polio Plus - movement against disability

For the publisher

Zvonko Shavreski

Translation, proofreading

Oz dizajn

Print

HONOR Print

Design and graphic technical processing

Ognjen Fidanoski

Circulation 500 copies

Year 2018

CIP - Cataloging in a publication

National and University Library “St. Kliment Ohridski“, Skopje

ISBN 978-608-4608-27-1

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INTRODUCTION

Polio Plus - Disability Movement, within the framework of the Margina Obscura Project - Disability Issue in the EU Accession, funded by the European Union in the period March-November 2018, prepared the Analysis entitled “The Lost Agenda” - Demystification of the issue of disability in the field of Equality and Non-Discrimination, (hereinafter: Analysis).

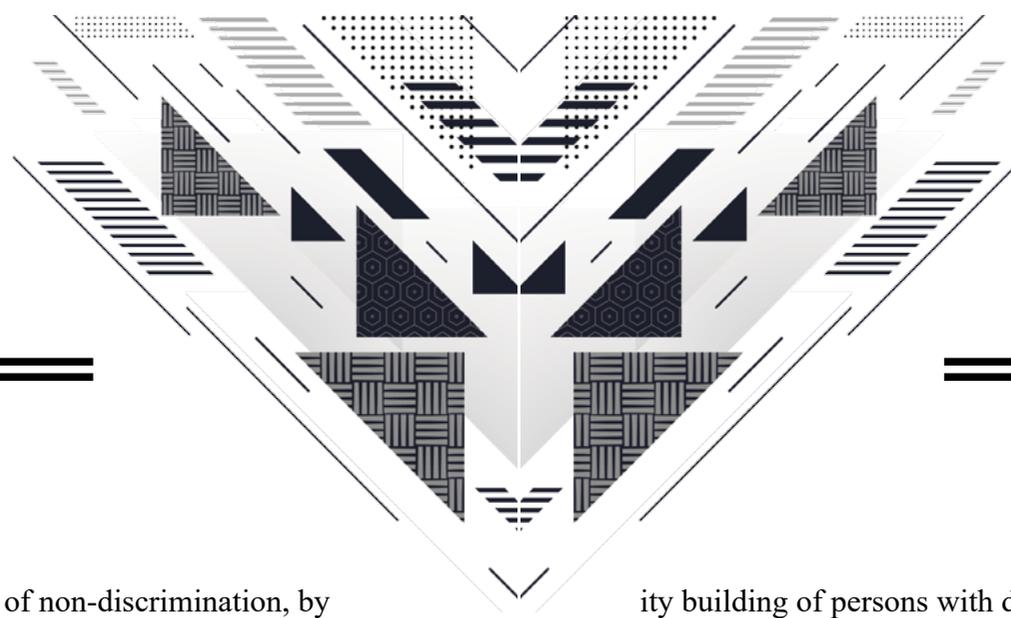
The analysis aims to clarify the issue of disability in practice, i.e. to reflect the current situation regarding the exercise of the rights of children and persons with disabilities in the field of equality and non-discrimination. An additional emphasis is placed on raising public awareness, the knowledge of the Convention on the Rights of Persons with Disabilities (hereinafter: the Convention or the MCRPD), as well as the measures that the state undertakes towards this group of citizens.

The challenge for the preparation of the analysis was the analytical review at one place of the concept of equality and

non-discrimination and the situation on the ground, especially with the knowledge of persons with disabilities in their rights in general, as well as the specifics regulated by Article 5 of the Convention, both technical and technical. In order to overcome this disadvantage, a research on this topic was carried out among the target group, whose findings are particularly exposed in the analysis. Namely, the sample included 1000 persons, of which 500 persons with disabilities and 500 parents of children with disabilities, while observing in the sample itself representatives from all forms and types of disabilities.

This analysis clarifies the meaning, scope, open questions, and discussions on the interpretation of the right to equality and the principle of non-discrimination of the Convention and national legislation. At the same time it presents the views of the United Nations Organization Committee on the Rights of Persons with Disabilities with regard to the interpretation of this article alone and in relation to the re-





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maintaining articles of the Convention and the views of persons with disabilities and the parents of children with disabilities in order to make conclusions and recommendations for advancement of conditions.

The analysis consists of four chapters:

Chapter I - provides an overview of the right to equality and the principle of non-discrimination of persons with disabilities in accordance with the United Nations Convention on the Rights of Persons with Disabilities, while explaining the content and interpretation of this right by the Committee on the Rights of Persons with Disabilities.

Chapter II provides an overview of the right to equality and the principle of non-discrimination of persons with disabilities in accordance with national legislation, in particular the Law on Prevention and Protection against Discrimination, as well as national equality policies and the realization of the rights of persons with disabilities.

Chapter III - analyzes the situation at the national level about how persons with disabilities know their rights, in particular the right to equality and the

principle of non-discrimination, by exposing the findings of the conducted research.

Chapter IV - summarizes all the conclusions from the previous three chapters and gives recommendations for the improvement of the situation in the national context.

The justification for the preparation of the Analysis is the need to analyze at one place how persons with disabilities know their rights, especially the rule of equality and the principle of non-discrimination, and how they understand them, in the spirit of the Convention on the Rights of Persons with Disabilities or otherwise. This Analysis should serve as aid to understanding this phenomenon and it does not aim to give it a comprehensive theoretical development, but to point to the current state. The analysis is conceived as tool in the hands of relevant stakeholders in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention. In addition, the findings of the analysis can serve in the future for implementation of programs for capac-

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ity building of persons with disabilities, parents of children with disabilities and their representative organizations for specific rights deriving from the Convention, in particular the equality rule and the principle of non-discrimination.

The analysis was prepared by using combined methodology consisted of review of literature and documents; analysis of the practice in the applications of the Committee on the Rights of Persons with Disabilities; analysis of the responses to the questionnaires received from persons with disabilities and the parents of children with disabilities and analysis of the attitudes of the focus groups with persons with disabilities, the parents of children with disabilities and the relevant institutions. Polio Plus - movement against disability, oversaw the implementation.



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The analysis of the “Demystification of the issue of disability in the field of equality and non-discrimination” is being prepared within the framework of the project “Margina Obscura - the issue of disability in the EU accession” is funded by the European Union and implemented by Polio Plus - Movement against Disability.

National expert whose tasks are as follows will prepare the analysis:

- Develop draft of the text in which will analyze how much persons with disabilities know their rights, in particular the right to equality and the principle of non-discrimination, in accordance with the Convention on the Rights of Persons with Disabilities and national legislation, and interpret them in the light of the obligations of the State for the implementation of the Convention in the national context;
- The preparation of the text is guided by the standards set forth in article 5 of the United Nations Convention on the Rights of Persons with Disabilities (2006) and the

Law on Prevention and Protection against Discrimination (2010).

This text aims to provide overview of the methodology for collecting and processing the necessary data for the preparation of the Analysis and the approach to the preparation of the text, as well as the limitations of the applied methodology. The methodology consists of the following parts: general remarks, form of research, methods of data collection, methods of data processing and remarks for the preparation of the text of the Analysis.

1.General remarks on the methodological approach for collecting and processing the necessary data and for the preparation of the text of the analysis

The aim of the analysis is to clarify the issue of disability in practice, i.e. to reflect the current situation regarding the realization of the rights of children and persons with disabilities in the area of equality and non-discrimination. Thus, the main thematic focus of the analysis is also determined, in order better to understand the subject of the analysis, in

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addition to the text of the Convention and the Law on Prevention and Protection against Discrimination.

The analysis also takes into account the practice of the Committee on the Rights of Persons with Disabilities and national policies. Additionally, the analysis will also explore the situation in practice, i.e. reflect the current situation by knowing their right to equality and non-discrimination by the persons with disabilities and the parents of children with disabilities at the national level, in order to provide recommendations for promotion in the future.

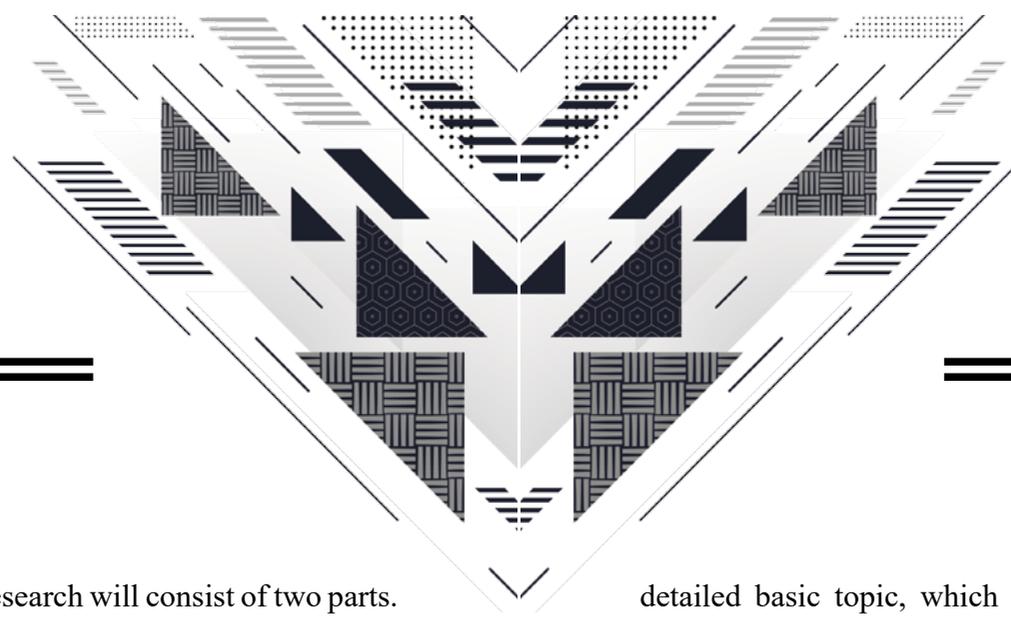
The preparation of the text of the analysis was limited in terms of length due to its purpose - to serve as tool in the hands of stakeholders relevant in this area and in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention and to serve as guide to capacity building of persons with disabilities, parents of children with disabilities and their representative organizations.

Conceptual constraints should also be defined in the collection and processing of the necessary data, as well as in the preparation of the text. These constraints stem from the lack of sufficient national practice, which is a serious threat to the conclusion of the general trend conclusions.

2.The research form

The purpose of the Analysis is to help in mapping the current practices at national level, while identifying the factors that influence the current situation. Therefore, the form of the research that will be carried out in order to collect and analyze the necessary data for the preparation of the text is the empirical research. Empirical research aims to test a hypothesis.

In this case, the hypotheses are: insufficient information to persons with disabilities about their rights, in particular the right to equality and the principle of non-discrimination; the lack of sufficient number of measures to implement Article 5 of the Convention by the State; and the poor development of organiza-



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tions of persons with disabilities who can represent their members and actively participate in the adoption of policies that affect them at the national level. The purpose of the Analysis is to give detailed overview of this phenomenon in practice to contribute to the understanding of the law and practice created in its application, but also to give recommendations for its improvement.

3. Methods of data collection

Data collection will be done through combined method of collecting existing literature and data, as well as field research. Existing literature and data to be considered can be structured into the following categories: international standards, legal documents, practice of the Committee on the Rights of Persons with Disabilities, national legislation and policies, past resources (surveys, analyzes, guides) made on the same or similar issues, and academic literature (domestic and foreign academic papers).

The criteria for literature selection will not be rigorously defined, but the focus will be on literature that has meaning in the European regional context.

Field research will consist of two parts. The first part is collecting data by distributing questionnaire to persons with disabilities and parents of children with disabilities, which will be aimed at obtaining quantitative and qualitative data. The questionnaire covers structured and open questions. For the purposes of the Analysis, a target sample composed of 1000 persons with disabilities and parents of children with disabilities will be created. Based on the feedback received, data on the actual sample will be obtained based on which the data will be processed.

In the second part, focus groups will be conducted with the help of guide to conducting focus groups, with selected respondents from persons with disabilities, parents of children with disabilities, their obstetric organizations, and relevant institutions. Focus groups will be held in June 2018.

4. Methods of data processing

Both data collected from existing literature and those collected through field research will be processed through a qualitative content analysis. This approach provides flexible and not very

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detailed basic topic, which can be descriptively processed, enabling preserving the context, as well as the meaning of the text from the perspective of the author, which is allowing detailed analysis and conclusions.

5. Note on the preparation of the text of the Analysis

The analysis is conceived as tool in the hands of all stakeholders, especially the institutions, but also the organizations of persons with disabilities in order to improve the practice. In order to make it easier to use, it will aim to limit the length of the text to 50 pages.

The purpose of the Analysis will also be a decisive factor for the choice of information and the details in which they will be displayed. It will be decisive for the applied style of writing.

CHAPTER I

THE RIGHT TO EQUALITY AND NON-DISCRIMINATION OF PERSONS WITH DISABILITIES IN ACCORDANCE WITH THE UNITED NATIONS ORGANIZATION CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES



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The International Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto were adopted by consensus of the General Assembly of the United Nations (hereinafter: UN) at its 61st meeting held on 13 December 2006 with Resolution A / RES / 61/106. According to the Resolution, were open for signature on March 30, 2007 at the UN headquarters, and entered into force on May 3, 2008.

Currently, 162 countries have signed the Convention and 177 are its contracting parties, while 93 countries have signed the Optional Protocol and 94 have ratified it¹. The Republic of Macedonia signed the MCRPD on March 30, 2007, and ratified it on December 5, In addition, the country signed the Optional Protocol to the Convention on 29 July 2009 and ratified it on December 5, and the instruments of ratification were deposited in the United Nations on December 29, 2011.

According to Article 118 of the Constitution of the Republic of Macedonia, the ratified international conventions are part of the national legislation and can-

not be amended by law. In other words, the provisions of the Convention are directly applicable, including by national courts, which over time will enable the creation of consistent judicial practice as well as the development of legal institutes that regulate the issues of the protection of the rights of persons with disabilities at equal basis with others (Poposka, 2018, p.8).

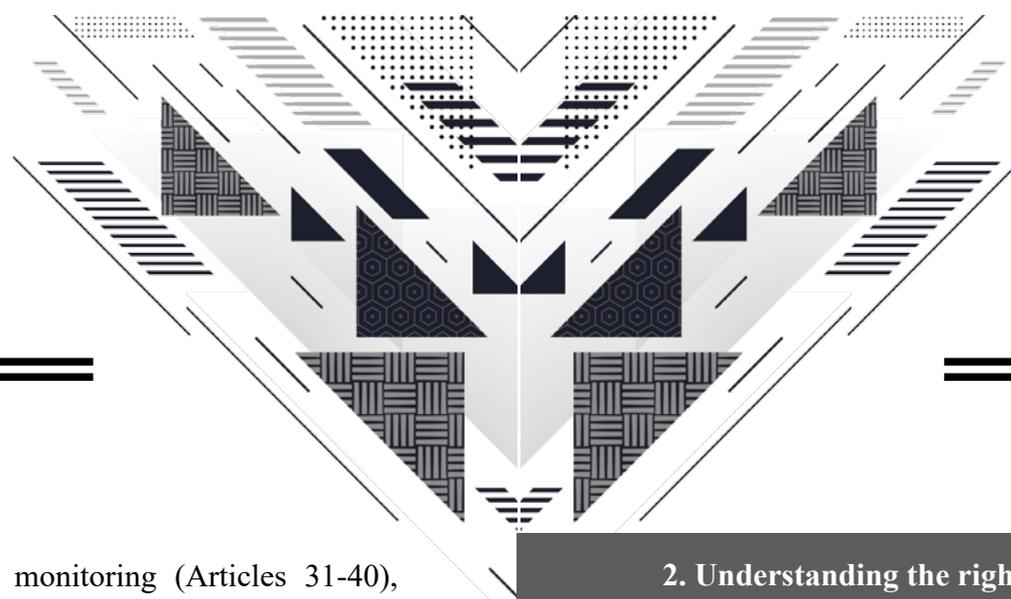
1. Convention on the Rights of Persons with Disabilities

The International Convention on the Rights of Persons with Disabilities is not only the first binding legal act in the field of international human rights law in the twenty-first century, one of the nine human rights conventions that represent the core of international human rights law, and the official recognition of disability as a matter of human rights in the international sphere, but it is the first instrument for human rights that embodies the social model of disability viewing.

Namely, the social model sees the persons with disabilities as subjects with

¹[[This situation is as of December 5, 2018. For more information on the status of signing and ratification of MIPLP, see: <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [Accessed on: December 5 2018]





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their own rights, not as objects, and therefore puts emphasis on respecting their rights on an equal basis with other persons in the society.

It focuses on the barriers in society and the environment that can prevent the full and effective participation of persons with disabilities in society on an equal base with others, not on individual disability, that is, disability per se (Poposka, 2018, p. 20-21).

The MCRPD has a hybrid nature, i.e. it covers a wide range of rights, civil and political as well as economic, social and cultural, and is the highest standard for the protection of the first of persons with disabilities. Additionally, the Convention is by its very nature programmatic, outlining policies in general terms, while not defining in detail the actions that can be taken to embody these policies in practice. It is left to each of the contracting parties to regulate it in accordance with their legal, political and administrative system.

The text of the MCRPD consists of a preamble and a basic text that has 50 articles divided into five groups, namely: introductory (Article 1-2), Articles with general application (Article 3-9), substantive provisions (Articles 10-30), provisions governing the implementa-

tion and monitoring (Articles 31-40), and Articles of a technical nature that regulate the issues of signing, accession, ratification and entry into force (Articles 41-50). Initially in the MCRPD are the provisions requiring the consultation and active involvement of persons with disabilities and their representative organizations in the elaboration and implementation of the legislation and policies through which the MCRPD is implemented (Article 4, paragraph 3); the provisions recognizing the importance of international cooperation and development programs for the full realization of the rights of persons with disabilities (Article 32); the provisions for the establishment of a national monitoring mechanism, complementary to the international monitoring mechanism (Article 33); and the procedure for better management of deadlines for reporting (Articles 35-37).

The Committee for the Rights of Persons with Disabilities is established with the MCRPD in order to supervise the implementation of the Convention. The Committee consists of 18 members who are experts, with a mandate of 4 years with the right to one re-election, experts from which several should be persons with disabilities.

2. Understanding the right to equality and non-discrimination of persons with disabilities according to the Convention on the Rights of Persons with Disabilities

A large part of the Convention addresses the issue of equality and protection against discrimination based on disability, specifically formulated in Article 5 - Equality and non-discrimination.

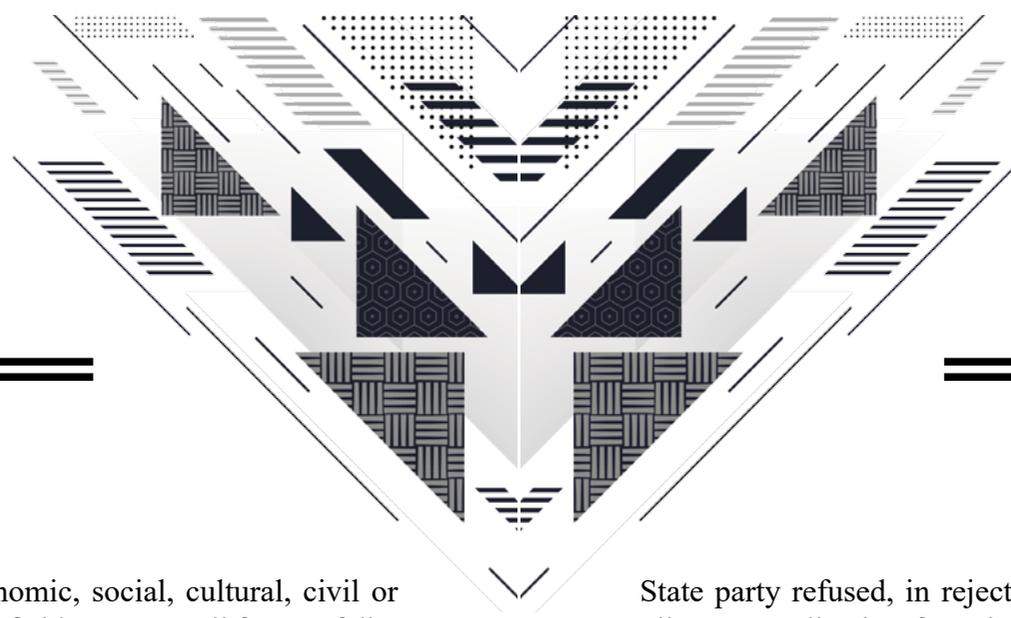
When talking about equality one should distinguish between formal and material equality. Although formal equality can help a lot in combating negative stereotypes and prejudices, it can not offer a solution to the 'dilemma of diversity', because it does not consider or accept the differences between human beings, in accordance with paragraph 10 of General Comment number 6 of Committee on the Rights of Persons with Disabilities. On the other hand, material equality, which implies wider interpretation of the notion of equality, implies the implementation of legal equality in everyday life, with the results and effects arising from the application of laws, policies and practices should not be discriminatory. General Comment No. 3 of the Committee on the Rights of Persons

with Disabilities also speaks of inclusive equity as a new model of equality (paragraph 11).

Paragraph 1 imposes an obligation on States Parties to recognize that all persons are equal before and under the law and are entitled, without discrimination, to equal protection and equal benefit from the law. While 'equality before the law' as a term refers to the right to be protected by the law, 'equality under the law', which is a unique notion solely of this Convention, refers to the right to use the law for personal gain. On the other hand, people with disabilities have the right to be effectively protected and positively involved. According to General Comment No. 3 of the Committee, the recognition that all persons with disabilities are equal under the law means that there should be no laws that allow specific denial or restriction of the rights of persons with disabilities and that disability should be included in all laws and policies (paragraph 14). In addition, the terms 'equal protection' and 'equal benefit from the law', although close are still different notions.

Namely, the first denotes that when State party adopts laws and policies, it should not discriminate against persons

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with disabilities, but the second term - 'equal benefit from the law' - means that the Contracting States should remove barriers to gain access to all protective legal measures and the benefits of equal access to law and justice in order to realize the rights of persons with disabilities. The use of the rhetoric of Article 5 shows that discrimination based on disability is prohibited and not only the protection of persons with disabilities, which opens the space for the protection of persons who in the past have a disability, who have disability or who in the future would have acquired a disability, persons who are assumed to have a disability, as well as persons who are closely related to a person with a disability and can be discriminated against (discrimination by association).

Pursuant to paragraph 2, the States Parties undertake to prohibit any discrimination on grounds of disability, which, in accordance with the definition contained in Article 2, implies "any distinction, exclusion or restriction on the basis of a disability which aims or results in disabling or disrupting the recognition, enjoyment or use, on an equal basis with others, of all human rights and fundamental freedoms in the polit-

ical, economic, social, cultural, civil or any other field. It covers all forms of discrimination including the disabling of appropriate adjustment."

