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TERRA INCOGNITA

Demystification of the rights of persons with disabilities in the Republic of Macedonia with reference to the right to social protection

Polio Plus
movement against disability





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TERRA INCOGNITA

Demystification of the rights of
persons with disabilities in the
Republic of Macedonia with
reference to the right to social protection

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TERRA INCOGNITA
Demystification of the rights of persons with disabilities
in the Republic of Macedonia with reference
to the right to social protection

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“TERRA INCOGNITA” - DEMYSTIFICATION OF THE RIGHTS OF PERSONS WITH DISABILITIES IN THE REPUBLIC OF MACEDONIA WITH REFERENCE TO THE RIGHT TO SOCIAL PROTECTION

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INTRODUCTION



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INTRODUCTION

Polio Plus - Disability Movement, within the framework of the “Margin Obscura” project funded by the European Union, prepared the analysis titled “Terra Incognita” - demystification of the rights of people with disabilities in the Republic of Macedonia with reference on the right to social protection.

The purpose of the analysis is to gather information and to see what the disability community view is on the exercise of the right to social protection, whether they enjoy those rights on equal base with others, and interpret them in the light of the State’s obligations in implementation of the CRPD in the national context. For these reasons, it was a challenge to consider the situation of persons with disabilities in the exercising this right in general, to the specifics, regulated by the CRPD, both material and technical.

The publication was prepared by using combined methodology consist-

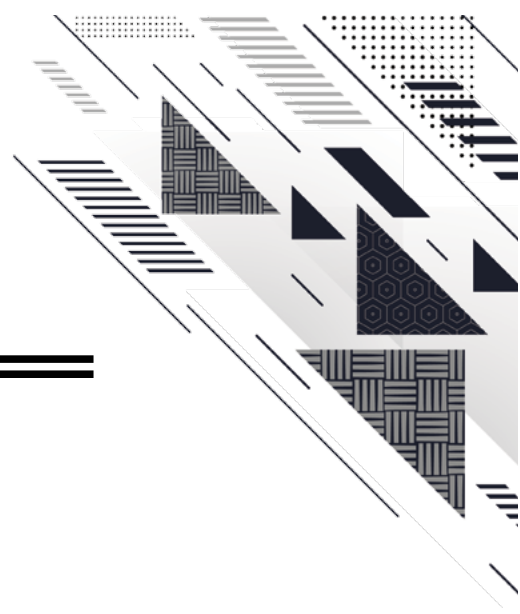
ing of review of literature and documents, analysis of 1000 questionnaires received from persons with disabilities and the parents of children with disabilities, focus groups, and semi-structured interviews.

In addition, it clarifies the meaning, scope, and open questions and discussions for the CRPD and presents the views of the United Nations Organization Committee on the Rights of Persons with Disabilities (hereinafter: the UN) in order to draw conclusions and recommendations for the promotion of conditions.

The analysis consists of four chapters:

Chapter I - provides overview of the right to social protection for persons with disability in line with international standards with emphasis on the CRPD, while explaining the process and the content, including the interpretation of the meaning and scope of this right.





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Chapter II - Indicatively analyzes the situation at the national level from the aspect of the harmonization of the legislative framework with the CRPD, as well as the available data at the national and local level. It covers existing observations and reports in this area.

Chapter III - analyzes the situation on the ground on what is the disability community view on terms of exercising rights in the field of social protection.

Chapter IV - summarizes all the conclusions from the previous chapters and makes recommendations referring primarily to the steps that the state should undertake to harmonize legislation and change practices regarding the exercise of the right to social protection and security.

This publication should serve as tool for developing systemic programs, measures and policies for changing collective awareness on this issue, as well as contributing to the harmonization of the legislative framework with the CRPD.

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INTERNATIONAL LEGAL STANDARDS

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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 / 61/106¹. Currently, 162 countries have signed the Convention and 177 are its contracting parties, while 92 countries have signed the Optional Protocol and 92 have ratified it².

CRPD is a response from the international community to the long history of discrimination, exclusion and dehumanization of persons with disability. It points out that the world's largest minority should enjoy the same rights and opportunities as everyone else. It covers many areas in which persons with disability are discriminated against, in-

cluding access to justice, participation in public and political life, education, employment, the prohibition of torture, exploitation and violence, as well as freedom of movement.

The Republic of Macedonia signed the CRPD 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, 2011³.

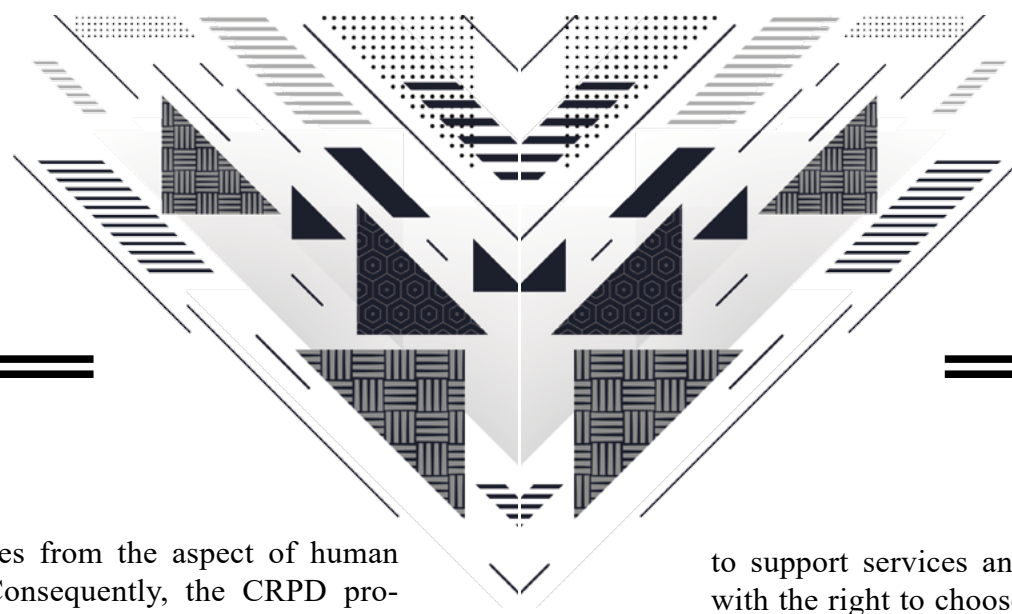
Pursuant to Article 118 of the Constitution of the Republic of Macedonia⁴, the provisions of the CRPD are directly applicable in the legislation, including by the national courts, which, over time, should enable the creation of a consistent case law..

¹[See: Resolution adopted by the UN General Assembly on 13 December 2006, A / RES / 61/106, 24 January 2007. Available at: https://treaties.un.org/doc/source/docs/A_RES_61_106-E.pdf]

²[This situation is as of November 2018. For more information on the status of signing and ratification of MIPLP Available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-15&chapter=4&lang=en]

³[See: Law on Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, Parliament of the Republic of Macedonia. 2011, page 19 Available at: <http://www.slvesnik.com.mk/Issues/ED1FF6FC1C8A1F4A8F36F48EFDE95E55.pdf>]

⁴[See: Publication: "Constitution of the Republic of Macedonia, amendments to the Constitution I - XXXII", PE Official Gazette of the Republic of Macedonia, page 55, edition 2011, Available at: <http://www.slvesnik.com.mk/content/Ustav%20na%20RM%20-%20Macedonian%20-%20FINALEN%202011.pdf>]



CHAPTER I

1. The United Nations Convention on the Rights of Persons with Disabilities

Social protection plays an important role in the exercise of the rights of people with disabilities. Ensuring adequate standard of living and the basic level of income security are just one of the elements through which the state should act in the direction of reducing the level of poverty and vulnerability in the disability community.