As the Committee points out in its jurisprudence, for example in the case of *S.C v. Brazil* (S.C v. Brazil, Communication No. 10/2013, CRPD/C/12/D/10/2013), as well as in the *Marlon James Noble v. Australia* (Marlon James Noble v. Australia, Communication No. 2/2012, CRPD/C/16/D/7/2012) and the case of *Mr. X v. The United Republic of Tanzania* (Mr. X v. United Republic of Tanzania, Communication No. 22/2014, CRPD/C/18/D/22/2014), discrimination can arise from the discriminatory effect of a norm or measure that did not intend to discriminate, yet it disproportionately affects persons with disabilities (paragraph 6.4 and paragraph 8.3, respectively). In the case of *H. M. v. Sweden* (H.M v. Sweden, Communication No. 3/2011, CRPD/C/7/D/3/2011), the Committee noted that the law applicable in a neutral manner could have a discriminatory effect when the specific circumstances of the persons to whom the provision applies are not taken into account (paragraph 8.3). It was precisely in this case that the Committee considered that the

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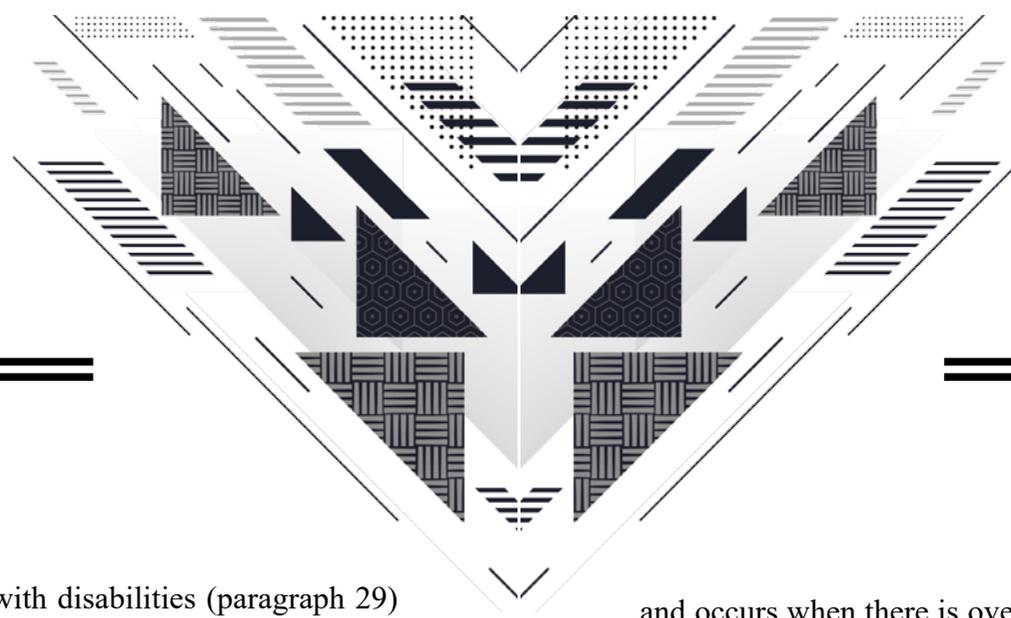
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State party refused, in rejecting the applicant's application for a building permit, the specific circumstances of her case and its disability-related needs. Therefore, this decision by the domestic authorities to refuse the deviation from the construction and urban plan in order to allow the construction of a pool of hydrotherapy for the property of the applicant in its possession is disproportionate and caused a discriminatory effect which adversely affected the applicant's access, such as a person with a disability, to health care and rehabilitation needed for her specific health condition (paragraph 8.8).

Article 2 defines the appropriate adjustment as "necessary and appropriate modification or adaptation necessary in a particular case which does not constitute a disproportionate burden, in order to ensure the enjoyment or exercise of all human rights and fundamental freedoms of persons with disabilities on an equal base with others." This is an *ex nunc* obligation, which is an individualized, reactive obligation for each person with a disability separately and is initiated at the request of the person.

The MCRPD makes one important step not only by determining that the unjustified non-performance of the appropriate adjustment constitutes discrimination, but also obliges the Contracting States to take all appropriate steps to ensure the provision of appropriate adjustment (paragraph 3).

This article sets this view with horizontal applicability. Consequently, the Committee in its jurisprudence, in the *Gemma Beasley v. Australia* case (*Gemma Beasley v. Australia*, Communication No. 11/2013, CRPD/C/15/D/11/2013), as well as in the case of *Michael Loki v. Australia* (*Michael Lockrey v. Australia*, Communication No. 13/2013, CRPD/C/15/D/13/2013) states that the State party has not taken the necessary steps to ensure appropriate adaptation and concludes that the refusal to an interpretation of the Auslan sign language or shorthand notes is provided without a thorough assessment of whether it would be disproportionate or unnecessarily burdensome discriminating on grounds of disability and violation of Article 5 of the Convention (paragraphs 8.4 and 8.5, respectively). In addition, in the case *F v. Austria* (*F v. Austria*, Communication No. 21/2014, CRPD/C/14/D/21/2014),



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the Committee considered that the non-installation of an audio system by the state during the extension of the tram network has resulted in the disability of persons with sensory disability (blind persons) to access information and communication technologies and to services open to the public on an equal base with others, thereby violating Articles 5 and 9 of the Convention (paragraph 8.7).

Lastly, paragraph 4 stipulates that the undertaking of special / special measures, necessary for accelerating or achieving de facto equality of persons with disabilities, will not be considered discrimination. This provision stipulates that the affirmative measures undertaken with a view to reducing the gap between the normative and the actual, which in fact they constitute a different treatment that is preferential to persons with disabilities, will be treated as a specific exception to the discrimination. According to General Comment No. 3 of the Committee, these measures must comply with all the principles and provisions of the Convention, in particular, they must not result in the perpetuation of isolation, segregation, stereotyping, stigmatization or otherwise discrimination against

persons with disabilities (paragraph 29) (Poposka, 2018, p. 30-36).

Due to the existence of multiple discriminations, the scope of Article 6 concerning women with disabilities will be explained below, and Article 7 concerning children with disabilities, who are closely analyzed in Article 5, explained above.

The basis of Article 6 lies the specific vulnerability of girls and women with disabilities, as well as the fact that this group faces multiple and intersectional discrimination, especially in the area of: equal access to education, economic opportunities, social interaction and justice; equal recognition before the law; and the ability to participate in politics and to control their own lives in a range of contexts, for example in terms of health care, including sexual and reproductive health services and where and with whom they want to live (General Comment No. 3 of the Committee on the Rights of persons with disabilities, cited above, paragraph 2). Multiple discriminations are in fact discrimination on many grounds and there are two separate types of this type of discrimination. The first type is called cumulative or additional discrimination

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and occurs when there is overlap of discriminatory ground. The second type is called intersectional discrimination and appears when there is a unique combination of discriminatory grounds, and it is located at the intersection between individual grounds protected by anti-discrimination legislation (Fredman, 2005, p. 13-19; Poposka and Jovevski, 2017, p. 40-41; Committee for the Elimination of Discrimination against Women, General Recommendation No. 25, 2004, para. 12, General Recommendation No. 28, 2010, para. 18).

For example, women with intellectual disabilities who may not be discriminated as they are women or because they have mental disability, but because they are women with this kind of disability due to the prejudices that preclude them. Although cases of multiple discriminations are known, the existing anti-discrimination legislation is not in position to solve this problem, because precisely this legislation is designed to look at discrimination as single issue. And it is precisely here that the paradox lies, the more the person differs from the 'normal picture', it is more likely to be the victim of multiple discrimination, and at

the same time it is less likely to receive adequate protection against this kind of discrimination. This is precisely the usefulness of this article of the Convention with pronounced anti-discrimination content, which has a horizontal application in order to overcome this situation.

Namely, women and girls with disabilities suffer from discrimination on both disability and sex, while depriving them of numerous rights. The combination of the dominance of men in many cultures on the one hand, and the generally accepted negative attitude towards disability on the other, reflects negatively on women and girls with disabilities (Stojkova, 2004, p. 213-220). As stated in General Comment No. 3 of the Committee on the Rights of Persons with Disabilities, cited above, "national laws and disability policies historically disregarded aspects related to women and girls with disabilities. In turn, laws and policies that apply to women traditionally ignored disability. This invisibility has strengthened the state of the multiple and intersectional form of discrimination against women and girls with disabilities "(paragraph 3). Therefore, paragraph 1 is very important because it



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clearly and unequivocally acknowledges that women and girls with disabilities are subject to multiple discrimination and in this respect obliges the Contracting States to take measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms of women and girls with disabilities. This includes the right to equality, including the provision of appropriate adaptation for women and girls with disabilities. In its recent jurisprudence, the Committee on the Elimination of Discrimination against Women referred to appropriate adaptation to the access of women with disabilities to employment (CEDAW / C / HUN / CO / 7-8 and Corr.1, paragraph 45). One of the basic ways of this is the fight against the negative gender stereotypes that need to be recognized and challenged in order to promote gender equality. The Convention contains an obligation to combat stereotypes, prejudices and harmful practices that affect persons with disabilities, including those based on sex and age, in all areas of social life.

General Comment No. 3 of the Committee on the Rights of Persons with Disabilities noted that “[dis] crimination against women and girls with disabilities may take several forms, such

as: (a) direct discrimination; (b) indirect discrimination; (c) discrimination by association; (d) failure to provide adequate adjustment; and (e) structural, or systemic, discrimination. Regardless of the form in which it appears, the impact of discrimination violates the rights of women with disabilities “(paragraph 17).

For this reason, in paragraph 2, States are required to “take all appropriate measures to ensure the full development, progress and empowerment of women in order to guarantee the enjoyment and enjoyment of their human rights and fundamental freedoms as provided for in the Convention.” The term ‘all appropriate measures’ means measures that have legislative, educational, administrative, cultural, political, and linguistic or other nature, and they are appropriate if they comply with the principles of the Convention. Measures can be temporary or long lasting and should help overcome de jure and de facto inequality.

While temporary special measures may be necessary such as quotas for overcoming structural, or systemic multiple discrimination, long-standing measures, such as legislation reform and policies to ensure the equal participation of women

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with disabilities in all areas of life, are essential preconditions for achieving material equality for women with disabilities (General Comment number 3 of the Committee on the Rights of Persons with Disabilities, cited above, paragraph 20).

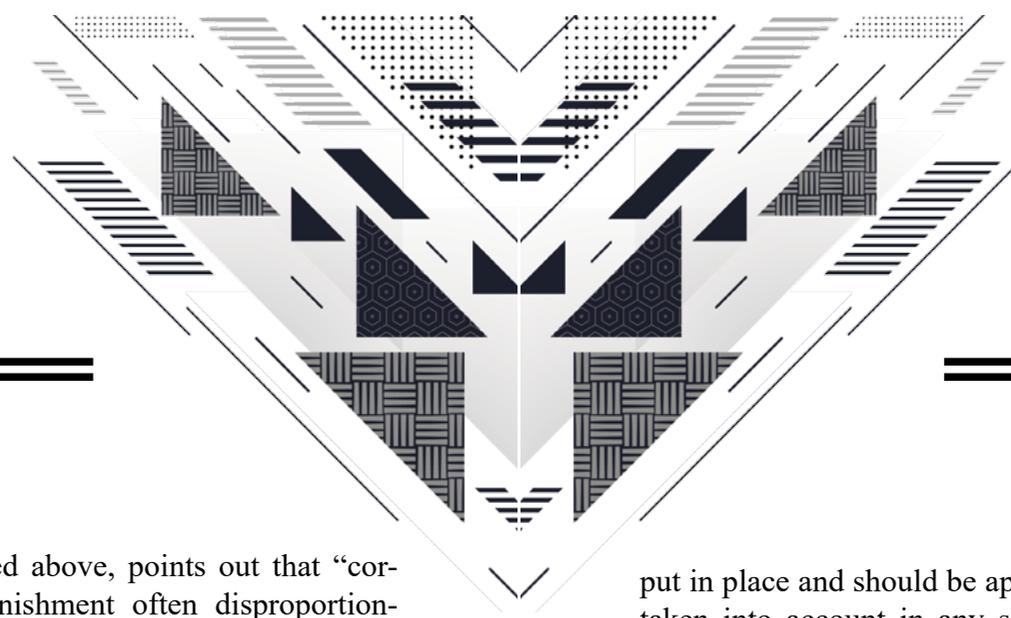
All above-mentioned measures must ensure the full development, progress and empowerment of women with disabilities. Although development refers to economic growth and the eradication of poverty, it is not confined to those areas alone.

In addition, in order to advance and strengthen women with disabilities, the measures must overcome the goal of development and strive to improve the situation of women with disabilities over their lifespan. Finally, in accordance with a human rights-based approach, securing the empowerment of women with disabilities means promoting their participation in public decision-making. Therefore, the Contracting States should reach out to women and girls with disabilities directly and to establish appropriate measures to ensure that their perspectives are fully taken into account (General Comment No. 3 of the Committee on the Rights of Persons with

Disabilities, cited above, paragraphs 21-23).

In addition, it is made clear that women with disabilities are not a homogeneous group, but include indigenous women, women refugees, migrants, asylum seekers and internally displaced women, women in detention, women living in poverty, women of different ethnic backgrounds, religious and racial origin, women with multiple disabilities and the need for high level of support, women with albinism, and lesbians, bisexual and transgender women, as well as intersex people. The diversity of women with disabilities also includes all types of disabilities, i.e. physical, psychosocial, intellectual, or sensory (General Comment number 3 of the Committee on the Rights of Persons with Disabilities, cited above, paragraph 5). All these groups of women and girls with disabilities fall under the personal scope of protection by the Contracting States, in accordance with Article 6 of the MCRPD.

Lastly, it should be noted that the obligations of States in the implementation of Article 6 cover the three-tiered approach: the respect, protection and exercise of this right. In this regard, the Contracting States must revise laws,



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regulations, customs and practices that discriminate against women and girls with disabilities and take action systematically to involve society in the interests and rights of women and girls with disabilities in all national policies and strategies, as well as taking targeted activities only for women with disabilities (Poposka, 2018, p. 36-39).

In the basis of Article 7, similarly to Article 6, there is a specifically vulnerable position of children with disabilities, as well as the fact that this group faces a dual vulnerability based on its age and disability. It is therefore of the utmost importance that its analysis to be carried out in accordance with Article 5, cited above. Precisely the children with disabilities who are depend, in particular on the support of adults in the implementation of mechanisms for the protection of their rights. Paragraph 1 of this article obliges the Contracting States to take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms of children with disabilities on an equal base with others, which clearly emphasizes the principle of equality and non-discrimination. General Comment No. 6 of the Committee on the Rights of Persons with Disabil-

ities, cited above, points out that “corporal punishment often disproportionately affects children with disabilities ... States parties must prohibit all forms of corporal punishment and cruel, inhuman or degrading treatment to deal with children in all circumstances and to provide appropriate measures to implement this prohibition “(paragraph 37).

Additionally, paragraph 2 translates the principle of ‘best interest of the child’, which is the basis of the Convention on the Rights of the Child (explicitly provided for in Article 3, paragraph 1). Namely, the broad nature of this paragraph aims to cover all aspects of the care and protection of children in all circumstances. According to General Comment No. 9: The rights of children with disabilities (General Comment No. 9: The rights of children with disabilities CRC/C/GC/9), which states the same wording, this attitude is addressed to the legislators to whom they is entrusted with the establishment of the legal framework for the protection of the rights of children with disabilities, as well as the decision-making processes that affect children with disabilities. Supposedly, “Article 3 should be the basis on which programs and policies are

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put in place and should be appropriately taken into account in any service provided for children with disabilities and all other actions affecting them” (paragraph 29). The best interest of the child is of particular importance in the institutions and other institutions that provide services for children with disabilities, which are expected to comply with the standards and regulations and ensure the safety, protection and care of children as their primary attention, and this consideration should overcome all others and under all circumstances, for example, in the allocation of budgets (paragraph 29). However, according to General Comment No. 6 of the Committee on the Rights of Persons with Disabilities, cited above, “the child’s best interest principle should be applied to children with disabilities by careful consideration of their circumstances ... however, this concept should not be used to prevent children, especially girls with disabilities, from exercising their right to physical integrity. Additionally, the Contracting States should pay attention to the violence and institutionalization of children with disabilities, who are denied the right to grow in their families as a matter of discrimination “(paragraph 38).

Paragraph 3 of this Article refers to the obligation of the Contracting States to ensure that children with disabilities are free to express their views on all matters, and in particular, those relating to themselves and these views shall be taken into account according to their age and maturity, on the same basis with other children. In exercising this right, children with disabilities should receive assistance appropriate to their age and disability.

Although this article draws inspiration from the Convention on the Rights of the Child (Article 23) and General Comment No. 9 of the Committee on the Rights of the Child, content is quite different in substance. In fact, this article is an anti-discrimination provision that has a horizontal application and the standard set with it should be taken into account when reading each article of the Convention

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NATIONAL LEGISLATION



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The Constitution of the Republic of Macedonia in its Article 9 contains a general equality clause that stipulates “[...] the citizens ... are equal in freedoms and rights, regardless of gender, race, color, national and social origin, political and religious belief, property and social status. Citizens before the Constitution and the laws are equal “(Constitution, 1991, Article 9).

However, this provision is widely criticized for using the word citizens, which gives the impression that foreigners (stateless persons and persons with foreign citizenship) are not protected against discrimination in accordance with this provision. In addition, Article 9 does not contain any discriminatory grounds that are current in today’s age, such as disability and age, and in addition contains a closed list of discriminatory grounds. Finally, Article 9, since it relates to the rights and freedoms of the individual and the citizen, that is, the natural persons, does not provide for the protection against discrimination of legal entities.

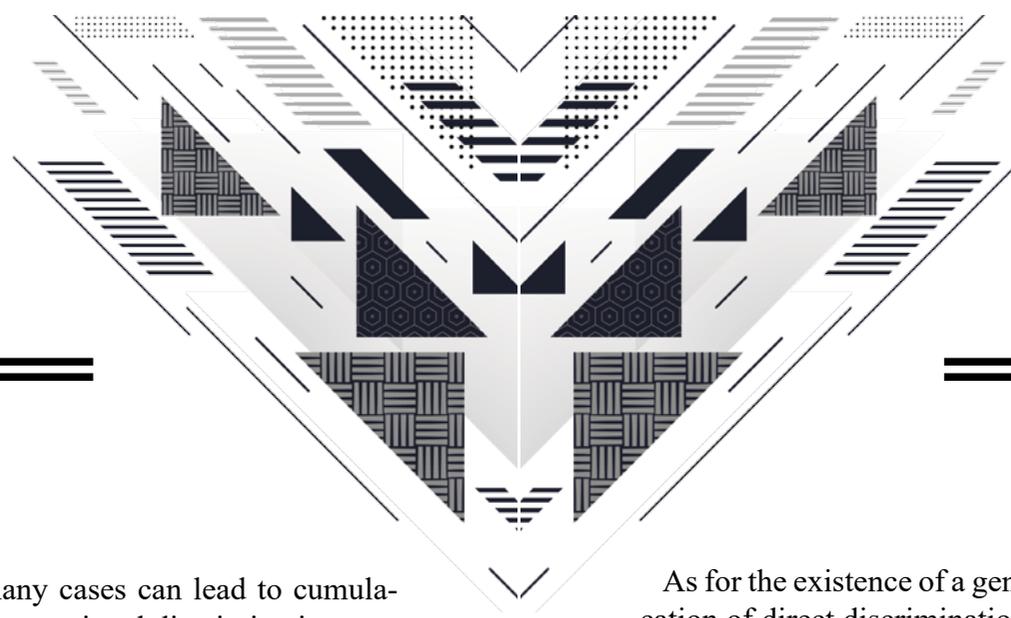
Additionally, apart from these criticisms, the Constitutional Court interprets this clause for many years in a rath-

er restrictive manner in accordance with Article 110, paragraph 3, that is, according to the requirements for protection of human rights and freedoms, which is clearly shown in the proclamation of incompetence in almost all cases of alleged discrimination and his merciless failure (Poposka and Jovevski, 2017, p. 67)

1. Law on Prevention and Protection against Discrimination

The Law on Prevention and Protection against Discrimination has supplemented the legal gaps that existed in our legal system in the area of non-discrimination and enabled easier legal protection of all persons who would appear as alleged victims of discrimination, including persons with disabilities, as well as the parents of children with disability through the legal institute discrimination by association. Namely, the Law in its Article 3, in addition to the stated grounds of discrimination such as sex, race, color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or religious belief, personal or social status, mental





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and physical disability, age, family or marital status, property status and health status, provides an open list of grounds, indicating the phrase or which was another basis.

The law prohibits all forms of discrimination, including direct and indirect discrimination (Article 6), harassment (Article 7), the instruction on discrimination (Article 9) and victimization (Article 10), carried out by natural and legal persons in the public in the private sector, in the area of employment and labor relations, education, access to goods and services, housing, health, social protection, administration, judiciary, science, sports, membership and action in trade union organizations, political parties and civic organizations and other area, respectively (Article 4). However, the Law on Prevention and Protection against Discrimination does not prohibit explicitly discriminatory advertisements or statements. Additionally, Article 12 of the Law provides for a more severe form of discrimination and multiple discrimination, that is discrimination based on a certain person simultaneously on several discriminatory grounds. This is extremely important because all people have different personal characteristics

that in many cases can lead to cumulative or intersectional discrimination.

Direct discrimination on discriminatory basis is prohibited in accordance with Article 6 paragraph 1 of the Law and occurs when one person is treated less favorably in the form of differentiation, exclusion or restriction which as a consequence has or might have the seizure, disruption or restriction of the rights of the person, unlike the other person, in a comparable situation, only on the basis of the person's protective characteristic. The definition is entirely inconsistent with international standards, in particular, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for Equal Treatment in Employment and Occupation, 2000, OJ L 303/16, because it is envisaged that the unfavorable treatment only exists or could exist, and not that it existed. In addition, the definition specifies the types of less favorable treatment, adding to the risk of exclusion of some kind of treatment that is not specified, if the restrictive interpretation by the courts is applied. It should be worked out in order to clearly reflect all three elements of direct discrimination.

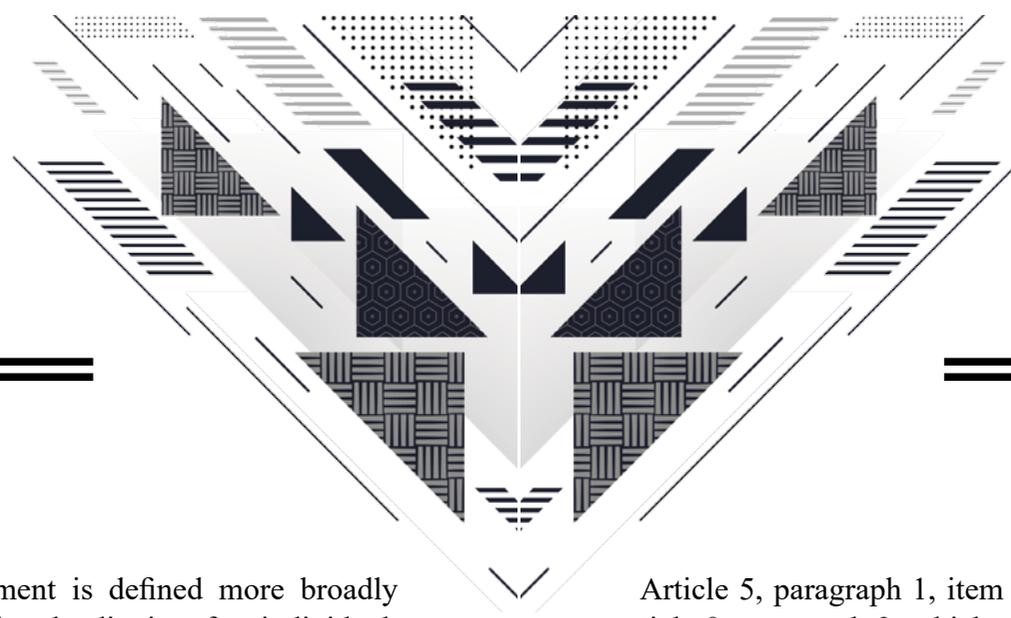
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As for the existence of a general justification of direct discrimination, it should be recalled that it is not envisaged in the Law. On the other hand, anti-discrimination legislation contains a number of general exceptions provided for in Articles 13 to 15. For example, no action will be considered discrimination if it is a measure prescribed by law, and in order to encourage employment (Article 15 paragraph 1 item 2); when foreseeing the essential and decisive condition for employment (Article 14 paragraph 1 item 2); in the special cases of taking affirmative measures (Article 13); when there is a different treatment of persons with disabilities in the realization of training and receiving education in order to meet the special educational needs and to equalize the opportunities (Article 15 paragraph 1 item 3); and when performing the special protection provided for by law (Article 15 paragraph 1 item 7), etc.