The CRPD emphasizes the key role of social protection in support of the full and effective participation of people with disabilities. Recognizes the specific challenges and demands of people with disabilities and elaborates the provisions of the Universal Declaration of Human Rights⁵ (Articles 22 and 25) and the International Covenant on Economic and Social and Cultural Rights⁶ (ICESCR) (Articles 9 and 11) looking through the “lenses” of persons with

⁵[Universal Declaration of Human Rights, Articles 22 and 25. Available at:< https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf>]

⁶[International Covenant on Economic, Social, and Cultural Rights, Articles 9 and 11. Available at:< <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>>]

disabilities from the aspect of human rights. Consequently, the CRPD provides a broader understanding of social protection that should effectively contribute to the realization of substantive rights, such as social security, appropriate living standards, independent living in the community or access to health care, education and employment.

The CRPD prescribes the following obligations for States with regard to social protection:

- To ensure and guarantee that persons with disabilities have equal access, without discrimination to all social protection schemes and programs, including poverty reduction programs, pensions and housing programs (Article 28), health care and insurance (Article 25) and vocational training and employment (Article 27).
- Ensure and guarantees that persons with disabilities have access

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to support services and facilities with the right to choose and good quality (Article 28) that support independent living in the community (Article 19) and provide assistance and support to cover costs related to the disability situation (Article 28).

- To ensure and care that people with disabilities enjoy appropriate living standards on equal basis with others (Article 28).
- Support children with disabilities and their parents and ensure that children live in their own families (Articles 7, 16, 18 and 23).
- Ensure and ensures that appropriate measures have been taken to address the specific shortcomings faced by women and girls with disabilities (Articles 6 and 28).
- Ensure and guarantees that all international cooperation programs are included and accessible to persons with disabilities (Article 32), including in crises (Article 11).

These obligations through CRPD emphasize that social protection should

always contribute to the strengthening, participation, and inclusion of all persons with disabilities.

The CRPD completely disputes the traditional, medical perception of people with disabilities. Article 28 of the CRPD, guided by the principle of autonomy (Article 19), recognizes the right of persons with disabilities to adequate standard of living and social protection, ensuring the enjoyment of both rights without discrimination.

Member States should therefore respond appropriately to ensure equal access to major social protection programs and services - including basic services, social security systems, poverty reduction programs, and housing programs - but also specific programs and services for disability-related needs and costs arising from the disability situation.

In doing so, when undertaking all the necessary measures for providing all social protection services, both for the general population and the measures specific for persons with disabilities, the state must provide them in an accessible way, in accessible buildings and



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In this case, the Committee assessed that Belgium’s policy had been “particularly deficient” for long time and thus violated the right to benefit from the social protection services provided for in Article 14/1 of the Charter, as well as the right to social, legal and economic protection as set out in Article 16. In addition, the Committee found that, however, the parties concerned had provided sufficient evidence to prove that Belgium had breached its obligation under Article E or Article 15 of the ECJ with regard to the integration of those persons in their community, ATS and problems, compared to access to people with other forms of disability.

3. Concluding Observations of the Initial Report of the Republic of Macedonia by the Committee on the Rights of Persons with Disabilities

In 2018, at the 20th session of the UN, the Committee on the Rights of Persons with Disabilities was evaluated the implementation of the Convention on the

¹⁴[See: Concluding observations of the Initial Report of the Republic of Macedonia by the Committee on the Rights of Persons with Disabilities, adopted by the Committee at the 20th session (27 August - 21 September 2018). UN Committee on the Rights of Persons with Disabilities. Available at: <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MKD/CO/1&Lang=En>]

Rights of Persons with Disabilities by the Republic of Macedonia. On the two-day session, civil and political rights, as well as economic and social rights for citizens with disabilities, were assessed in accordance with the Convention on the Rights of Persons with Disabilities.

In the Concluding Observations of the Initial Report of the Republic of Macedonia¹⁴, the Committee on the Rights of Persons with Disabilities points out several recommendations for achieving adequate standard of living and social protection (Article 28) of the CPI.

In addition to the recommendations and remarks on article 28, in this section we will look at some of the remarks and recommendations of the Committee that are closely related to the realization of the right to an adequate standard of living and social protection.