Especially questionable is the exception provided for in Article 14, paragraph 1, item 7 of the Law, which refers to freedom of speech, public appearance, opinion and public information and which is not conditioned by the requirement of necessity and proportion-

ality, but is raised at the level the absolute exception. This defined exception is problematic from the aspect of international standards, because freedom of expression is not absolutely defined, but can be limited. One of the reasons for the restriction is the protection of the freedoms and rights of others, including the right to equality and non-discrimination. The defined freedom of expression is in collision with the possible provision of an instruction for discrimination as well as incitement to discrimination, which are prohibited by the Law on Prevention and Protection against Discrimination and the Criminal Code.

Indirect discrimination on a discriminatory basis is prohibited in accordance with Article 6 item 2 of the Law and occurs when an apparently neutral provision, criterion or practice places the person with a protective characteristic or a wider group of these persons in a particularly disadvantaged position compared to others persons, unless such a provision, criterion or practice arises from a justified purpose and the means to achieve that objective are appropriate and necessary. The definition is not entirely in line with the Directive 2000/78 / EC, cited above, because it is intended



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that it only puts persons in a particularly disadvantaged position, and not that it puts them in or can put them in a particularly disadvantaged position.

There is a possibility in the Law of a general justification of indirect discrimination in accordance with the existence of a justified goal and the proportionality test. Interestingly, courts should play a key role in resolving the dilemma about the percentage of members of the group in the cases of indirect discrimination. Moreover, it is not explicitly forbidden for statistical data to be used in proving these cases and the authors believe that they would be acceptable as evidence in court proceedings, of course, according to the free judgment of the court and if he worshiped them.

Harassment on a discriminatory basis is prohibited in accordance with Article 7 defining it as a special emergent form of discrimination. Harassment and degrading treatment is a violation of the dignity of a person or a group of persons arising from a discriminatory basis and which has the purpose or effect of violating the dignity of the person concerned or creating a threatening, hostile, humiliating, or frightening environment, approach or practice.

Harassment is defined more broadly by violating the dignity of an individual, and to a group of persons sharing the protective characteristic. However, it is not mentioned that it is an unwanted act, that is, there can be no victim of harassment if the individual liked and approved such behavior. Finally, I would mention that when we talk about harassment, our legislation does not provide a clear answer to the question of the responsibility of the responsible person (employer or service provider) for the harassment made by third parties. However, it is considered that the employer's responsibility for treating third parties, including for harassment, will largely depend on the nature of their relationship, as well as the future case-law on this issue.

In addition, the Discrimination Direction (which is called: assisting and encouraging discrimination) is prohibited in accordance with Article 9 of the Law as a special emerging form of discrimination. They include both direct and indirect reference, encouragement, giving guidance, and encouraging another person to discriminate.

Particularly important for persons with mental and physical disabilities is

Article 5, paragraph 1, item 12 and Article 8, paragraph 2, which provides for adequate adaptation. Namely, the Law stipulates that "the adaptation of infrastructure and services is the undertaking of appropriate measures needed in a particular case to enable the person with mental and physical disabilities to have access, participate and progress in the work process, unless these measures do not impose disproportionate burdens on employers."

The criticism of this provision is referred to because it is limiting, i.e. it refers only to the adaptation of infrastructure and services. Furthermore, the Law does not define the term "appropriate measures" for these persons; except that it explains that they are individualized, that is, needed in the appropriate case.

In addition, the Law does not distinguish between the important and the basic functions of the workplace, and those marginal and irrelevant functions, which is a significant deficiency of this provision. Lastly, as far as the issue of disproportionate burden is concerned, according to our law: disproportionate burdens, the national legislation does not analyze and stipulate them, as in other countries,

with the size and status of the legal entity (state or private), the financial costs, scope and financial resources of the employer, as well as the ability to obtain funds from public sources or any other assistance. When amending the Law, this clarification should explicitly be inserted. Progressive in Article 8 paragraph 2 and is fully in line with the Convention on the Rights of Persons with Disabilities is that the unjustified absence of appropriate adaptation is considered a form of discrimination.

As for the procedural provisions, the transfer of the burden of proof is expressly provided for in the Law. Additionally, in Articles 16 to 33 the Law provides for the establishment of a body for equality - the Commission for Protection against Discrimination (CPD) and regulates the procedure before it. The national system provides three procedures that can be conducted in cases of alleged discrimination: administrative procedure (in front of the CPD in accordance with Articles 25 to 28 of the Law and the Ombudsman in accordance with Articles 13 to 27 of the Law on the Ombudsman), civil proceedings (in accordance with Articles 34 to 41 of the Law) and misde-

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measur procedure (in accordance with Articles 42 to 45 of the Law).

CPD is envisaged as an independent, autonomous body in accordance with the Law that has jurisdiction in both the public and the private sector. In accordance with Article 24 of this Law, the CPD has wide responsibilities in order to promote equality and to prevent discrimination on a discriminatory basis.

The law also provides for a court procedure for the protection of rights in cases of discrimination (Poposka and Jovevski, 2017, p. 68-71).

2. National Strategy for Equality and Non-Discrimination 2016-2020

The National Strategy for Equality and Non-Discrimination 2016-2020 defines the objectives, measures, indicators, key policy makers for the promotion of rights and equal opportunities in various fields and addresses discrimination in all areas grouped in: work and labor relations, education, science, sport and culture, social security (protection, pension and disability insurance and health), judiciary and administration and access to goods and services.

The vision of the Strategy is the realization of human rights and the establishment of equal opportunities and non-discrimination for all people in the Republic of Macedonia. Macedonia in all areas of social life. The mission is: effective protection against discrimination and respect for the principle of equal opportunities and the prohibition of discrimination against any person and / or group of persons based on their personal characteristics, especially vulnerable social groups (ethnic communities, women, LGBTI persons, persons with intellectual and physical disability, persons with lower social status, internally displaced persons, as well as other vulnerable groups, members of religious communities and any person treated differently without justified reasons, and legitimate aim order). The basic principles and determinations of the Strategy are participative democracy - consultations; partnership and cooperation; and responsibility.

The general goal of the National Strategy is prevention and protection against discrimination in order to raise the level of realization of human rights and equal opportunities for all, in different areas of

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social action at the national and local level. There are three strategic goals, namely: 1) advancing the legal framework for equal opportunities and non-discrimination; 2) Strengthening capacities, improving work and coordination of institutional mechanisms for preventing and protecting against discrimination and promoting equal opportunities; and 3) Raising public awareness for recognizing forms of discrimination and promoting the concept of non-discrimination and equal opportunities..

3. National Strategy for Equalization of the Rights of Persons with Disabilities 2010-2018

In 2010, the Government adopted the revised National Strategy for Equalization of the Rights of Persons with Disabilities 2010-2018. The overall goal of the strategy is to promote the position of persons with disabilities to the position of equal citizens who enjoy all rights and responsibilities. The basic principles and commitments are: respect for the inherent dignity, individual autonomy, including freedom of choice and independence of persons with disabilities; non-discrimination; full and effective participation and involvement in all spheres

of social life; respect for differences and acceptance of persons with disabilities as part of human diversity and humanity in the common living; equal opportunities; accessibility; gender equality; and a concept for children with disabilities. The strategy incorporates seventeen distinct sets of action, such as: 1) Family and personality development; 2) Prevention; 3) Health care, habilitation and rehabilitation; 4) availability of services and aids; 5) Education; 6) Professional and work orientation and employment; 7) Social protection; 8) Housing, mobility and accessibility; 9) Legal protection and protection against violence and abuse; 10) Informing, communicating and raising the level of awareness; 11) Participation in cultural life; 12) Recreation and sports; 13) Information and research; 14) Participation in political and public life; 15) International cooperation; 16) Statistics and data collection; and 17) Monitoring and evaluation of the Strategy.

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ANALYSIS OF THE CONDITION WITH THE RIGHT OF EQUALITY AND NON-DISCRIMINATION OF PERSONS WITH DISABILITIES



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The analysis of the situation, explained below, is based on the findings from the survey and the analysis of the responses to the questionnaires of 1000 persons with disabilities and parents of children with disabilities in the Republic of Macedonia, developed and implemented within the project.

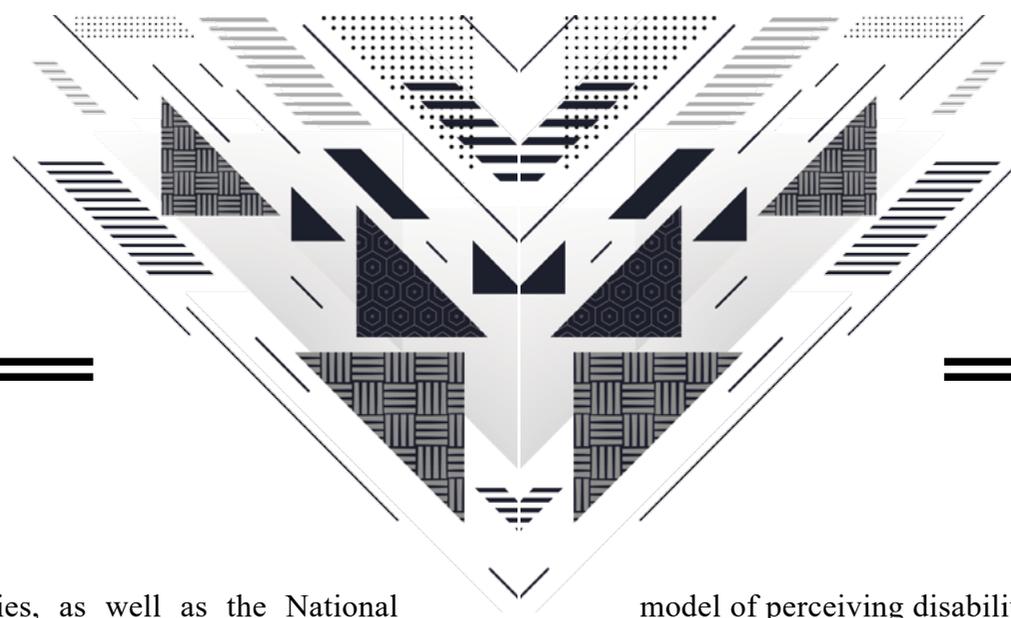
1. Findings from the conducted research on demystification of the issue of abuse in the area of equality and non-discrimination

1.1. Purpose and subject of the research

This analysis provides an image of the knowledge of their rights by persons with disabilities and the parents of children with disabilities, in particular the right to equality and non-discrimination, in accordance with the standards set forth in the Convention on the Rights of Persons with Disabilities. In the same direction it is analyzed whether the institute of the appropriate adjustment is understood and what is meant by its provision.

In addition, the perceptions of the respondents about the efficiency and validity of the measures that the state undertakes to achieve the real equality of persons with disabilities are analyzed. At the same time, it also detects the profile of persons with disabilities (type / degree of sexual intercourse, sex, age, education / vocational training, priorities when it comes to exercising rights and whether their rights were ever endangered). Additionally, the analysis also points to the existence of multiple discriminations, especially on grounds of disability and gender, but also disability and age. Finally, the analysis indicates which topics persons with disabilities and the parents of children with disabilities consider that they need more information in order to exercise their right to equality. The analysis also addresses the views of the target group on freedom of information on equal base with others, raising public awareness and the political participation of persons with disabilities on equal base with others.





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The analysis is conceived as a tool in the hands of relevant stakeholders in order to provide recommendations for the harmonization and advancement of the legal framework in accordance with the Convention and the improvement of national practice.

In order to get deeper into the conditions, the causes and needs of persons with disabilities, the national and local context as well as national and local policies and legislation aimed at persons with disabilities are taken into account. At the same time, during the qualitative analysis of the received data from the conducted questionnaire, the current positive trends, which growth can be expected in the next period, through activities at the local level, and bringing the obligations of all stakeholders to the full inclusion of persons with disabilities in the local community, which in turn stems from the measures and policies of the state at the national and local level. For example, the obligations for countries stemming from ratified international instruments, i.e. The Convention on the Rights of Persons with

Disabilities, as well as the National Strategy for Equalization of the Rights of Persons with Disabilities (revised) 2010-2018 and the National Strategy for Non-Discrimination Equality 2016-2020. Qualitative analysis takes into account the economic, social, and cultural context of the local community itself, as well as the place of residence, as an important factor in the implementation of the current national and local strategies and action plans, as well as translating international standards into practice.

Lastly, the institutions themselves are an important factor in the process of creating and implementing policies aimed at persons with disabilities. For these reasons, as a secondary target group of the survey are the state institutions, and through the analysis of the answers received, one can also see an overview of the situation in the Macedonian society, that is, the small number of persons with disabilities involved in the social and political life, the low level the knowledge of their rights, a reality that incompletely reflects the social

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model of perceiving disability from the aspect of human rights, the challenges of providing appropriate adjustment, and the like.

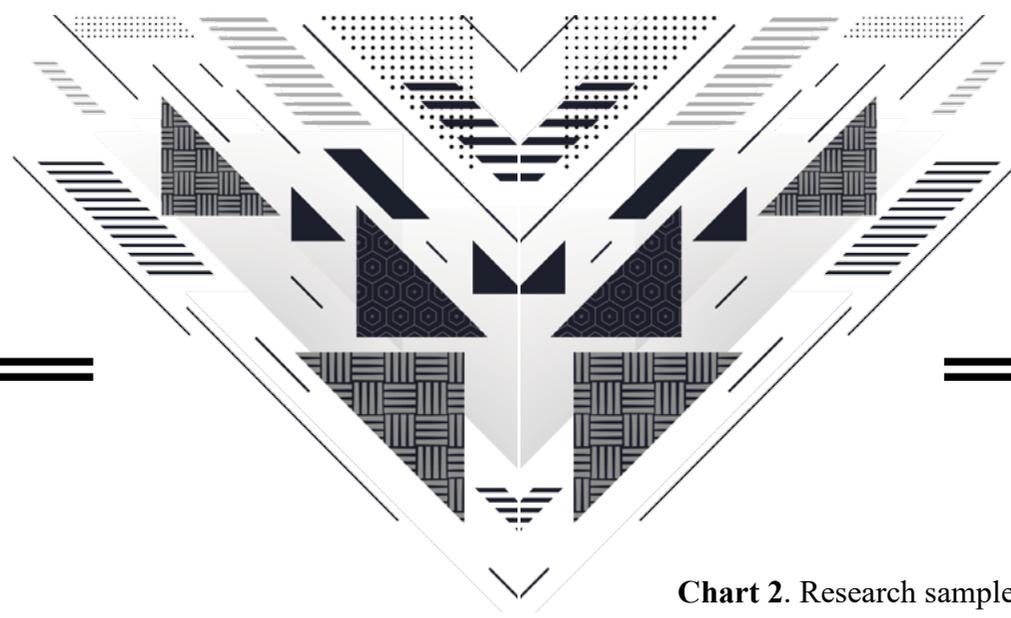
The research tools are the questionnaire for persons with disabilities and parents and caregivers of children with disabilities (q-pd / 2018) and the Guide for discussion in focus groups with different categories of respondents from the aspect of equality and non-discrimination (g-pd / 2018).

1.2. Sample of the survey

The total number of respondents is 1000 persons, of which 500 are persons with disabilities and 500 are parents of children with disabilities, taking into account all types of disability. The complete sample is stratified by type of disability, gender, ethnicity, age, level of education, and place of residence / municipalities. Below are the data for each of the sub-groups presented in Tables and Charts.

In this regard, the target sample of persons with disabilities is divided as follows: 185 persons with physical

disability (37%), 145 persons with impaired vision (29%), 140 persons with impaired hearing (28%) and 30 persons with intellectual disability (6%). From the parents of children with disabilities, feedback was received from 120 parents of children with physical disabilities (24%), 35 parents of children with impaired vision (7%), 60 parents with children with hearing impairment (12%), 105 parents of children with combined disability (21%) and 180 responses by parents of children with intellectual disability (36%) (See Chart 1).



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Chart 1. Research sample by type of disability

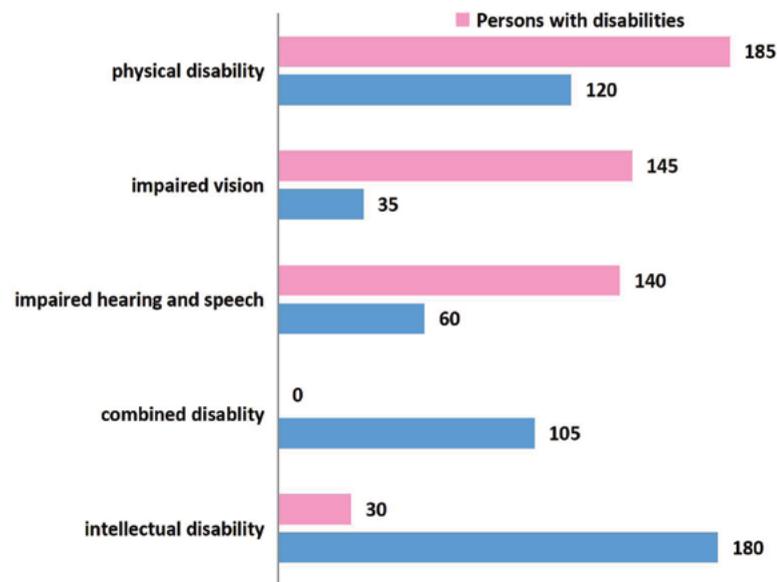
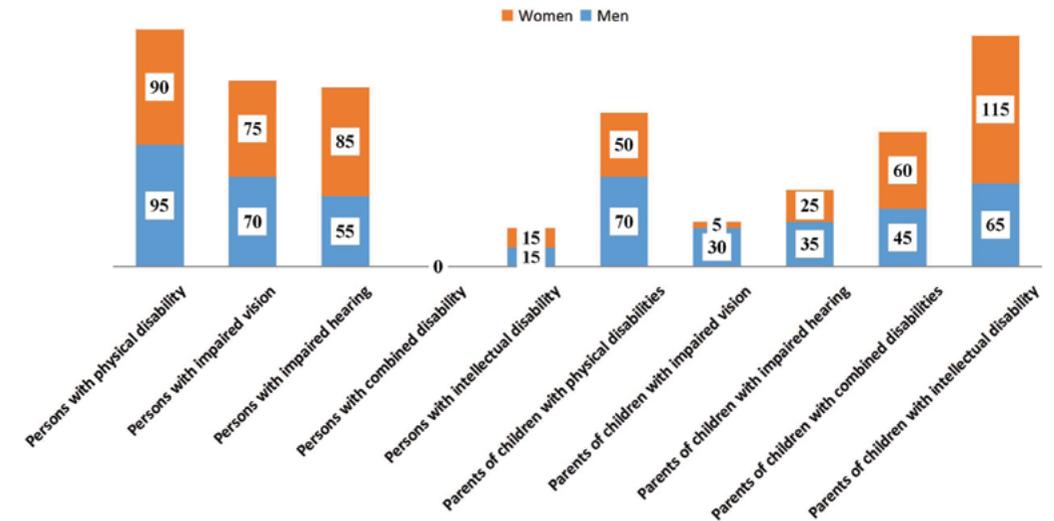


Chart 2. Research sample by type of disability and gender

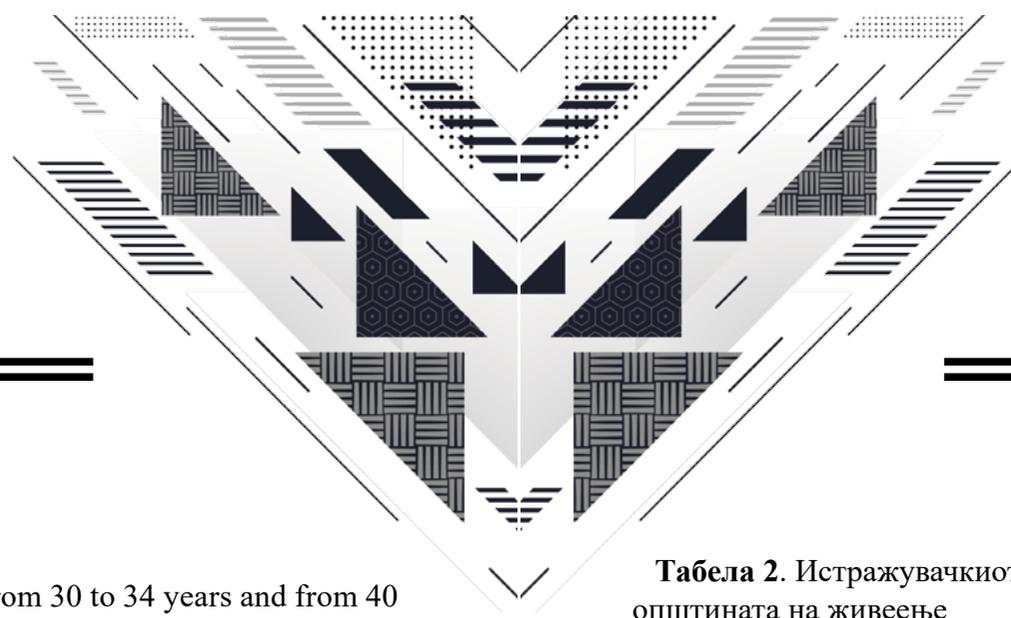


The research sample by gender is divided into 520 female respondents, i.e. 52%, and 480 male respondents, i.e. 48%. Chart 2 gives a cumulative presentation of the sample according to gender crossed with the type of disability. Namely, from persons with disabilities 265 are female respondents versus 235 who are male, while from the parents of children with disabilities 255 women are versus 245 who are men.

Table 1 gives a cumulative sample of the sample according to ethnicity and type of disability. Namely, 645 participants declared themselves as Macedonians (64.5%), 270 Albanians (27%), 30 Turks (3%), 25 Bosniaks (2.5%), 10 Vlachs (1%), while 20 participants stated that are from the Roma community (2%).

Табела 1. Истражувачкиот примерок според видот на попреченоста и етничката припадност

Етничка Западност	Лица со физички хендикеп	Лица со оштетен вид	Лица со оштетен слух и говор	Лица со комбиниран хендикеп	Лица со интелектуален хендикеп	Родители на деца со физички хендикеп	Родители на деца со оштетен вид	Родители на деца со оштетен слух и говор	Родители на деца со комбиниран хендикеп	Родители на деца со интелектуален хендикеп
Македонци	110	80	100		25	80	20	50	70	110
Албанци	75	45	20		5	25	10		30	60
Бошњаци		5	10			5			5	
Турци		10	5			10	5			
Власи			5							5
Роми		5						10		5

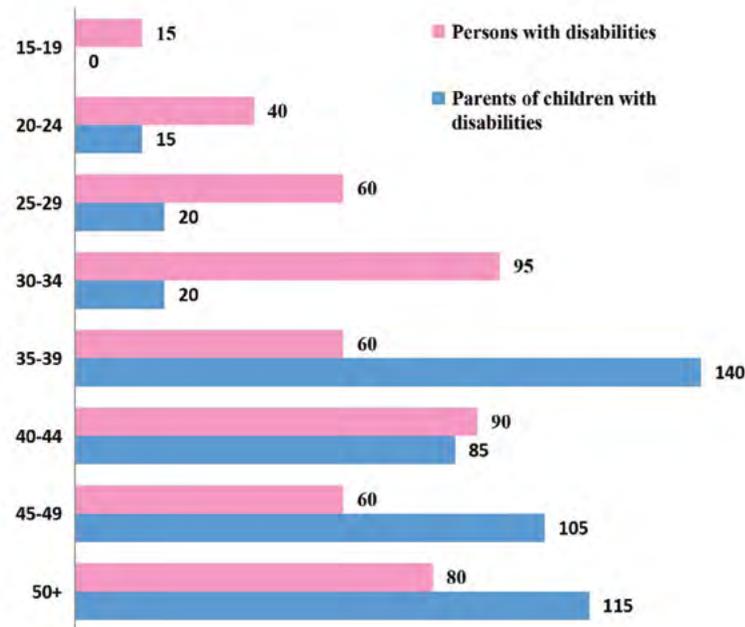


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Chart 3 gives a cumulative sample of the sample by age, divided into eight age groups. It can be concluded that most of the respondents are persons with disabilities or parents of children with disabilities belonging to the age group above 30 years with a total percentage of 85% and at least an age group of up to 30 years with a total percentage of 15%. The largest numbers of respondents with disabilities are from the age

groups from 30 to 34 years and from 40 to 44 years of age, accounting for 37% of the research sub-sample of persons with disabilities. On the other hand, the largest numbers of interviewed parents of children with disabilities are from the age groups from 35 to 39 years and from 50+ years of age, which accounts for 51% of the research sub-sample of parents of children with disabilities.

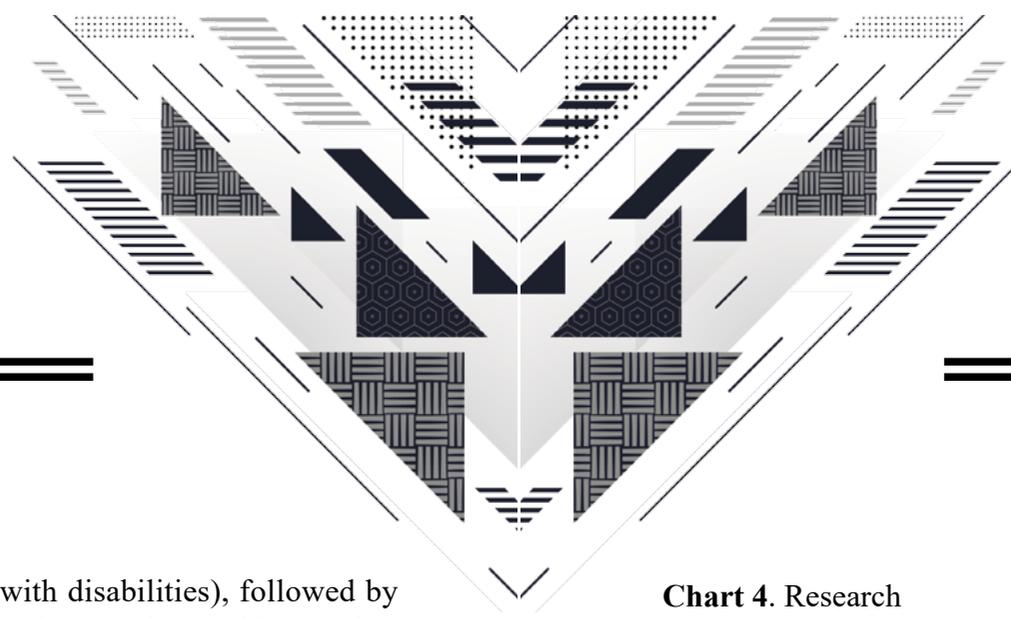
Chart 3. Research sample by age



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Табела 2. Истражувачкиот примерок според видот на попреченоста и општината на живеење

Town	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing and speech	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with impaired hearing and speech	Parents of children with combined disabilities	Parents of children with intellectual disabilities	Total
Bogovinje	5				5			10	0	20
Brvenica	5								0	5
Berovo		5			10				0	15
Veles	15	5			10	5		30	15	80
Vinica		5							10	15
Valandovo			5						0	5
Gevgelija		5	20		5			5	0	35
Gradsko	10				15			5	0	30
Gostivar		30	20			5		10	5	70
Debarca					5				0	5
Dojran		5	5						0	10
Kriva Palanka	15								0	15
Kichevo	5	5	5					5	0	20
Kavadarci	5		5				10		0	20
Kumanovo		10							0	10
Kratovo			10						0	10
Kochani	5	5							0	10
Negotino		5							10	15
Ohrid	5								10	15
Prilep	10	10	10	5			15		30	80
Probishtip									10	10
Resen			15						10	25
Radovish									15	15
Skopje	40	15	40	20	30	10	35	5	25	220
Struga	15								0	15
Strumica	5	5		5					0	15
Tetovo	30	30	5		35	5		35	25	165
Shtip	10	5							5	20



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Namely, Table 2 gives a cumulative sample of the sample according to the municipality in which the respondents live. Observed from the aspect of territorial coverage, the survey covered both urban and rural areas. The largest representation is in Skopje, where 200 respondents are covered, while Tetovo - 165 respondents, followed by Veles with 80 respondents, Prilep with 75 respondents, Gostivar with 70 respondents, Gevgelija with 35 respondents / Struga, Radovish, Ohrid, Negotino and Vinica all 15 respondents, Gradsko with 30 respondents, Resen with 25, Probishtip, Shtip, Kichevo, Kriva Palanka and Bogovinje all with 20 examinees, Kochani, Kratovo, Kumanovo and Dojran with 10 examinees, Bitola and Brvenica, Valandovo and Debarca with 5 examinees.

Chart 4 gives an overview of the level of education of the research sample, from which it can be concluded that most of the respondents, including a significant number, have completed secondary education, with 98% cumulative percentage (47% of the persons with disability and 51% of parents of

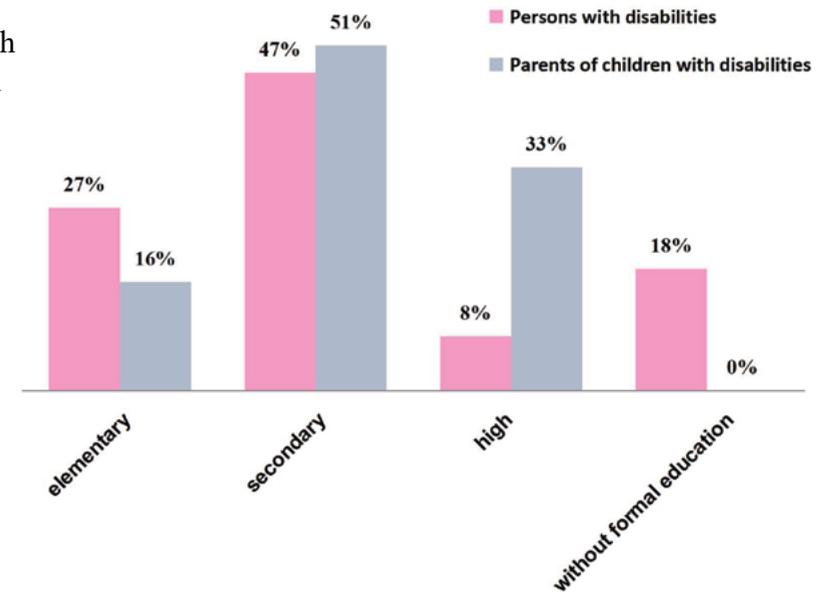
children with disabilities), followed by the group of respondents with completed primary education with 43% cumulative percentage (27% of persons with disabilities and 16% of parents of children with disabilities), and higher education with 41% cumulative percentage (only 8% of persons with impediments) and 33% of parents of children with disabilities). The fact that 18% of respondents from persons with disabilities are without formal education is worrying.

1.3. Quantitative and qualitative analysis of the answers to the questionnaires

As stated above, the questionnaire consists of two parts, and therefore the answers to the questionnaires are analyzed in two parts: first, issues related to the right to equality and experiences with discrimination, and second, the right to receive and give information by persons with disabilities on equal base with other and undertaken measures by the state for the promotion of the rights of persons with disabilities, including raising public awareness and political participation.

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Chart 4. Research sample by the level of education

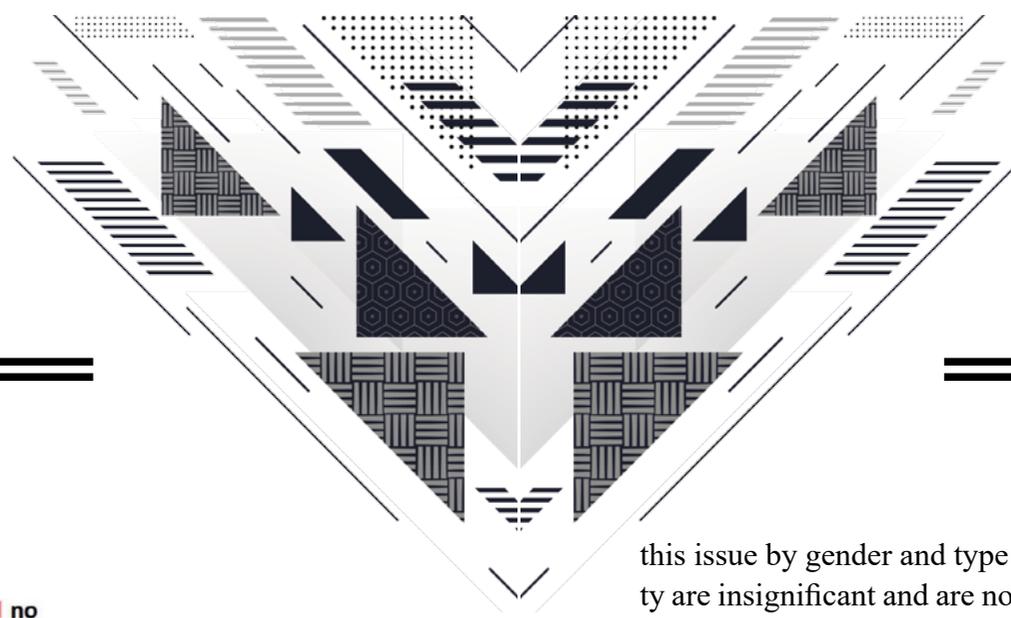


Part one: Issues related to the right to equality and experiences with discrimination

The first part of the questionnaire collects data on the experiences of persons with disabilities and the parents of children with disabilities to exercise the right to equality and non-discrimination and analyzes the knowledge of this right and its scope. Namely, in Chart No. 5 a sample of the sample is given according to whether the respondents consider that the persons with disabilities are equal with the other citizens (Question

No. 1). Out of the total number of persons with disabilities, all in an absolute number believe that they are not equal, and 99% of the parents of children with disabilities consider that their children are not equal with the other children who do not have a disability.

Chart 6 gives an overview of the sample's position on whether persons with disabilities enjoy equal protection before the law compared to other citizens (Question no.02). A significant portion of the sample did not answer this question (17%). The differences in seeing



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Chart 5. Are persons with disabilities equal with other citizens?

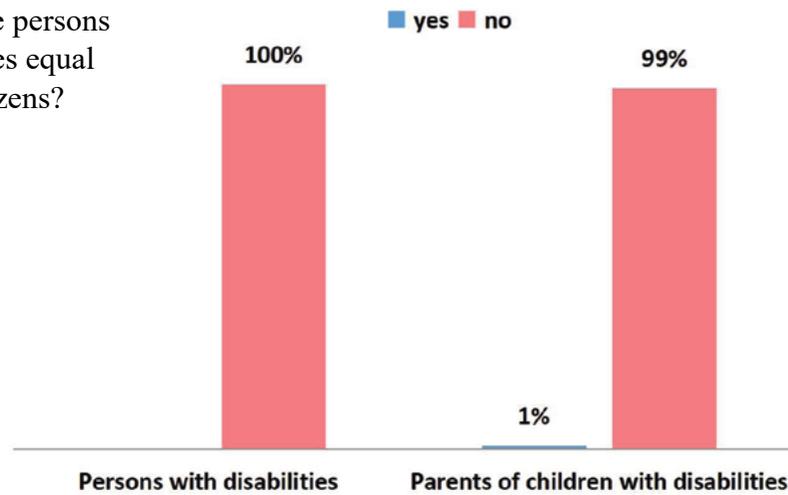
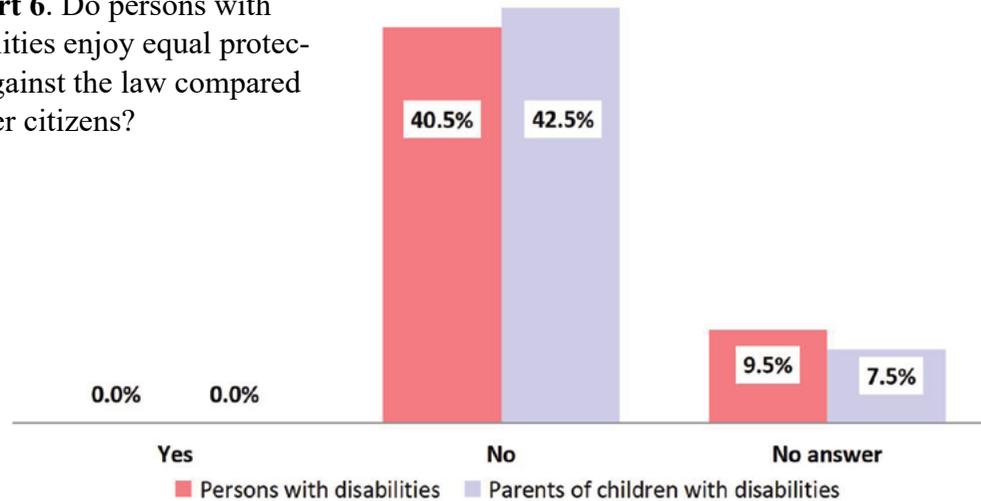


Chart 6. Do persons with disabilities enjoy equal protection against the law compared to other citizens?



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this issue by gender and type of disability are insignificant and are not processed for these reasons.

Regarding whether persons with disabilities are discriminated against in our society (Question no.03), a high percentage considers that they are dis-

criminated (a total of 87%), there is no negative response, but a significant part of the sample is noticed (a total percentage of 13%). The differences in seeing this issue by gender and type of disability are insignificant and are not processed for these reasons. (Table 3 and Chart 7.

Statements from participants in the focus group

“We are not treated equally, the state does not care about this category of people, discrimination is felt everywhere” - a person with a disability.

“Children do not apply in society as others” - parent of a child with a disability.

“You have an unregulated education, a social and health labyrinth - not with a disability, a super hero should fight for a right” - a person with a disability.

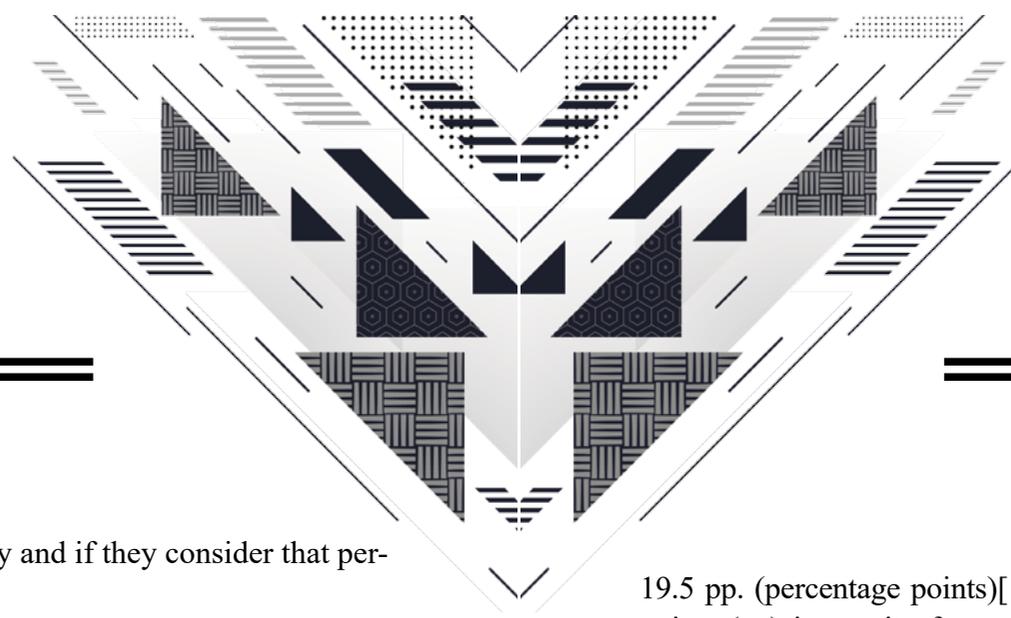
“The state and the institutions themselves do not understand the disability, you tell them one thing they’re pushing you away. We are

not equal and we do not have any protection”- a person with a disability.

“Much time is lost in scientific and all kinds of seminars. It remains on paper, nothing is done to make life easier for us”- a person with a disability.

“At least the state will provide me a carriage for my children for exercises at the hearing, speech and voice institute. We do not have the opportunity to take our children to the place because I have to work and my wife can not take them”- parent of a child with a disability.

“We are second-class citizens. All laws change and bring a new one for us”- a person with a disability.

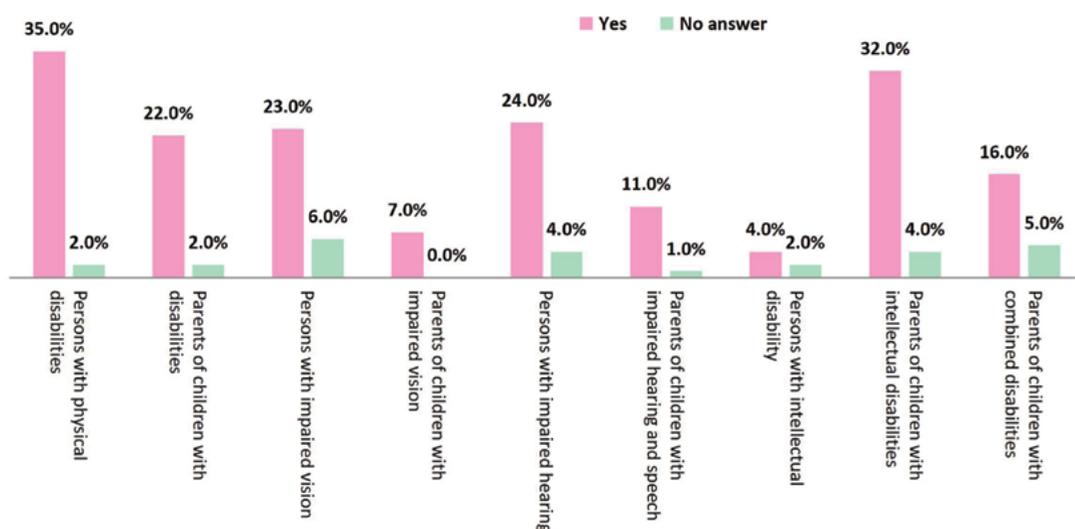


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Chart 7. Research sample by the type of disability and if they consider that persons with disabilities are discriminated



When asked about the area of social life, persons with disabilities are most frequently discriminated (Question no.04); the total research sample considers this the area of social protection, for which 96% of the respondents consider it the most common and healthcare, with 94% respondents. Then the field of education science and sport follows with 70.5%, work and labor relations with 64.5%, and access to goods and services with 62%. In the area of public information and media, 46% of the respondents consider it common, then the field of judiciary and administration with 39%, and housing

with 27%. Finally, it is the area of culture with 5.7% of the respondents who consider that membership and activity in trade union organizations, political parties, associations and foundations or other organizations based on membership with 2.5% are common (Chart 8 and Table No. 4).

It should be noted that although in most of the responses persons with disabilities have a similar or the same attitude with the parents of children with disabilities, a difference is noted in the area of work and working relations with a difference of

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19.5 pp. (percentage points)[Percentage points (pp) is a unit of measure for the arithmetic difference between two percent.] as well as the area of judiciary and administration with 15 pp. It is noteworthy that persons with disabilities consider that in the area of culture and membership and activities in trade union organizations, political parties, associations and foundations or other membership organizations, they are discriminated (although in a small number), while the parents of children with disabilities consider that in these two areas persons with disabilities are not discriminated against at all.

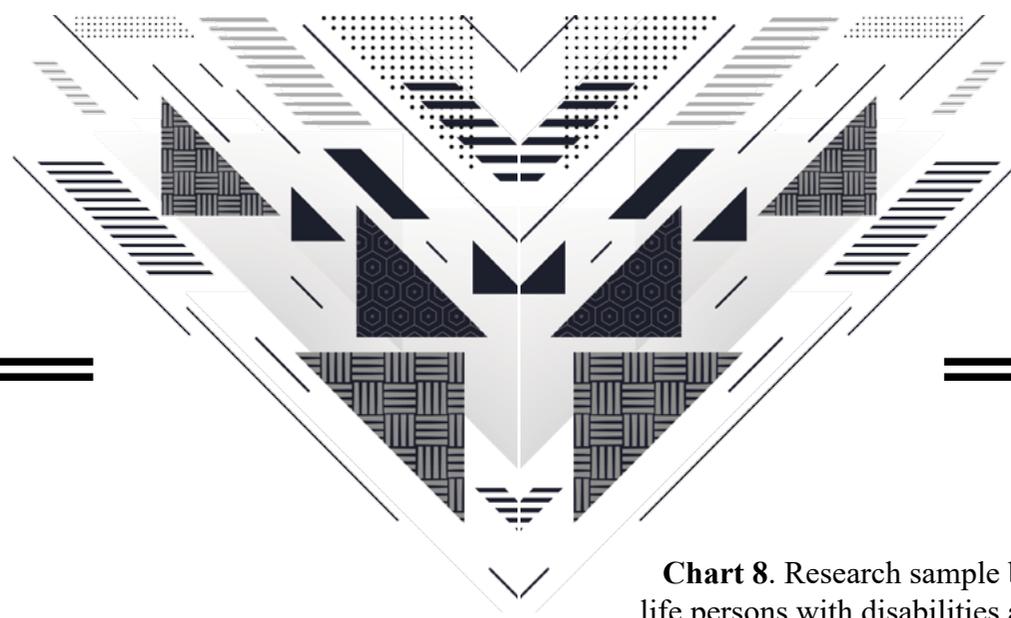
It should also be noted that the area of public information and media is quite high on the list of areas where people with a sensory disability feel discriminated, especially in hearing impaired people, where this area is the first in the

ranking list in which they are feel discriminated. The same tendency is noted in the prioritization of the area access to goods and services for these two groups of persons with disabilities. The differences in seeing this issue by gender and other socio-democratic characteristics is insignificant and are not processed for these reasons.

The views of the respondents on multiple discriminations based on disability and gender / sex are presented below in Chart 9. Namely, when asked whether they consider that women and girls with disabilities are subject to multiple discriminations, because of their gender / sex and their disability, the total research sample in 76% responded positively. High percentage is the percentage of respondents who did not answer this question (24%), i.e. one in four

Table 3. According to you, are persons with disabilities discriminated in our society?