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Appropriate standard of living and social protection (Article 28)

Notes

The Committee is concerned that the Law on Social protection does not include the basis of disability as a basis for discrimination (paragraph 47).

Furthermore, disability benefits are limited by age (people with disabilities who are at age of 18 to 26 years are not given benefits).

The Committee is also concerned about the administrative and bureaucratic conditions with respect to documentation from “commission assessments” in order for persons with disabilities to have access to social benefits.

The Committee is also concerned that persons with disabilities face the challenges of settling the additional costs arising from the disability situation.

Recommendation

The Committee recommends that the State (paragraph 48):

- (a) to revise the Law on Social Protection A by introducing the disability as base for against discrimination, and to revise relevant by-laws and benefit schemes in order to guarantee adequate standard of living for people with disabilities, including and compensation in the form of supplements that would enable the persons with disability to cover the costs associated with their disability;
- (b) to abolish provisions restricting the rights to social benefits for persons with disabilities on the basis of age, and to provide and allocate certain allowances and benefits for children with disabilities and to provide equal material support for biological and foster families;
- (c) to pay attention to the link between Article 28 of the CRPD and the Sustainable Development Goals, goal 10, target 10.2, to strengthen and promote the economic inclusion of all persons, regardless of the disability status.



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Independent Living and Community Involvement (Article 19)		Equal recognition before the law (Article 12)	
Notes	Recommendation	Notes	Recommendation
<p>The Committee notes with concern (paragraph 31):</p> <p>(a) the weak process of de-institutionalization and the emphasis placed on the re-accommodation of persons with disabilities in small group homes, rather than the conditions for independent living;</p> <p>(b) the lack of services and the provision of personal assistance to promote the independent living of persons with disabilities in the country;</p> <p>(c) the fact that the state still spends more resources on institutions than on community services;</p> <p>(d) the fact that there is discrimination based on age in the personal assistance pilot program.</p>	<p>Regarding the general comment of the Committee No. 5 (2017) for independent living, the Committee recommends the State (paragraph 32):</p> <p>(a) Provide adequate human, financial and technical resources for the full implementation of de-institutionalization, in particular for the implementation of the transition to conditions of independent living;</p> <p>(b) To allocate sufficient resources to provide personalized assistance and to ensure that community services are available, accessible, affordable, tailored and have high quality, in order to enable people with disabilities to exercise and practice their the right to live independently and to be included in the community;</p> <p>(c) Take the necessary measures to ensure that persons with disabilities have the legal right to a sufficient personal budget for independent living, which takes into account the additional costs relating to the state of health and redirect resources and assets from institutionalization to community services;</p> <p>(d) Adopt measures that will provide personal assistance to persons with disabilities, regardless of their age.</p>	<p>The Committee is concerned that the laws in the country, in particular the existing system of guardianship, deprive or limit the business ability of persons with disabilities, limiting their right to decide and the right to choose (paragraph 21).</p>	<p>The Committee recommends that the State party (paragraph 22):</p> <p>(a) Abolish all discriminatory provisions that deprive the business ability of persons with disabilities and develop and replace existing mechanisms with decision support mechanisms that respect the autonomy, will and interest of the person concerned;</p> <p>(b) To conduct capacity-building activities for public officials on the right to equal recognition before the law of persons with disabilities and the right to support decision-making.</p>
		Respect for the home and the family (Article 23)	
		Notes	Recommendation
		<p>The Committee is concerned about legal provisions in the Family Law that discriminate persons with psychosocial disabilities and / or persons with intellectual disability to form marriage and family.</p>	<ul style="list-style-type: none"> a) To consider the Family Law and to ensure that persons with disabilities can exercise their rights relating to marriage, family and relationships on equal base with others and on the basis of their free and informed consent;



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Furthermore, the Committee is concerned about the provisions in the aforementioned law, which requires the person with intellectual disability and / or a person with a psychosocial disability to be certified as a “person with knowledge and understanding”.