	Yes	No answer
Persons with disabilities	86%	14%
Parents of children with disabilities	88%	12%



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Chart 8. Research sample by the type of disability and in which area of social life persons with disabilities are most often discriminated.

did not answer this question, which does not lead to the conclusion that the reasons for this should be subject to further analysis. It is interesting to note that the differences in seeing this issue on all socio-democratic characteristics, especially gender, are insignificant and are not processed for these reasons.

On the other hand, when respondents were asked for multiple discriminations, but this time in an inter-section between disability and age (children), 97.5% of all respondents answered positively, there is no negative answer, and only 2.5% did not respond, which points to the fact that this form of discrimination is more recognizable for them. Namely, Chart 10 shows the answer to the question of whether children with disabilities are subject to multiple discriminations due to their age and disability. There is little difference in seeing this issue on all socio-democratic characteristic

Statements from participants in the focus group

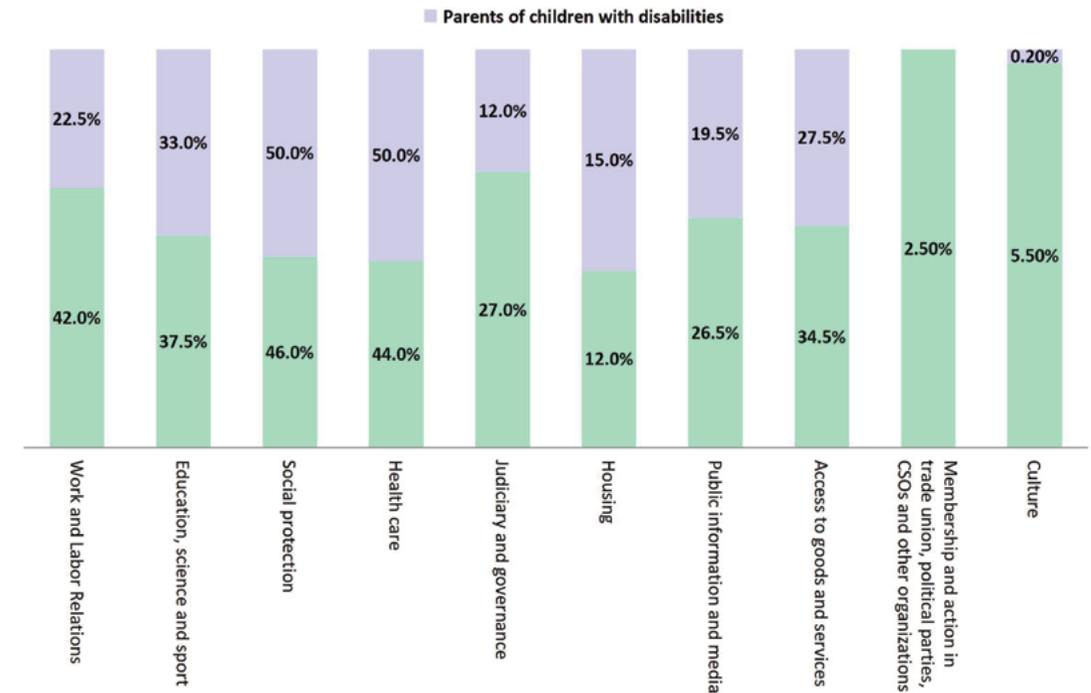
“Because of the lack of information about the situation of our children, they are avoided by their peers” - parent of a child with a disability.

“The state does not charge us at all ... for example, driving license does not allow me an interpreter in sign language because I do not understand the questions and I ask the interpreter to share with me, but they have rejected me” - a person with a disability.

“Unemployment is a problem ... neither the state nor the companies we want” - a person with a disability.

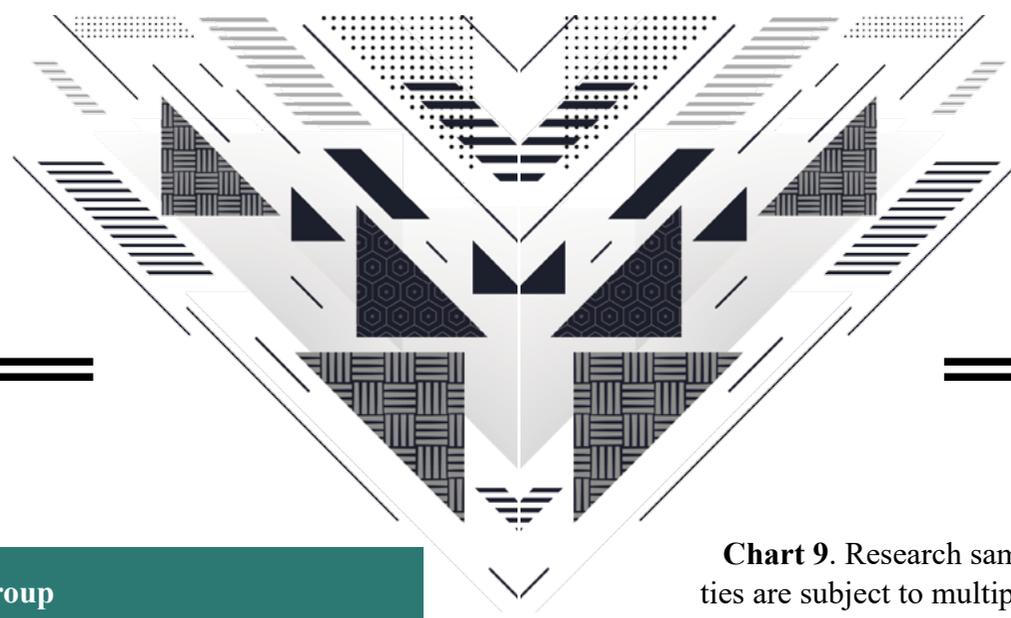
“Not accepted by peers and institutions in every area of life” - parent of a child with a disability.

“The environment does not want ... wherever we go people do not see. They are different to us, they do not ridicule, and we do not have security”- a person with a disability.



Regarding whether adequate adaptation for persons with disabilities is ensured, a high percentage believes that it is not provided, there is no positive response, but a significant part of the sample that did not respond is noted (a

total percentage of 15%). Differences in seeing this issue by type of disability are insignificant and are not processed for these reasons, but are illustrated illustratively below. (Table 5 and Chart 11).



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Statements from participants in the focus group

“Their powerlessness is exploited in various ways and from everyone, from home and abroad” - a person with a disability.

“It’s one thing to have a girl with a disability, and you have not. I have two girls, the one with a disability treats me differently, and friends and relatives do not behave the same as with the other that is not with a disability “- parent of a child with a disability.

“We must make it clear that a friend is seen by women with a disability” - a person with a disability.

Chart 9. Research sample that considers that women and girls with disabilities are subject to multiple discriminations

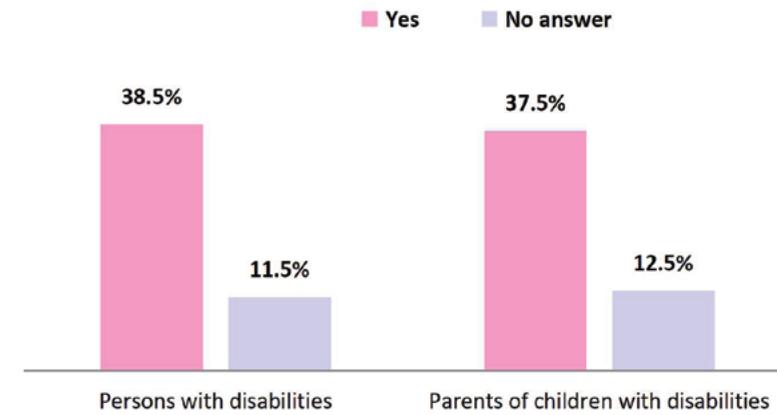
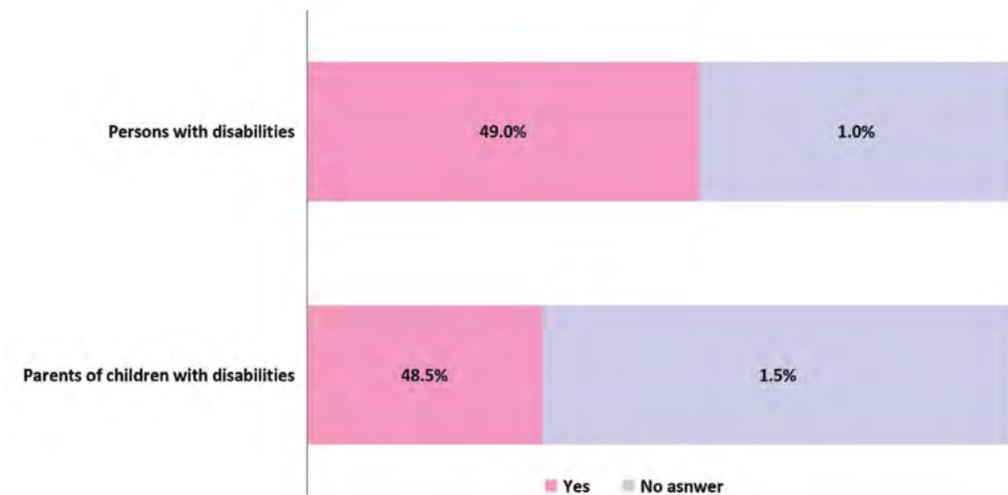
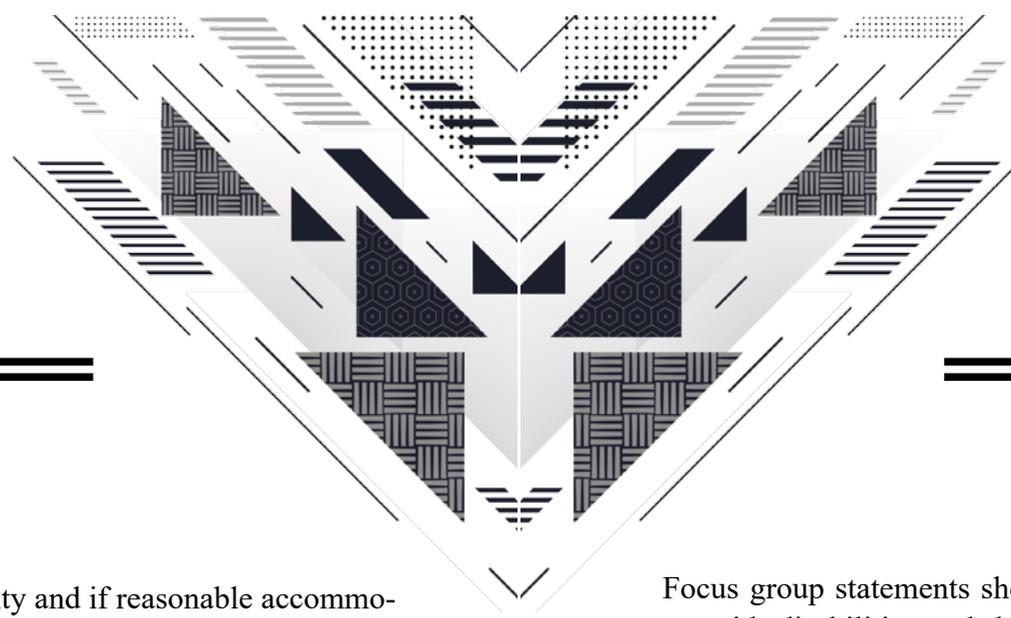


Table 4. In your opinion, in which area of social life persons with disabilities are most often discriminated?

In which area of social life persons with disabilities are most often discriminated?	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing and speech	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with impaired hearing	Parents of children with combined disabilities	Parents of children with intellectual disability
Work and Labor Relations	17,5%	9,0%	12,5%	3,0%	6,0%	1,5%	4,5%	3,0%	7,5%
Education, science and sport	15,0%	10,5%	11,0%	1,0%	10,0%	2,5%	5,5%	3,5%	11,5%
Social protection	18,0%	13,5%	11,5%	3,0%	12,0%	3,5%	6,0%	10,5%	18,0%
Health care	18,0%	13,0%	12,0%	1,0%	12,0%	3,5%	6,0%	10,5%	18,0%
Judiciary and governance	14,5%	5,0%	7,0%	0,5%	5,0%	0,5%	2,0%	1,0%	3,5%
Housing	5,0%	2,0%	5,0%	0,0%	7,0%	0,5%	2,0%	1,5%	4,0%
Public information and media	4,0%	8,0%	14,0%	0,5%	4,5%	2,0%	3,5%	2,5%	7,0%
Access to goods and services	13,0%	6,5%	13,5%	1,5%	11,0%	2,5%	6,0%	2,5%	5,5%
Membership and action in trade union, political parties, CSOs and other organizations	1,0%	0,5%	0,5%	0,5%	0,0%	0,0%	0,0%	0,0%	0,0%
Culture	1,5%	1,0%	2,0%	1,0%	0,0%	0,0%	0,2%	0,0%	0,0%

Chart 10. Research sample that considers that children with disabilities are subject to multiple discriminations





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Chart 11. Research sample by the type of disability and if reasonable accommodation for persons with disabilities is ensured

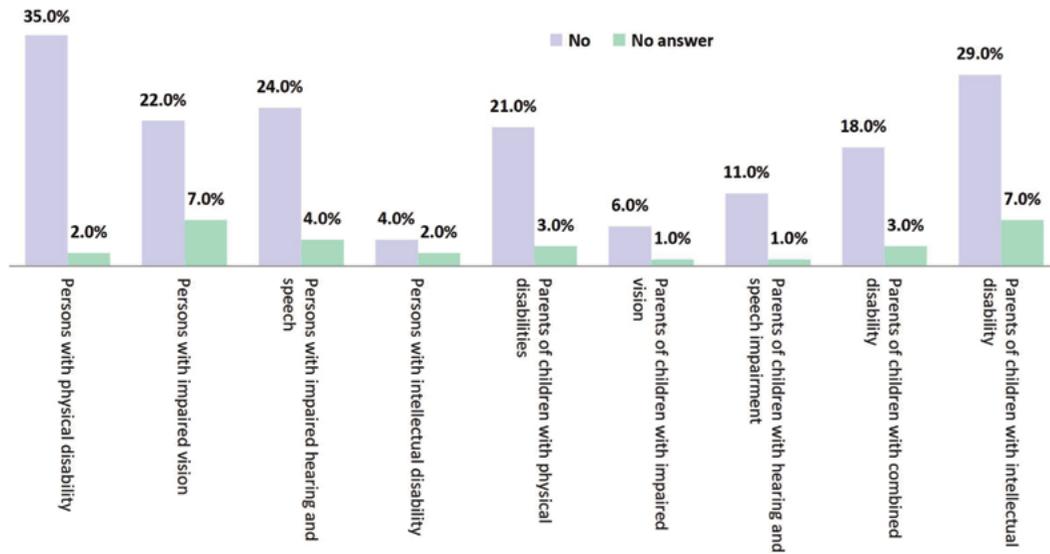


Table 5. Is reasonable accommodation for persons with disabilities provided according to you?

	No	No answer
Persons with disabilities	85%	15%
Parents of children with disabilities	85%	15%

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Focus group statements show that persons with disabilities and the parents of children with disabilities do not understand the institute reasonable accommodation and what it involves. There is a tendency of its replacement with accessibility in general. It is necessary to produce written material in which it will be explained in detail what constitutes the appropriate adjustment as an anti-discrimination legal institution and its delineation with accessibility as a human right, in accordance with Article 9 of the Convention.

The first part of the questionnaire ends with an analysis of the answers to the question of whether the measures that the state undertakes to achieve a real equality of persons with disabilities are sufficient and fulfill their goal. Namely, Chart 12 shows the respondents' answers, which show a high percentage of dissatisfaction and negative response to this issue, with 97%. The percentage of parents with children with disabilities who did not answer this question is slightly higher. The difference in viewing this issue in all socio-democratic characteristics, including the type of disability of the respondents, is insignificant.

Statements from participants in the focus group

“The institutions are harsh, what adjustment of a ramp did not make me the mayor, at least up to there I was going to regret it like this I can not go to his place” - a person with a disability.

“There is nothing in our country, nothing but adjustment” - parent of a child with a disability.

“What equality, so that we are equal, we must have the same preconditions. When you cannot go to the store yourself, there is no equality here. In addition, we do not talk about voting. They offer me a home Saturday to vote” - a person with a disability.

“Laws that regulate accessibility exist, which are excellent, and yet the situation on this issue

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Chart 12. Research sample if the measures that the state undertakes to achieve a real equality of persons with disabilities are sufficient and fulfill their goal

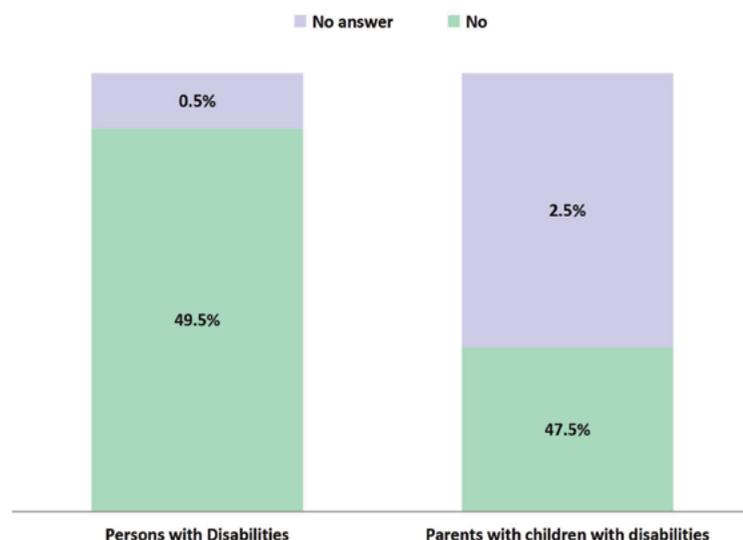
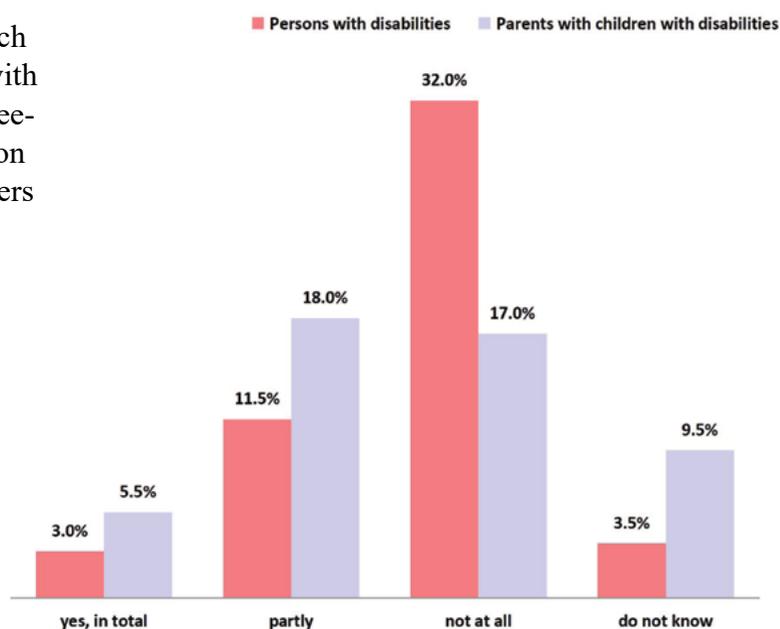


Chart 13. Research sample if persons with disabilities enjoy freedom of expression on equal base with others



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Part Two: The right to receive and provide information by persons with disabilities on equal base with other and undertaken measures by the state for the promotion of the rights of persons with disabilities, including raising public awareness and political participation

In the second part of the Questionnaire, which refers to the receipt and provision of information by persons with disabilities on equal base with other and undertaken measures by the state for the promotion of the rights of persons with disabilities, including for raising public awareness and the political participation (09-20) covered the 12 issues presented below.

On the question of whether persons with disabilities enjoy the freedom of expression on equal base with others, half of the respondents, or 49%, consider that they do not enjoy this freedom on equal base with other citizens.

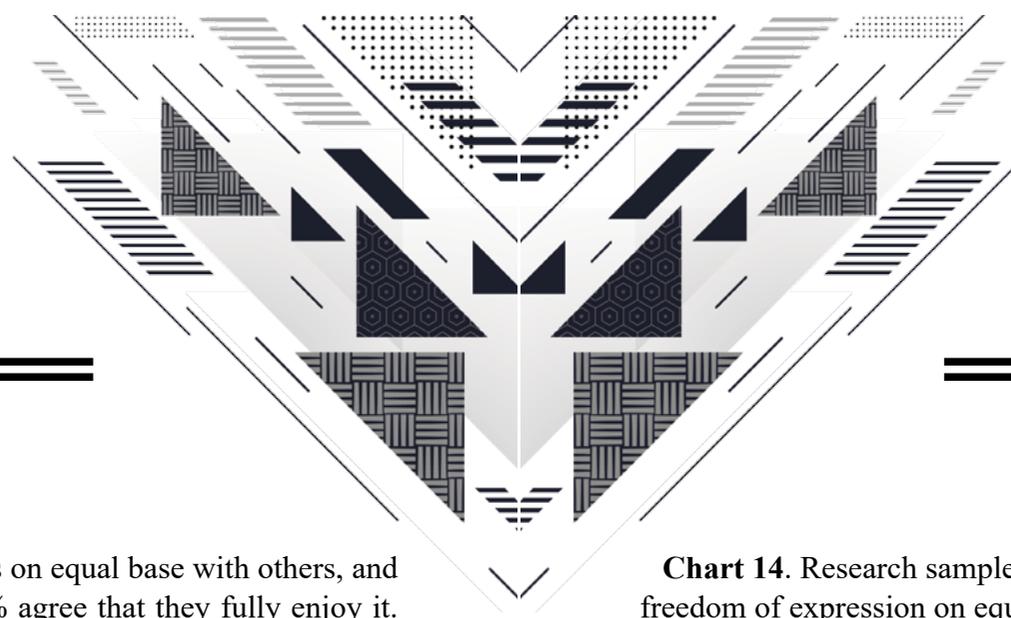
Additionally, 29.5% think that they only enjoy this freedom in part, and only 8.5% agree that they enjoy it in their entirety. A high 13% did not answer this question. Chart 13 shows the difference between the responses of persons with

Изјави од учесници/чки на фокус група

“The self-confidence of persons with disabilities is low, it is necessary to raise the same, but also to educate the parents of children with disabilities” - parent of a child with a disability

“We are most discriminated on the job. They do not see everyone as incapable”- a person with a disability.

“The cases of discrimination should be reported. The Commission for Protection against Discrimination has a small number of complaints on discrimination based on disability. Persons with disabilities should be encouraged to report cases of discrimination”- a person with a disability.



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disabilities and the parents of children with disabilities, from which it is noted that the parents in large part consider that they have partially enjoyed this freedom than that they do not enjoy it at all. In contrast, persons with disabilities in high percentage consider that they do not enjoy it, in contrast to that they have partially enjoyed it (a difference of 20.5%).

Chart 14 is the answer of the respondents according to their type of disability, which clearly shows that a significant number of persons with a sensory disability consider that they do not enjoy this freedom, on equal base with others, especially those with impaired hearing and parents of children with impaired hearing, as well as people with visual impairments.

The previously analyzed question of whether persons with disabilities enjoy their freedom of expression is also addressed through the following question, i.e. whether persons with disabilities can seek, receive and impart information and ideas on equal base with others.