- (b) Adopt measures to promote appropriate legal protection and training of court and social workers to ensure that persons with disabilities are not discriminated against during legal and administrative proceedings with regard to their sexual and reproductive rights, the right to form a family and guardianship over their children.

and existing definitions in legislation that are incompatible with human rights approach to the issue of disability;

(c) There is a lack and vague plans, either a period or budgetary funds in order to ensure the progressive realization of the rights of persons with disabilities in consultation with organizations of people with disabilities.

- Inclusion and engagement of persons with disabilities in the creation of the information on the basis out of which the estimates were made;
- Eliminating multiple assessments and categorizations in order to remove unnecessary barriers;
- The information on the requirements and the requirements for assessment should be in accessible and accessible forms
- To give frequent revisions on methods for assessing and evaluating the categorization of persons with disabilities.

(d) Ensure and ensure that organizations of persons with disabilities are actively involved in the creation, assessment of laws, policies, action plans, time frames and budgets and that their opinions will be taken into account before the adoption of decisions relating to them.

General principles and obligations (Articles 1-4)

Notes	Recommendation
<p>The Committee is concerned about (paragraph 5):</p> <p>(a) The lack of harmonization of national legislation, policies and programs with the Convention and the prevalence of the medical approach to the issue of disability;</p> <p>(b) Various estimates for determining the disability situation</p>	<p>The Committee recommends the state (paragraph 6):</p> <p>(a) Full revision of the existing legislation and policies and their full harmonization with the Convention is required;</p> <p>(b) It is necessary to remove offensive terms that address the issue of disability and ensure respect for the dignity of all persons with disabilities;</p> <p>(c) Provide a method for assessing the disability situation that fully integrates the human rights-based approach through:</p> <ul style="list-style-type: none"> • Inclusion of organizations of persons with disabilities in creating the assessment and assessment of the categorization of persons with disabilities;

Equality and non-discrimination (Article 5)

Notes	Recommendation
<p>The Committee (paragraph 7) is concerned that:</p> <ul style="list-style-type: none"> • (a) Article 9 of the Constitution of the State does not contain 	<p>The Committee (paragraph 8) and recommends to the State:</p> <ul style="list-style-type: none"> • (a) Revise all legislation by including the basis of disability in protection against discrimina-



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Accessibility (Article 9)

Notes

The Committee notes that the country's legislation provides systematic and comprehensive approach to the right to physical access. However, the Committee is concerned (paragraph 19) that:

(a) There are no specific and effective measures and sanctions for the implementation of legislation that provides access to the physical environment and information, communication and technology systems;

(b) Access to facilities, transport services and public institutions and other services outside the capital is insufficient; there is a

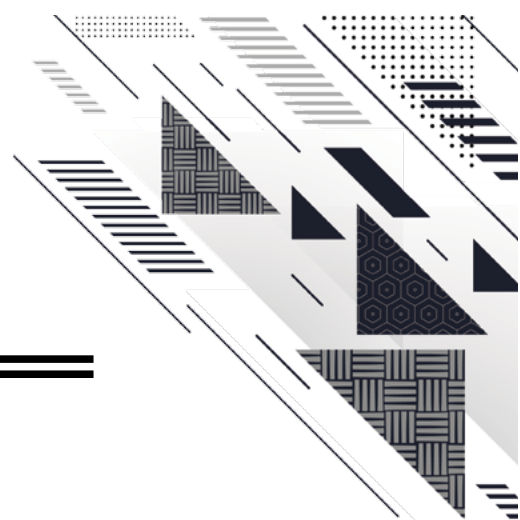
Recommendation

With regard to Article 9 of the Convention and the general comment No. 2 (2014), the Committee recommends that the State party, in its efforts to achieve objective 9 and objectives 11.2 and 11.17 of the Sustainable Development Goals (paragraph 20):

- (a) Review the legislation in order to ensure the compulsory application of accessibility standards in all areas, in particular accessibility to facilities, transport services, other facilities and services open to the public, as well as information and communication technologies and systems, and imposed strict sanctions for those who will not apply them;
- (b) Introduce accessibility standards as a condition in all public procurement of services and facilities and monitor implementation;
- (c) Ensure that access to buildings, transport, information and communication technologies and systems, and facilities and services to the public and public institutions and services are available throughout the territory of the State party;

- the grounds of disability discrimination;
- (b) There are no penalties in national laws for public and private institutions or individuals who discriminate against persons with disabilities and there are no effective remedies for discrimination against discrimination on grounds of disability;
- (c) There are no regular trainings on non-discrimination and reasonable accommodation for public and private stakeholders.