Two out of five respondents, i.e. 39%, answered negatively. A high percentage of 32% think they can only partially seek, receive and impart information

and ideas on equal base with others, and only 10% agree that they fully enjoy it. Exceptionally high 19% did not answer this question, which should be subject to additional analysis..

Chart 15 shows the difference between the responses of persons with disabilities and the parents of children with disabilities, from which it is noted that parents in large numbers consider that persons with disabilities can partially seek, receive and provide information and ideas on equal base with others than they cannot. In contrast, persons with disabilities consider that they cannot, in addition to partially request, receive and impart information and ideas on equal base with others (a difference of 10.5%).

Table 6 represents the respondents' responses according to their type of disability, which clearly shows that a significant number of persons with a sensory disability consider that they can not seek, receive and impart information and ideas on equal base with others especially those with impaired hearing and vision, as well as the parents of children with impaired hearing and impaired vision.

The answer to the question is whether alternative models, means and formats

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Chart 14. Research sample by the type of disability and if the persons enjoy the freedom of expression on equal base with others

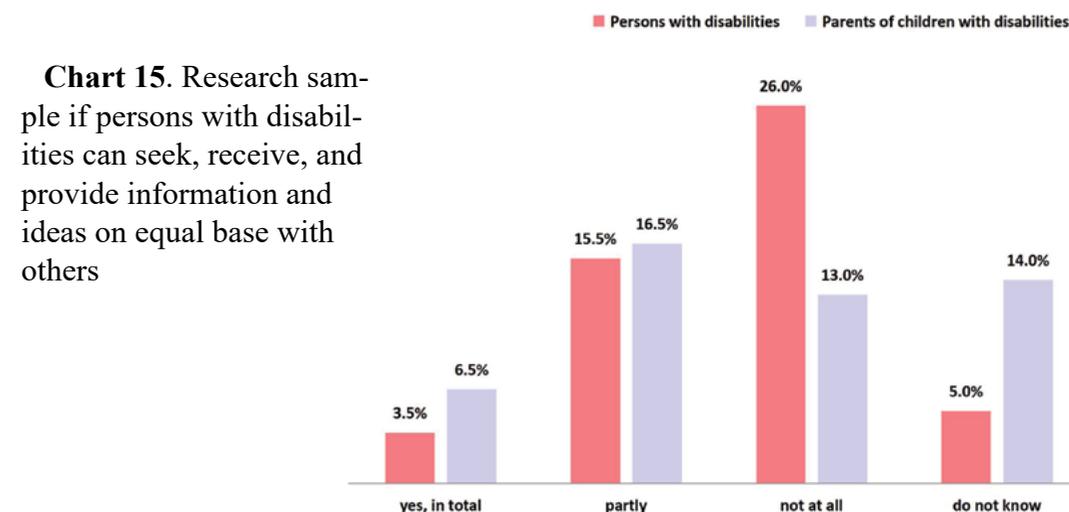
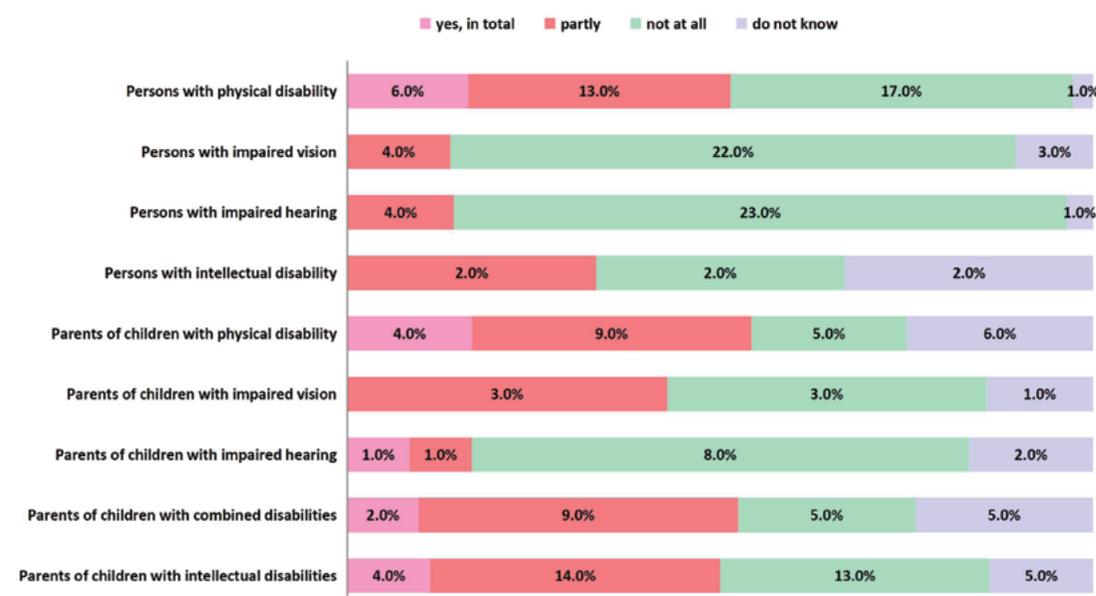
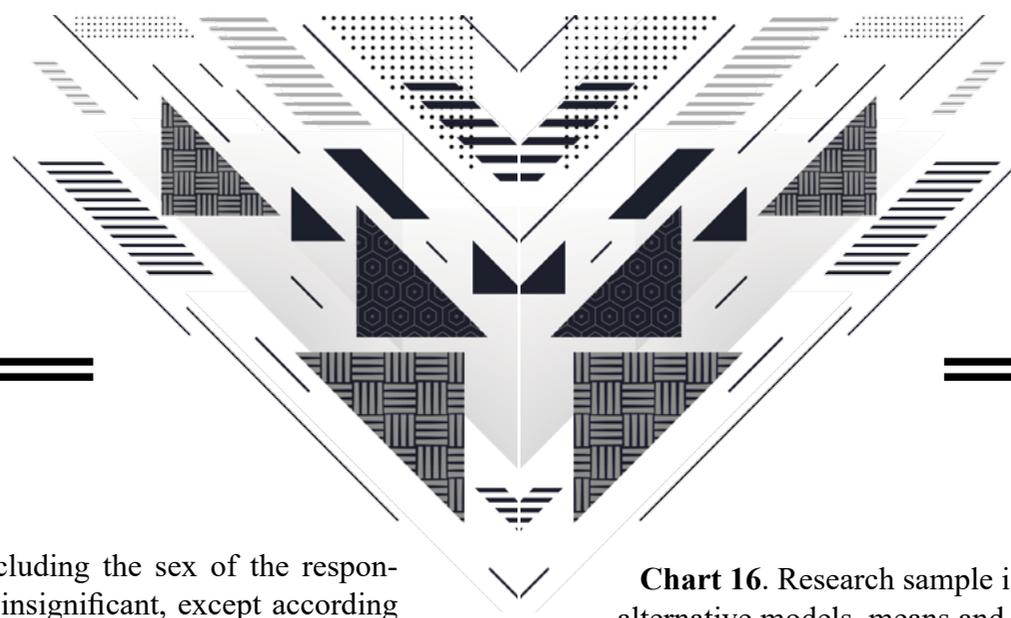


Chart 15. Research sample if persons with disabilities can seek, receive, and provide information and ideas on equal base with others



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of communication are accepted and used in official contacts with persons with disabilities (Question no.11), according to the respondents is illustratively shown in Chart 16. The analysis of the answers can be concluded that two out of five respondents, i.e. 39.5%, answered negatively. A high percentage of 26% think that only alternative models, means and formats of communication are accepted in part, and are used in official contacts with persons with disabilities, while only insignificant number, i.e. 2.5% responded positively. Exceptionally high 32% did not answer this question, which should be subject to additional analysis because this number is worrying.

The difference in the viewing of this issue in all socio-democratic character-

istics, including the sex of the respondents, is insignificant, except according to the type of disability (Chart 17). The analysis clearly shows that a significant number of people with sensory disabilities consider that alternative models, means and formats of communication are not accepted and are not used in official contacts with persons with disabilities. This attitude is especially shared by persons with impaired hearing and impaired vision, but also the parents of children with all kinds of disabilities, except for physical disabilities (parents of children with impaired hearing and impaired vision, as well as the parents of children with combined disabilities and parents of children with intellectual disability).

Table 6. Can persons with disabilities seek, receive, and provide information and ideas on equal base with others?

Can people with disabilities seek, receive and provide information and ideas on equal base with others?	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing	Persons with intellectual disabilities	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with impaired hearing	Parents of children with combined disabilities	Parents of children with intellectual disability
yes, in total	4,0%	2,0%	0,0%	1,0%	3,0%	0,0%	1,0%	3,0%	6,0%
partly	15,0%	7,0%	7,0%	2,0%	11,0%	3,0%	2,0%	8,0%	9,0%
not at all	15,0%	16,0%	19,0%	2,0%	4,0%	4,0%	8,0%	3,0%	7,0%
do not know	3,0%	4,0%	2,0%	1,0%	6,0%	0,0%	1,0%	7,0%	14,0%

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Chart 16. Research sample if alternative models, means and formats of communication are accepted and used in official contacts with persons with disabilities

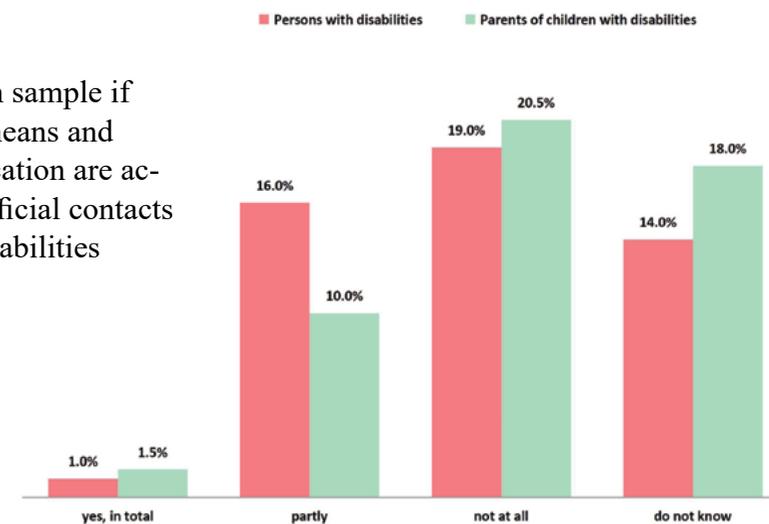
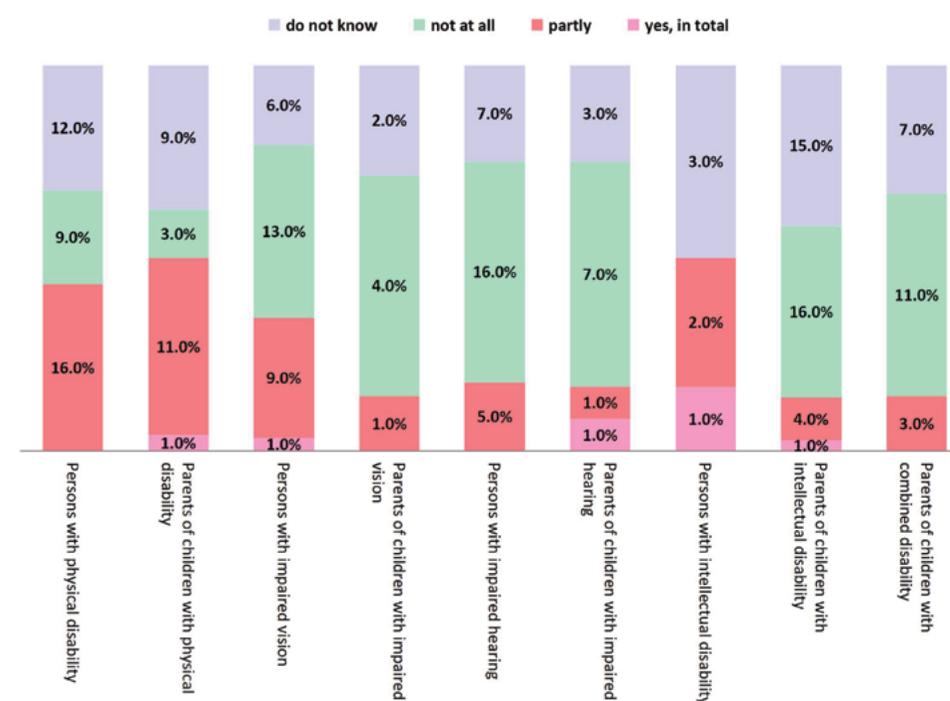
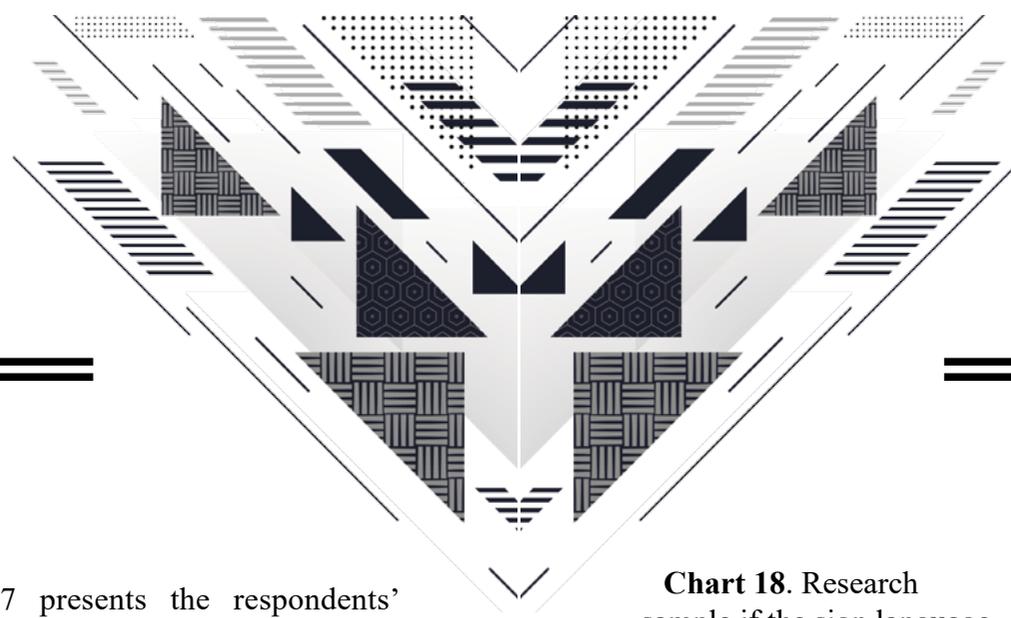


Chart 17. Research sample by the type of disability and whether alternative models, means and formats of communication are accepted and used in official contacts with persons with disabilities





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The answer to the question whether the sign language is officially recognized as a language and whether its use has been promoted sufficiently is illustrated illustratively in Figure 18. From the analysis of the answers it can be concluded that 42.5% of the respondents answered negatively, the negatives 3% answered 27% answered that partly the sign language was officially recognized as a language and 28.5% answered that I do not know (especially in the category of parents of children with disabilities), which is a concern and should be subject to additional analysis.

Table 7 presents the respondents' responses according to their type of disability, which clearly shows that a significant number of people with a sensory disability consider that the sign language is not officially recognized as a language and that its use has not been promoted sufficiently, people with hearing impairments and parents of children with hearing impairments.

On the other hand, the answer to the question whether the Braille alphabet is officially recognized as alphabet and whether its use is promoted sufficient-

Table 7. Is sign language officially recognized as a language and if its use is sufficiently promoted?

	Persons with physical disability	Persons with impaired vision	Persons with impaired hearing	Persons with intellectual disability	Parents of children with physical disability	Parents of children with impaired vision	Parents of children with impaired hearing	Parents of children with combined disability	Parents of children with intellectual disability
yes, in total	1,0%	3,0%	0,0%	1,0%	0,0%	0,0%	0,0%	0,0%	1,0%
partly	13,0%	10,0%	9,0%	0,0%	3,0%	2,0%	2,0%	6,0%	7,0%
not at all	16,0%	13,0%	17,0%	2,0%	12,0%	2,0%	7,0%	7,0%	9,0%
do not know	7,0%	3,0%	2,0%	3,0%	9,0%	3,0%	3,0%	8,0%	19,0%

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Chart 18. Research sample if the sign language is officially recognized as language and whether its use has been promoted sufficiently

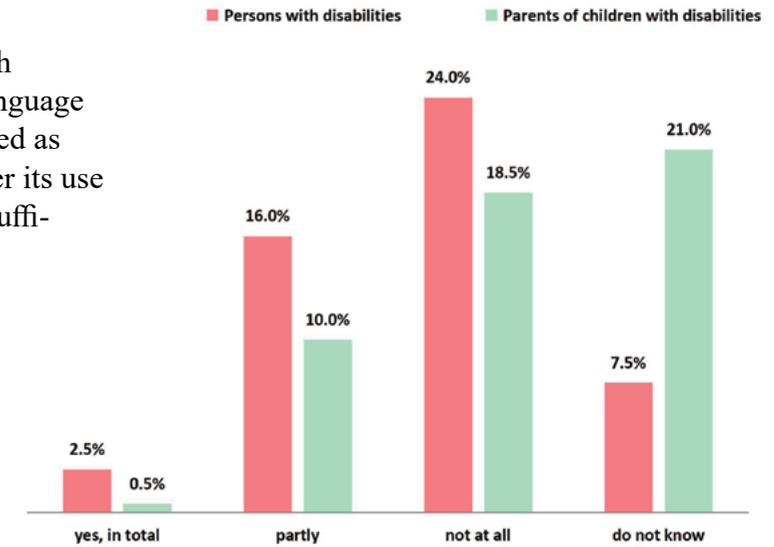
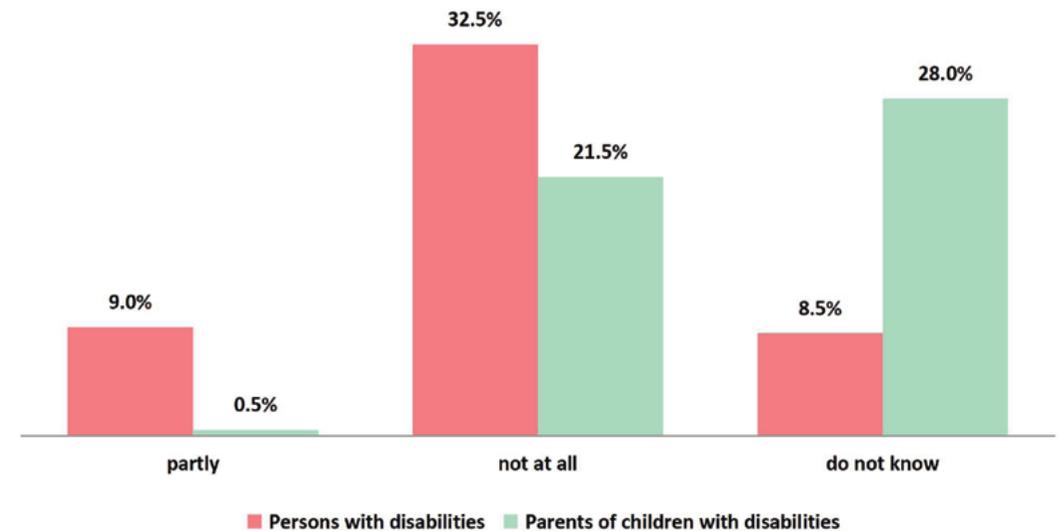


Chart 19. Research sample if the Braille alphabet is officially recognized as alphabet and whether its use has been promoted sufficiently





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Statements from participants in the focus group

“In developed countries, persons with disabilities are present everywhere and are visible, and they are completely invisible to us. This is the result, above all, of inaccessible and inaccessible objects. Universal design is not a complicated thing; it only requires a bit more desire. Accessibility does not imply only the objects (outside), but also inside the objects. It’s not just about ramps, which are not usually built according to standards, but also the thresholds in the facilities should be designed to allow for a smooth movement”- a person with a disability.

“It is meaningless to regulate with various laws that should be understood in their own right. Persons with disabilities are the same and equal with everyone else. The practice, on the other hand, requires the need for such laws, but I feel like hypocritical because they are very nicely written, and on the other hand, the situation is quite different on the ground. Every individual who had a family, or had been at least a short time with a person with a disability, should become aware that persons with disabilities are equal to others, but this fact is obviously ignored. It is meaningless to regulate with law accessibility, the ramp is the same as the stairs”- parent of a child with a disability.

“Everything is left only on the MRTV show” The World of Silence “, I do not understand anything from private televisions at least one interpreter in the sign language of the news” - a person with a disability.

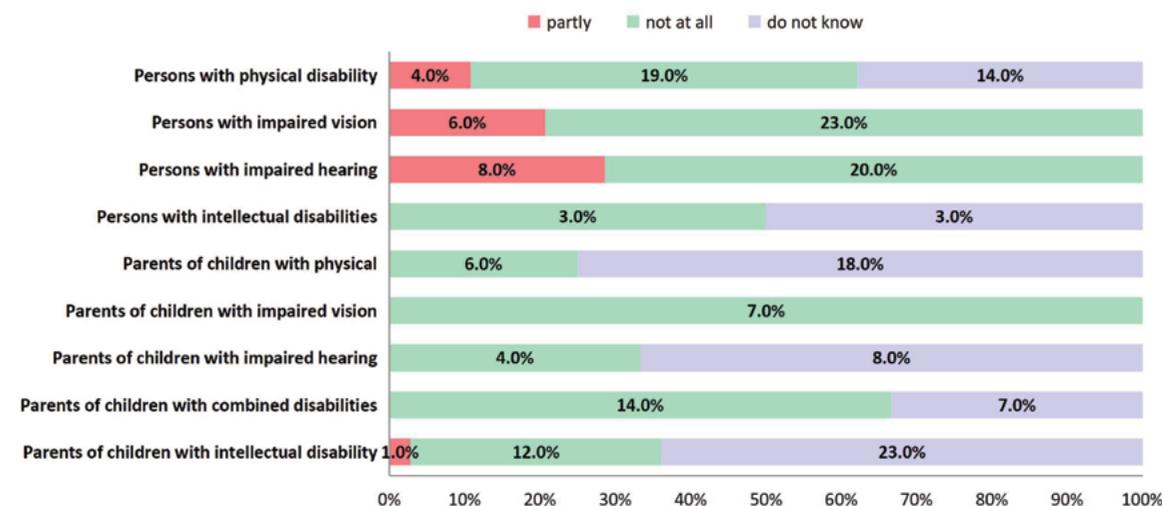
“The sign language must be promoted and recognized and there is an employment of interpreters everywhere. For example, when I was born, I needed help from an interpreter because they did not understand me in the hospital, I did not understand them, and there was a great misunderstanding”- a person with a disability.