- tion, including multiple-discrimination protection and intersectional discrimination;
- (b) Introduction of measures / remedies in order to provide damages, including compensation for persons who have faced discrimination on the basis of disability and the introduction of measures to sanction the culprits;
- (c) Introducing regular training for public and private stakeholders for non-discrimination and reasonable accommodation for persons with disabilities based on human rights, and not for the traditional medical and merciful approach.



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lack of application of all international accessibility standards at the international airport;

(c) The level of cooperation between government institutions and agencies with organizations of persons with disabilities in terms of implementation and monitoring of accessibility standards is minimal;

(d) Legislation does not provide a systematic or full access to the exercise of the right to access to information and communications, including information and communication technologies and systems.

- (d) Accelerate the adoption of a comprehensive national action plan for the implementation of accessibility standards in close consultation with organizations of people with disabilities, with a clearly defined period, monitoring and evaluation criteria.

CHAPTER II

NATIONAL LEGAL FRAMEWORK



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1. National legislation and its compliance with the CRPDI

Social protection and services in the social field in the Macedonian legislation for persons with disabilities are regulated by the Law on Social Protection (hereinafter: LSP), as well as a series of by-laws regulating the system of institutional and non-institutional protection.

Regarding the concept of equality and non-discrimination, the LSP¹⁵ provides for general anti-discrimination clause in which persons with disabilities are not covered. Consequently, the existing LSP does not define the issue of disability, but the protection group where the persons with disabilities are systematized as beneficiaries in categories based on medical diagnoses¹⁶. From this approach, it can be noticed that the social protection system in terms of exercising the right to adequate living standard (Article 28 of

the CRPD) is not based on the foundations of equality and non-discrimination (Article 5 of the CRPD) and human rights approach 2 of the CRPD).

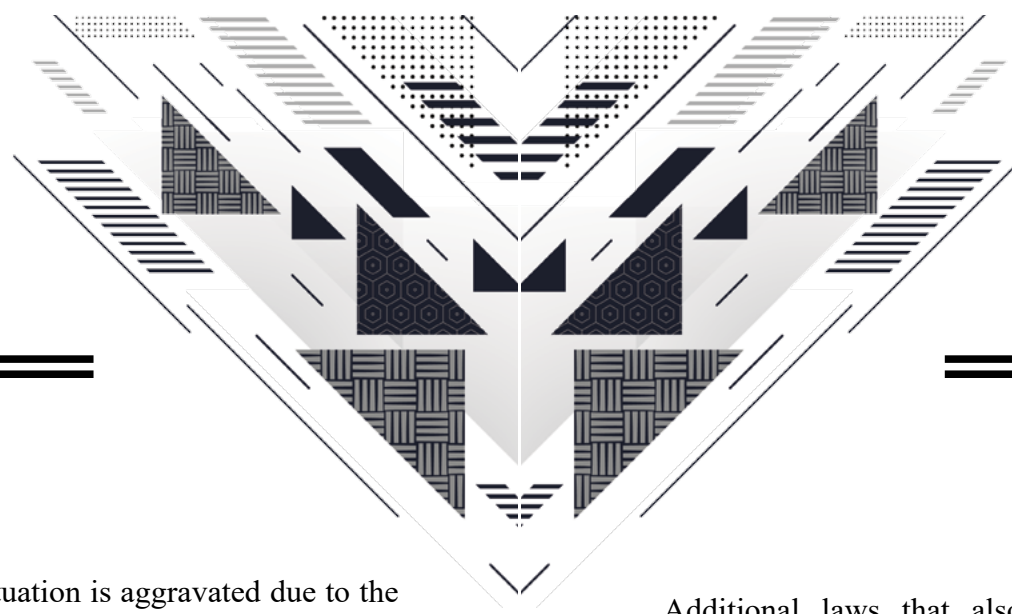
The system of rights to financial assistance intended for persons with disabilities is exercised on assessment, finding, opinion, based on their degree of impairment and medical diagnoses. The whole premise, on which the LSP is based in general, is that only the harder and the most difficult “damage” represents social risk and therefore, requires intervention from the state without the individual approach and even for them. This approach is also mirrored in the new LSP.