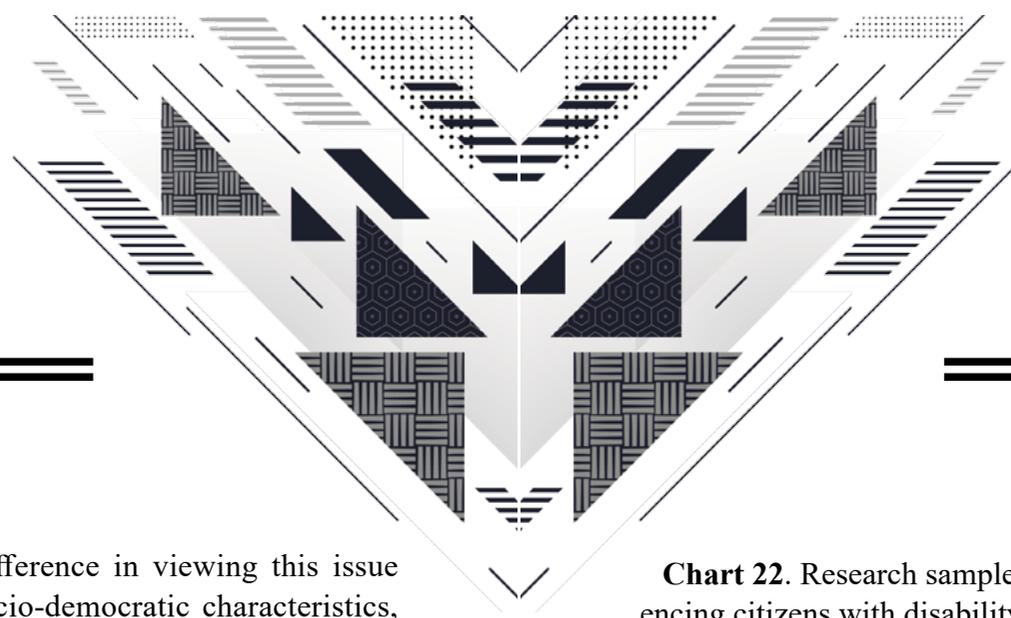
ly is illustrated in Figure 19. From the analysis of the answers it can be concluded that more than half of the respondents, i.e. 54% answered negatively, there were no positive answers, only 9.5% answered that the partial Braille alphabet was officially recognized as a letter and that partially its use was promoted enough, and high 36.5% answered with I do not know (especially in the category of parents and children with disabilities), which is a concern and should be subject to further analysis.

Chart 20 represents the respondents’ responses according to their type of disability, which clearly shows that a significant number of people with a sensory disability consider that the Braille alphabet is not officially recognized as alphabet and that its use has not been promoted enough, especially persons with visual impairments and the parents of children with visual impairment.

On the question of how the citizens with disabilities, children and adults with disabilities experience in the society, three out of five respondents, i.e.

Chart 20. Is Braille alphabet officially recognized as alphabet and if its use is sufficiently promoted?





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61.5% think that they are treated as second-class citizens.

Additionally 33% think that nobody cares about them, and only 5.5% agree that they are equal to other citizens in the country. Chart 21 shows the difference between the responses of persons with disabilities and the parents of children with disabilities, from which no significant difference is noted, except in the part where parents consider that their children are equal to the rest, unlike persons with disabilities.

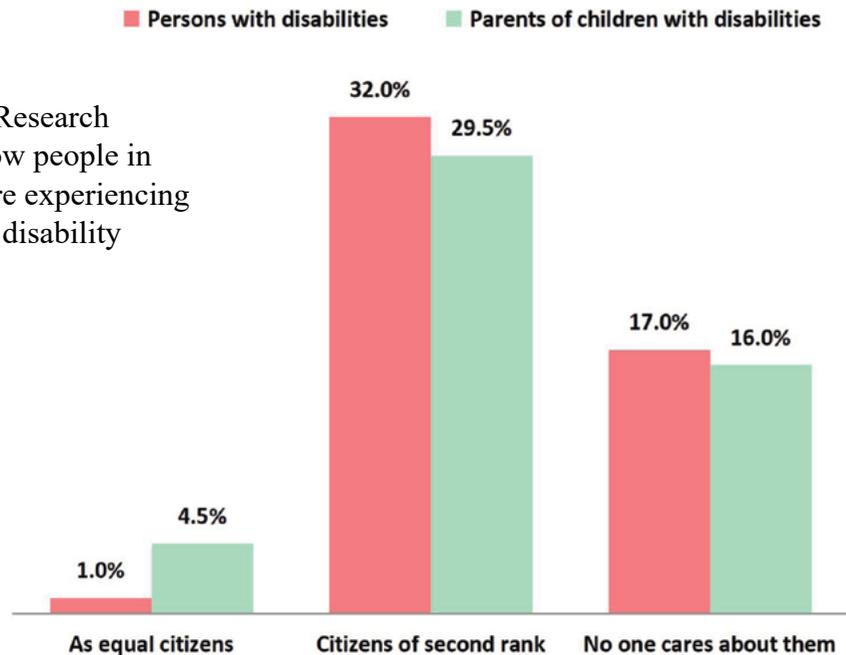
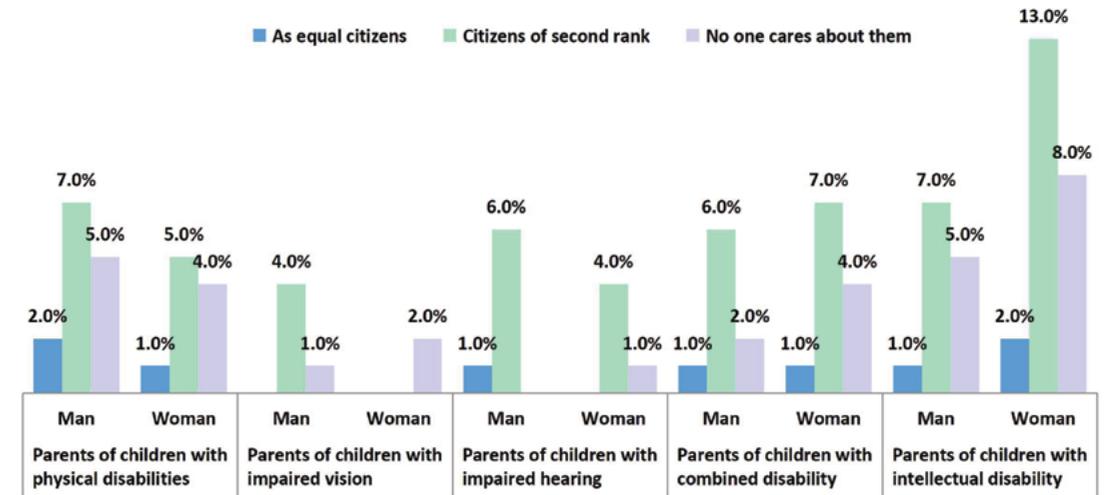


Chart 21. Research sample on how people in the society are experiencing citizens with disability

The difference in viewing this issue in all socio-democratic characteristics, including the type of disability of the respondents, is insignificant. Only according to genders are minor concessions, especially with the parents of children with disabilities, where in a higher percentage they consider that their children are not worried (Chart 22).

Chart 22. Research sample by gender on how people in the society are experiencing citizens with disability

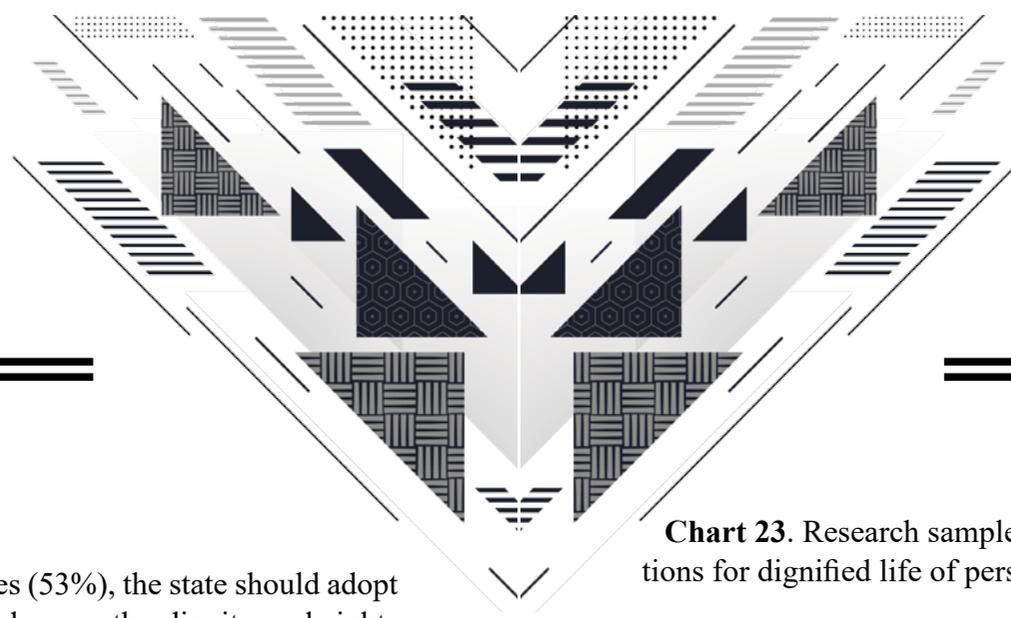


Regarding the question whether the society is open to persons with disabilities, a high percentage of respondents in a cumulative sample, i.e. 84.5% answered negatively, and only 15.5% positively. Table 8 shows the difference between

the responses of persons with disabilities and the parents of children with disabilities. There is little difference in seeing this issue after all the socio-democratic characteristics, as it is not further developed.

Table 8. According to you, is society is open to persons with disabilities?

	No, only when needed	No, completely closed	Yes, but in certain cases
Persons with Disabilities	39%	47%	14%
Parents of children with disabilities	40%	43%	17%



CHAPTER III

When asked how you assess the state's activity in creating conditions for a dignified life for persons with disabilities, half of the respondents, i.e. 51% think that the state has not done anything, 49% of them think that the state acts only incidentally. Chart 23 shows the difference between the responses of persons with disabilities and the parents of children with disabilities according to the type of disability, which shows greater dissatisfaction with the treatment of the state by persons with physical disabilities and visually impaired and especially men in these two categories (Chart 24), as well as the parents of children with physical disabilities and visually impaired, and especially women in the category of parent of a child with physical disability and combined disability and men in the category of parent of a child with impaired vision (Chart 25).

In analyzing the answers to the question of how the state should actively contribute to the realization of the rights of persons with disabilities (Question no.17), there is a difference in the attitudes of persons with disabilities and the parents of children with disabilities. Namely, for the majority of persons with

disabilities (53%), the state should adopt a special law on the dignity and rights of citizens with disabilities then intervene with bigger finances for families and persons with disabilities (26%) and, finally, perform corrections in existing laws (21%). On the other hand, the parents of children with disabilities consider that the state should intervene with bigger finances for families and persons with disabilities (43%), then adopt a special law on the dignity and rights of citizens with disabilities (39%) and end to make corrections in existing laws (18%) (Chart No. 26).

There is small gender discrimination, where it can be noted that women with disabilities regardless of their type more than men consider that a special law on the dignity and rights of citizens with disabilities should be adopted. On the other hand, parents of children with disabilities, more than men, think that the state should intervene with bigger finances for families and persons with disabilities.

CHAPTER III

Chart 23. Research sample for assessing the activities of the state in creating conditions for dignified life of persons with disabilities

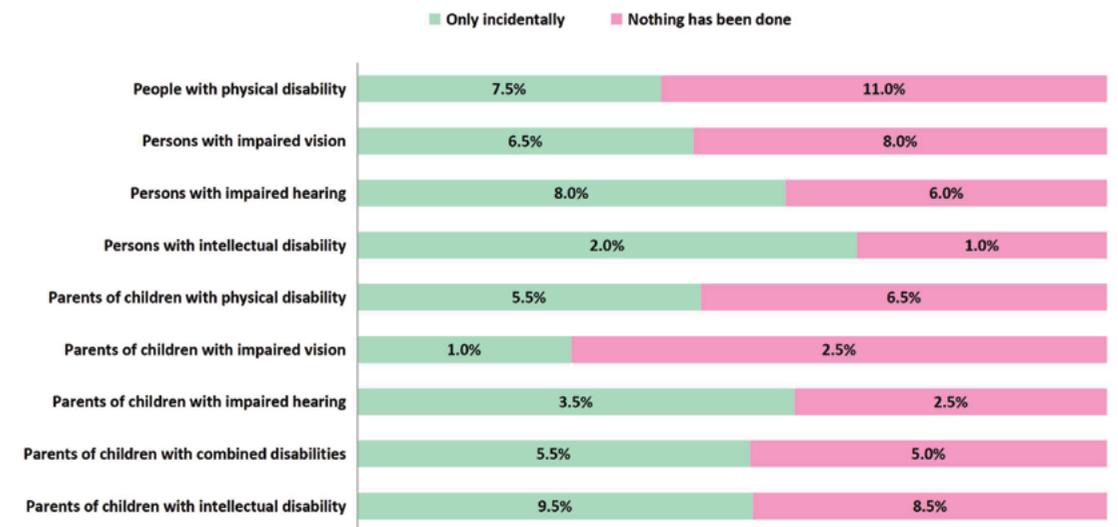
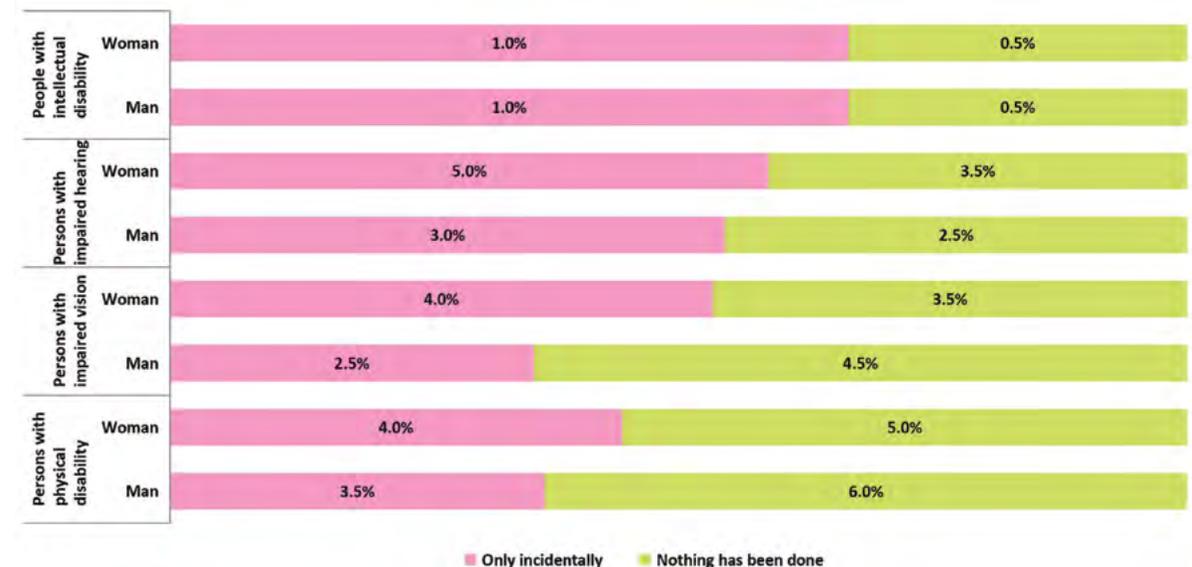
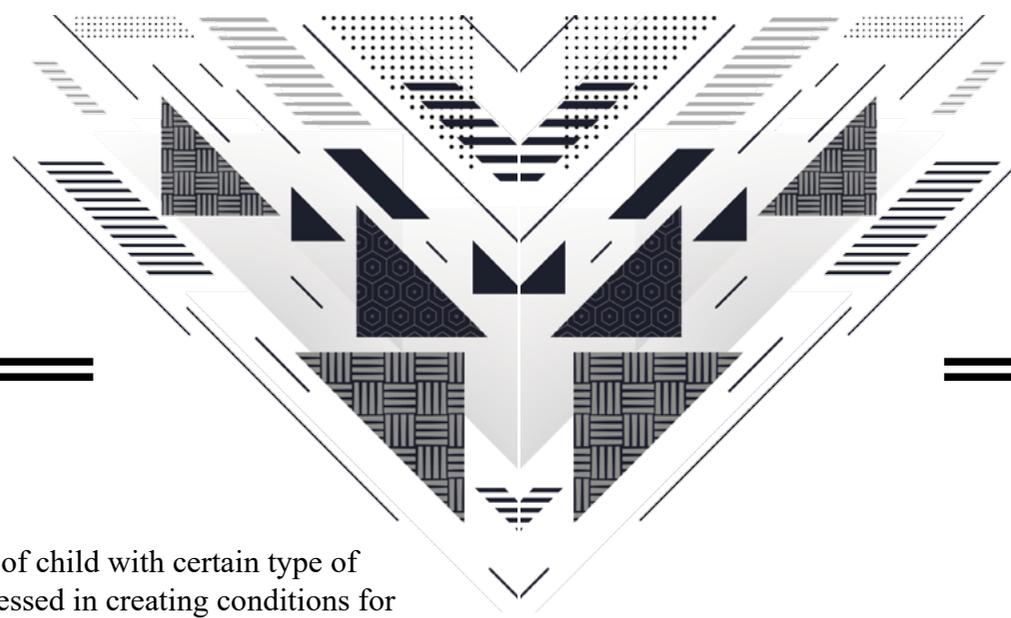


Chart 24. Research sample by gender, type of disability and how are the activities of the state assessed in creating conditions for dignified life of persons with disabilities





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Chart 25. Research sample by gender, the parent of child with certain type of disability, and how are the activities of the state assessed in creating conditions for dignified life of persons with disabilities



The respondents asked how well they are familiar with the Convention on the Rights of Persons with Disabilities from 1-5, where 1 is at least 5 and is the most knowledgeable in the Convention (Question 18), half of the total number of respondents (49.5%) evaluated their knowledge with 2 (enough).

One in three respondents, i.e. 29%, believes that his / her knowledge about the Convention is 1 (insufficient). 21%

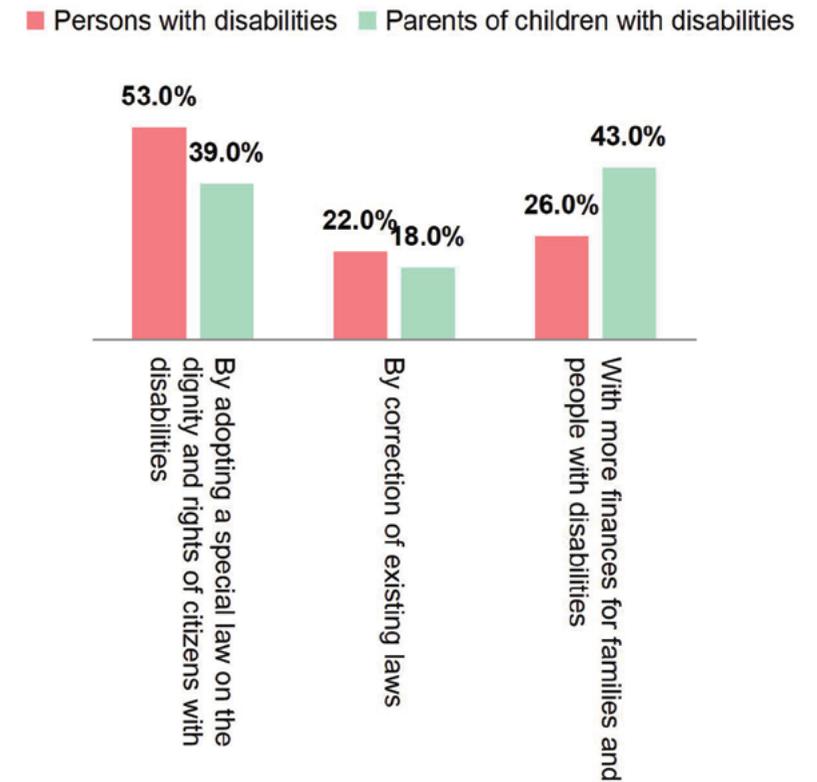
think they know the Convention for 3 (good) and only 0.5% think they have knowledge that can be evaluated with 4 (very good). None of the respondents considered that he was well aware of the Convention on the Rights of Persons with Disabilities (Chart 27).

Women with disabilities, regardless of the type of disability, except with intellectual disability, consider that they are better acquainted with the Conven-

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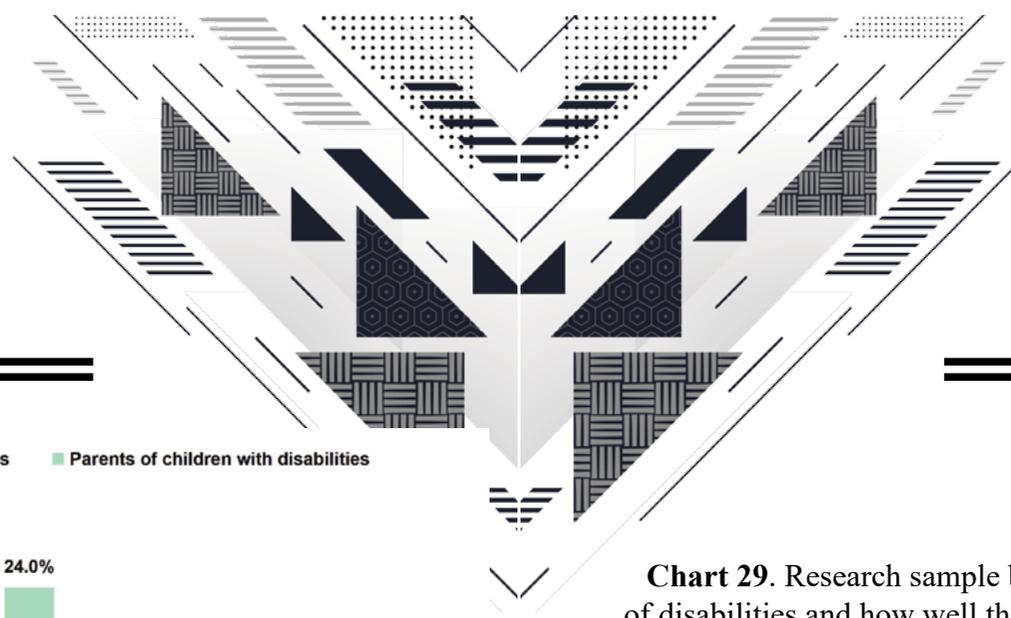
CHAPTER III

Chart 26. Research sample on how are assessed the activities of the state in creating conditions for dignified life of persons with disabilities



tion than men with disabilities (Figure 28) are. In the parents of children with disabilities, the attitude is different, that is, men consider that they know the Convention better, unlike the women of parents of children with disabilities, except for children with intellectual and combined disability (Chart 29).

When asked whether there should be a quota system for participation of persons with disabilities in the political life, a high percentage of respondents in a cumulative sample, i.e. 80% responded positively, 11.5% answered partly, and 8.5% answered with I do not know.