With this approach, the state puts people with disabilities in a completely unfavorable situation that leads to discrimination and the very group of disabilities. All the services provided in the LSP apply to persons with disabilities over 26 years of age. The provisions thus laid

¹⁵[Law on Social Protection consolidated text, MLSP. Available at: <<http://www.mtsp.gov.mk/content/pdf/zakoni/ZSZ%20konsolidiran%20%20IX-2015.pdf>>]

¹⁶[E. Kochoska, Analysis of Discrimination in the Field of Access to Social and Health Services on the Basis of Intellectual and Physical Disabilities, OSCE and MLSP 2016]





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down constitute direct discrimination on grounds of age and are contrary to Article 7, paragraph 3 of the CRPD, with regard to the provision of adequate assistance to persons with disabilities and ages for exercising the relevant law. Additional-

ly, the situation is aggravated due to the need to provide extensive documentation as well as obtaining opinions from the same profile of specialists grouped in different commissions for exercising different law.

In the new draft of LSP¹⁷, a whole chapter (Chapter II) is devoted to 12 principles on which the whole system of social protection should be based. In the principles of non-discrimination, the issue of disability is included as a basis for protection against discrimination (Article 16). The legislator goes as far as even in the participatory principle (Article 17) and the principle of best interest (Article 22) has included the issue of disability with special reference to persons with intellectual disability, as well as persons who have been

deprived of their legal capacity, efforts have been made to at least at least normatively meet the CRPD. Additionally, the legislator with the principle of individualization (Article 18) points out that all services would be provided with an individualized approach, adapted to the characteristics and needs of the user. With this set of principles, the new LSP proposal gives another perspective on the setting up of social protection and security.

¹⁷[Draft Law on Social Protection, MLSP, Available at: <http://www.mtsp.gov.mk/content/word/zakoni_ener/Nacrt_predlog_Zakon_Socijalna_zastita.doc>]

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Additional laws that also envisage certain rights of social protection and security, and refer to persons with disabilities are the Law on Civilian Persons with disability and Persons from the War and the Law on Special Rights of the Members of the Security Forces of the Republic of Macedonia and their family members, the Family Law, the Law on the Protection of Children's Rights. These laws provide different financial benefits for people with disabilities, but not based on disability, but based on obtaining the disability situation.

This approach puts persons of the same degree and disability type in unequal condition and the opportunity to use the same benefits as other persons with disability people in that group..

The Law on Child Protection¹⁸ provides cash benefits for children with disabilities up to 26 years of age. With this set limit for children with disabilities, this law limits the right of persons with disabilities to use the cash benefits pro-

vided for in the social security law that are provided for persons with disabilities over 26 years of age.

Non-institution protection provided in or through the Center for Social Work covers the right to first social service of social protection beneficiaries, assistance to individual, family assistance, home care and assistance to both the individual and the family, daily and temporary acceptance and care for individual and family assistance, accommodation in foster family, accommodation in small group home and organized living with support. In addition to the apparent lack of community support services, existing services have not followed the human rights approach. The right services for supporting the independent living of citizens with disabilities are lacking.

Foster families are usually low-income families and their interest in caring for children with disabilities is mainly financial. There is no monitoring of this system. There are numerous problems

¹⁸[Law on Child Protection, Off. Gaz. No. 23/13, 12/14, 44/14, 144/14.]



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that arise in the day-to-day work of the day care centers, as are improper working hours, transportation, heating during the winter period, etc.