CHAPTER III

CHAPTER III

■ Persons with disabilities ■ Parents of children with disabilities

Chart 27. Research sample by how well they are familiar with the Convention on the Rights of Persons with Disabilities from 1 – 5

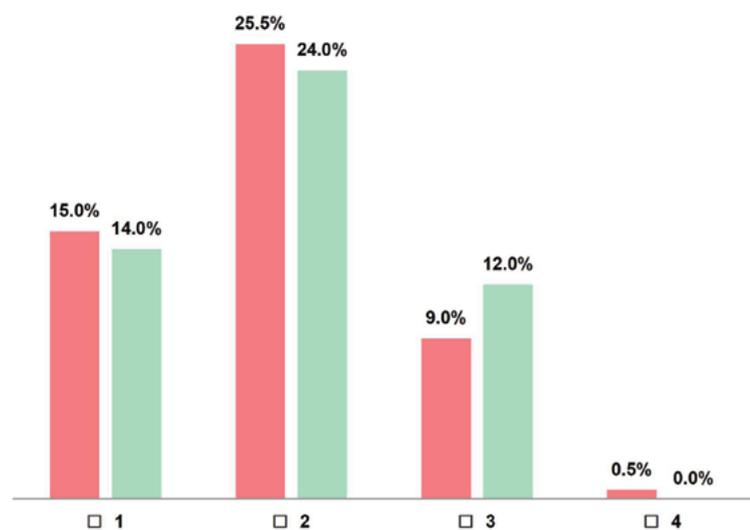


Chart 28. Research sample by gender, type of disability and how well they are familiar with the Convention on the Rights of Persons with Disabilities from 1 - 5

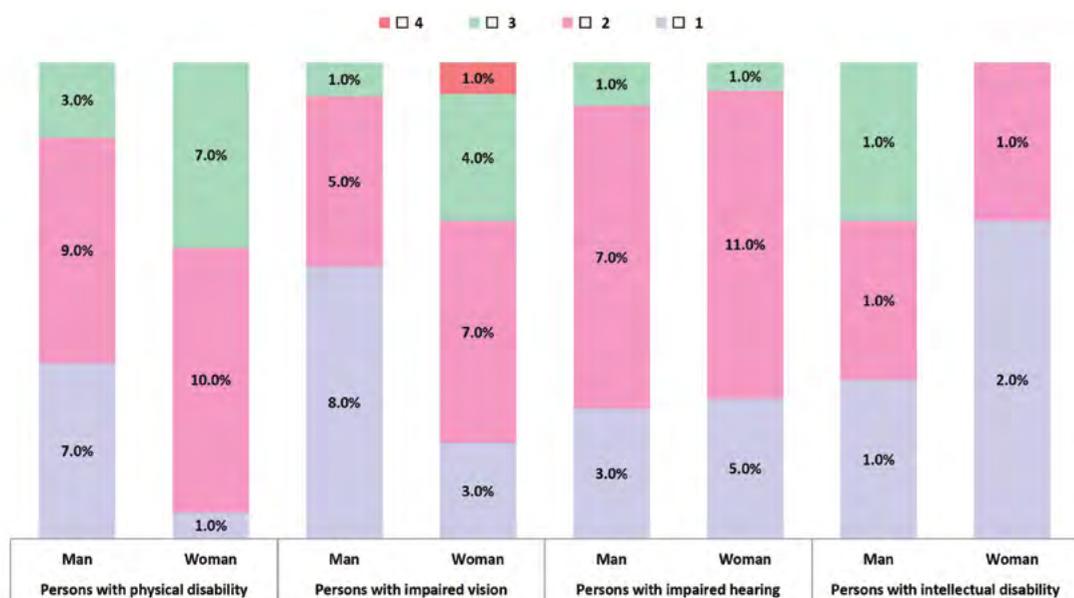


Chart 29. Research sample by gender, parents of children with different types of disabilities and how well they are familiar with the Convention on the Rights of Persons with Disabilities from 1 - 5

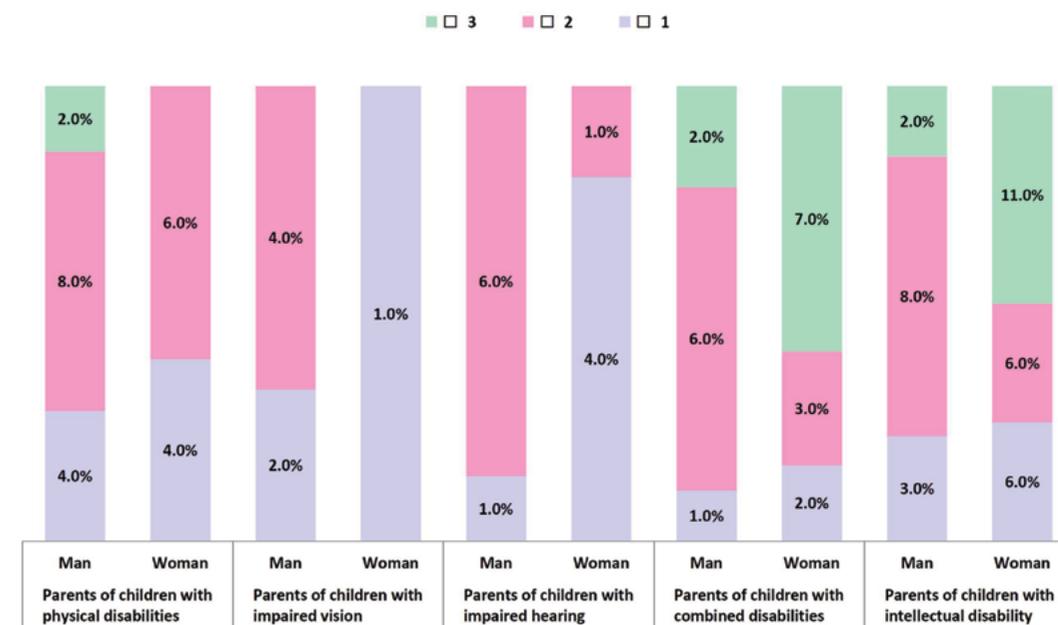
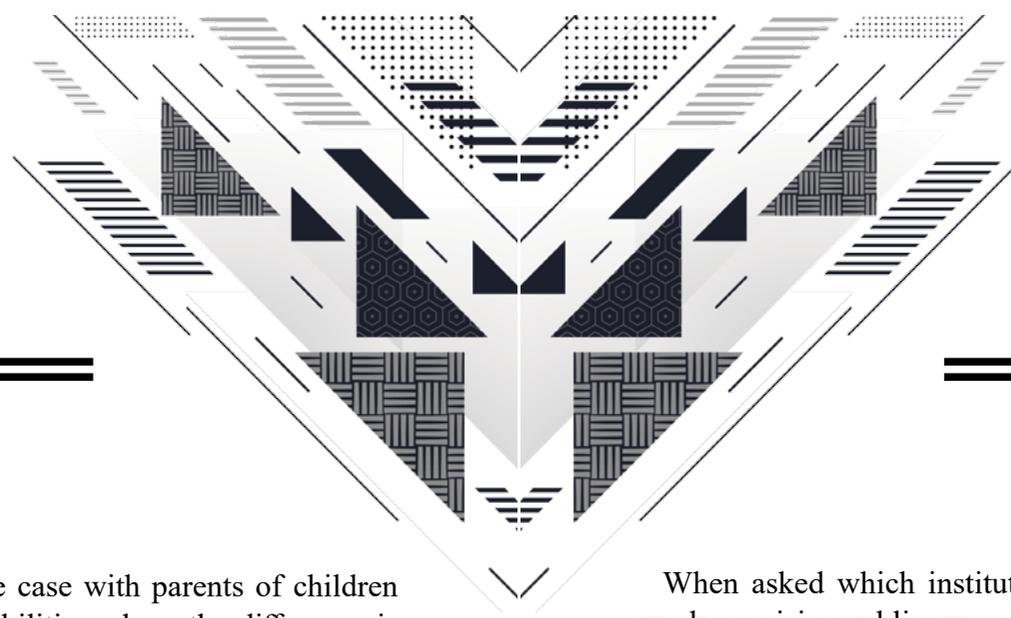


Table 9. According to you, should there be a quota system for the participation of persons with disabilities in the political life?

	Yes, in full	Partially	I do not know
Persons with disabilities	95%	0%	5%
Parents of children with disabilities	65%	23%	12%



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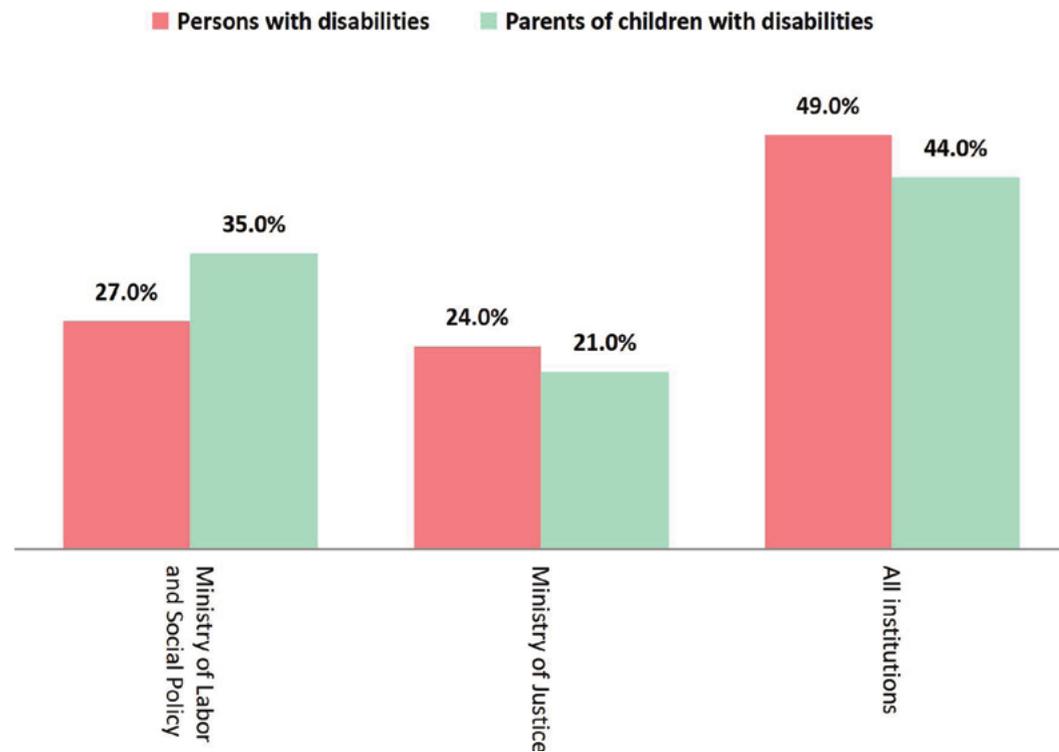
CHAPTER III

Table 9 shows the difference between the responses of persons with disabilities and the parents of children with disabilities, from which it is easy to see that persons with disabilities in 95% support the introduction of a quota system for their participation in political life, whilst this

is not the case with parents of children with disabilities where the difference is in 30%

There is little difference in seeing this issue after all the socio-democratic characteristics, as it is not further developed.

Chart 30. Research sample by which institution should work on raising public awareness for citizens with disabilities



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CHAPTER III

When asked which institution should work on raising public awareness for citizens with disabilities (Question no.20), a high percentage of respondents in a cumulative sample, i.e. 46.5% answered that this obligation is for all institutions, while 31% responded that this obligation belongs to the Ministry of Labor and Social Policy, and 22.5% to the Ministry of Justice.

Chart 30 shows the difference between the responses of persons with disabilities and the parents of children with disabilities. There is insignificant difference in the viewing of this issue after all other socio-democratic characteristics, so it is not worked out further.

CONCLUSIONS AND RECOMMENDATIONS



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Conclusions

- The Convention on the Rights of Persons with Disabilities makes one important step forward in understanding the rights of persons with disabilities in terms of the social model, as well as their wide interpretation by the Committee on the Rights of Persons with Disabilities.
- The State undertakes significant efforts to harmonize legislation in full with the obligations under Article 5 concerning the right to equality and non-discrimination, undertaken with the ratification of the Convention on the Rights of Persons with Disabilities, but significant improvement is necessary in order to effectively realize this right in the practice of persons with disabilities, including the provision of appropriate adaptation and the introduction of affirmative measures.
- There is insufficient national practice to clarify anti-discrimination standards against persons with disabilities.
- From the findings of the survey, it is concluded that persons with disabilities and the parents of children with disabilities consider that they are not equal with other citizens (99.5%), do not enjoy equal protection before the law in comparison with other citizens (83%) and that they are discriminated (87%).
- Social protection (96%) and health (94%) are the two areas in which the respondents think that persons with disabilities are most often discriminated against. Then follows the field of education science and sport (70.5%), work and labor relations (64.5%), and access to goods and services (62%). Although in most of the responses persons with disabilities have a similar or the same attitude with the parents of children with disabilities, a difference is noted in the area of work and working relations with a difference of 19.5 p.p. (percentage points) as well as the area of judiciary and administration with 15 pp. The area of public information and media is quite high on the list of areas where people with sensory disabilities feel discriminated, especially in people





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with hearing impairments, where this area is the first in the ranking list. The same tendency was noted in the prioritization of the area access to goods and services for people with sensory disabilities.

- The findings of the survey conclude that the respondents recognize the multiple discrimination of women and girls with disabilities (76%), but not to the extent that they recognize the double vulnerability of children with disabilities (97.5%) who are subject of discrimination due to his age and his disability.
- The findings of the survey conclude that most persons with disabilities, although claiming to know their rights, nevertheless link their interpretation with the medical model of disability viewing.
- From the findings of the survey it is concluded that 29% of the respondents are not aware of the existence of the Convention on the Rights of Persons with Disabilities, 49.5% rated their knowledge of the Convention with 2 (sufficient) on a scale of 1 to 5 Women with disabilities, regardless of the type of disability, except for intellectual disability, consider that they are better acquainted with the Convention, unlike men with disabilities, and the attitude of parents with children with disabilities is different, that is, men think that they are better acquainted with the Convention, for difference women parent of children with disabilities. On the other hand, those respondents who claim to know about it are noticing the interference of rights and principles, as well as the lack of knowledge of the scope of Convention rights. The focus group statements show that persons with disabilities and the parents of children with disabilities do not understand institute for reasonable accommodation and what it involves. There is a tendency of its replacement with accessibility in general.
- There is a widely accepted attitude among the respondents that persons with disabilities do not enjoy freedom of expression at all, on equal basis with other citizens (49%), i.e. they can not seek, receive and provide information and

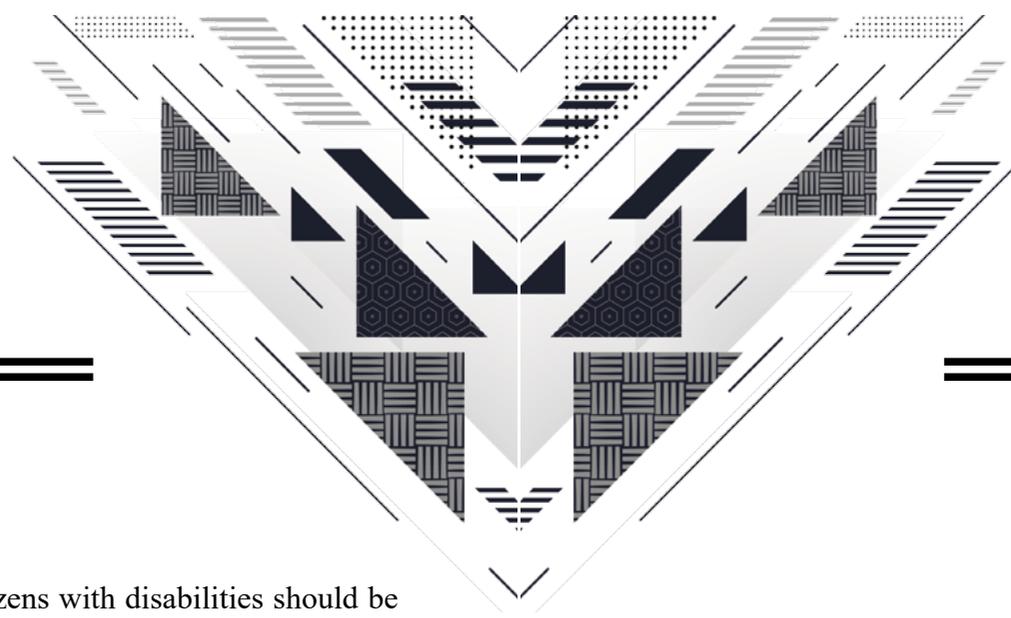
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ideas on equal base with others (39%), alternative models, means and formats of communication are not accepted and are not used in official contacts with persons with disabilities (39.5%), the sign language is not officially recognized as a language and its use has not been promoted enough (42.5%) and that Braille Letters o is not officially recognized as a letter and its use has not been promoted sufficiently (54%). A significant number of people with sensory disabilities consider that they do not enjoy this freedom, on equal base with others, especially those with hearing impairment and vision, as well as the parents of children with impaired hearing and impaired vision.

- 61.5% of respondents consider that citizens with disabilities act as second-class citizens and that society is not open to persons with disabilities (84.5%).
- The activity of the state in creating the conditions for dignified life of persons with disabilities in 51% is considered as insufficient, with additional 49% who consider the state to act only incidentally. There is a difference between the responses of persons with disabilities and the parents of children with disabilities according to the type of disability, which shows greater dissatisfaction with the behavior of the state by persons with physical disability and impaired vision, and especially the men in these two categories, as well as the parents of children with physical disability and impaired vision, and especially women in the category of parent of a child with physical disability and combined disability and men in the category of parent of a visually impaired child.
- For the majority of persons with disabilities (53%), the state should actively contribute to the realization of the rights of persons with disabilities should adopt a special law on the dignity and rights of citizens with disabilities. On the other hand, the parents of children with disabilities consider that the state should intervene with bigger finances for families and persons with disabilities (43%). There is small gender discrimination, where it can be noted that women with disabilities regardless of their type more than men consider that



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a special law on the dignity and rights of citizens with disabilities should be adopted. On the other hand, parents of children with disabilities, more than men, think that the state should intervene with bigger finances for families and persons with disabilities.

- A high percentage of respondents in a cumulative sample, i.e. 46.5% think that all institutions should work on raising public awareness for citizens with disabilities, while 31% think that this obligation belongs to the Ministry of Labor and Social Policy, and 22.5% under the Ministry of Justice.
- The findings of the survey conclude that persons with disabilities in 95% support the introduction of a quota system for their participation in political life, which is not the case with the parents of children with disabilities, where the difference is 30 percentage points.

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Recommendations

- Raising awareness among persons with disabilities for the Convention on the Rights of Persons with Disabilities, their rights, and the obligations of the state undertaken with the ratification of the Convention, especially in the direction of fully exercising the right to equality and non-discrimination.
- • Creation of national practice in order to clarify anti-discrimination standards against persons with disabilities, in particular by initiating action popular is lawsuits for the protection of the right to equality and the principle of non-discrimination of persons with disabilities, as well as freedom of information and expression through alternative models, means and formats of communication.
- • It is recommended from the findings of the survey that it is necessary to increase the capacity of the organizations of persons with disabilities to represent and participate in the adoption of policies that affect persons with disabilities.
- • From the findings of the research, it is recommended that it is necessary to initiate innovative approaches to increase the capacities of persons with disabilities, especially the young people, and their representative organizations. It is useful to produce written material analyzing, in particular, the right to equality and non-discrimination envisaged by the Convention on the Rights of Persons with Disabilities.
- • It is necessary for the State to undertake proactive measures to protect against multiple discriminations, in particular women and girls with disabilities, as well as children with disabilities, in accordance with the standards of the Convention.
- • From the findings of the survey, it follows that persons with disabilities and



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Recommendations

the parents of children with disabilities do not know what the appropriate adjustment is, so it is recommended to prepare a Guide for appropriate adaptation with examples of this in different spheres of social life.

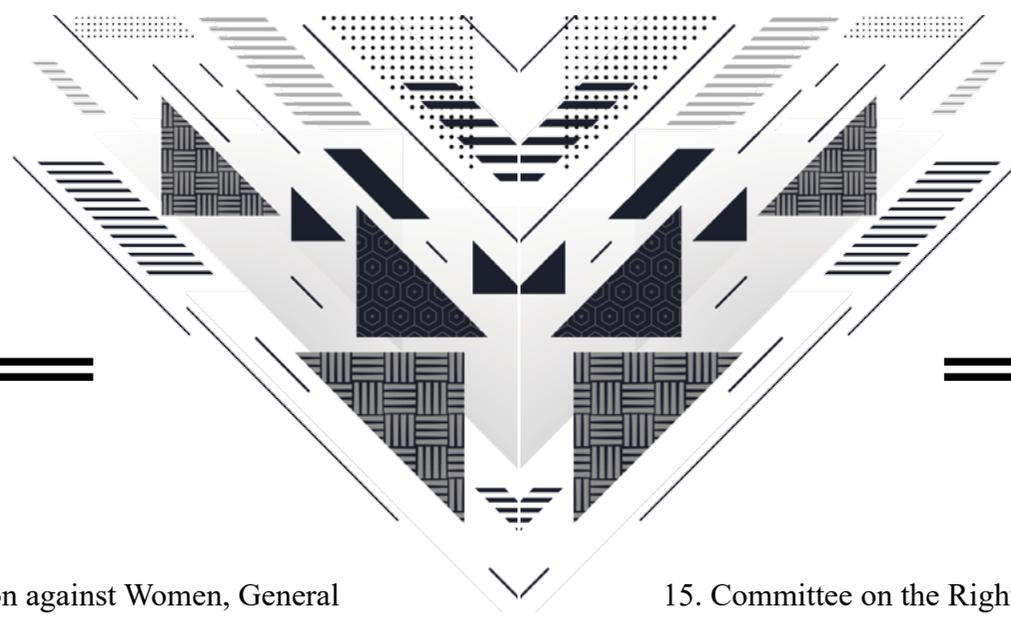
- It is necessary for the state to undertake proactive measures to increase the confidence of persons with disabilities and the parents of children with disabilities in the efforts of the state for the promotion of the position of this group of citizens.
- It is necessary for the state to consider adopting a separate law on the dignity and rights of citizens with disabilities and to intervene with larger finances for families and persons with disabilities. In addition, in order to increase the participation of persons with disabilities in the political life, consideration should be given to introducing a quota system, as a measure that enjoys great support from persons with disabilities.
- From the findings of the survey, it is recommended that organizing promotional events, fairs and events for networking of persons with disabilities and their representative organizations in local communities and at the national level.

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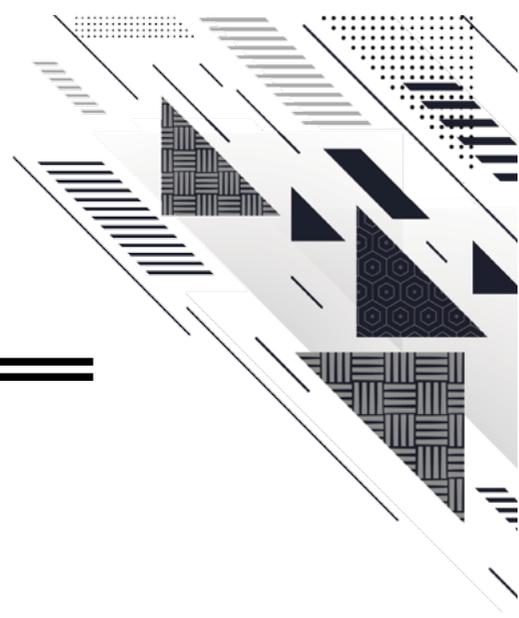
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Polio Plus – movement against disability

Polio Plus is Macedonian, multiethnic, multi-confessional civic organization of people with and without disability which works on re-connection and establishment of essential relationships and full recognition of basic human rights and fundamental freedoms of people with disabilities.

Our mission is to increase the self-esteem of people with disabilities and to design a society with equal opportunities for all.

We are accomplishing our mission through advocacy and lobbying for legislative changes and improvement, education, employment and independent living, as well as awareness rising, promoting creativity and contribution to the society of the people with disabilities.

“Polio Plus doesn’t travel alone”. We are accomplishing our mission together with all stakeholders into society.

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THE ISSUE OF DISABILITY IN EU ACCESSION



Agency for Cooperation, Education and Development



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