The independent living of people with disabilities depends mainly on informal support networks. The necessary support services are not developed and are mainly part of the public daily centers for day care centers for children and organizations for adults with intellectual disability. Deinstitutionalization is widely understood as dislocation of persons with disabilities in small group homes. The new National Deinstitutionalization Strategy formulates its priorities through an ambitious action plan. The mentioned fees that are regulated by the LSP are uniform and do not follow the individual approach and the amount of support

needed for the persons with disability and they cannot be a means of support for independent living.

With the decentralization process, certain municipalities initiated initiatives on the initiative of associations of people with disabilities by developing local action plans¹⁹ on the issue of disability. In practice, however, most municipalities besides the financial have neither administrative capacities to face this challenge, and in parallel, in those municipalities where the day centers exist, they have not yet assumed the competence over them because of the lack of binding provisions in the law²⁰.

The most important regulations in the sphere of housing are the Law on Housing²¹, the Law on Building²², the Law on Spatial and Urban Planning²³,

¹⁹[See: Elena Kochoska, Zvonko Shavreski, Zaneta Poposka, Disability Policy at Local Level, Polio Plus, 2012, p.23 and 28, <www.polioplus.org.mk>]

²⁰[See: Mechanisms for providing social services in Macedonia, MLSP and GIZ, 2011, p.24, <http://www.nacionalnakomisija.gov.mk/sites/default/files/prikachyvanja/studija_mehanizmi_za_obebeduvanje_na_socijalni_uslugi_vo_makedonija.pdf> Accessed on: 20/11/2014]

²¹[Law on Housing, Off. Gaz. No.99/09, 57/10, 36/11, 54/11, 13/12, 55/13, 163/13.]

²²[Building Law, Off. Gaz. No. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13, 137/13, 163/13.]

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the Law on Housing and Business Management²⁴, the Law on Local Self-Government²⁵. The above-mentioned regulations are operationalized through a special Program for vulnerable groups (including persons with disabilities) prepared by the Ministry of Transport and Communications. The existing system does not provide additional measures that will enable a more efficient and effective housing process for people with disabilities. At the same time, this issue is accompanied by the provision of the standards for unobstructed access as well as their implementation in the construction of homes according to the needs of the citizens with disabilities, as well as providing continuous training on the accessibility and accessibility standards and the universal design. In addition, housing policies at the national level need to be further defined in order

to provide adequate housing conditions as a prerequisite for social inclusion and an independent life for people with disabilities.

²³[[Law on Housing and Business Space, Off. Gaz. No.2/94.], the Law on Local Self-Government.[Law on Local Self-Government, Off. Gaz. No.5 /]

²⁴[Law on Housing and Business Space, Off. Gaz. No.2/94.]

²⁵[Law on Local Self-Government, Off. Gaz. No.5 /]

CHAPTER III

Demystifying the issue of disability in exercising the right to social protection



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Demystification of the rights of persons with disabilities in the Republic of Macedonia with reference to the right to social protection

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1 Objective, subject and sample of the research

The analysis - “Terra incognita” - demystification of the issue of disability in the exercise of the right to social protection was developed within the framework of the project “Margina Obscura - the issue of disability in the accession to the EU” implemented by Polio Plus - the movement against disability.

The purpose of the analysis was 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 field of social protection.

The analysis was done on a sample of 1000 respondents, of whom 500 are persons with disabilities and 500 parents of children with disabilities, while keeping the position to have representatives from all forms of disability.

In that direction, respondents from 185 people with physical disability, 145 people with visual impairments,

140 people with hearing impairment and 30 people with intellectual disability received answers from persons with disability people. From parents of children with disabilities, feedback from 120 parents of children with physical disability, parents of children with impaired vision - 35, born of hearing impaired children - 60, parents with children with combined disability - 105 and 180 by parents of children with intellectual disability (Chart 1)

Based on the received information from the field, regarding the gender representation, feedback from 265 women was received, while 235 were male. In the case of parents with disabilities with regard to gender, answers were received from 245 men and 255 women. (Chart 2)

In terms of ethnic representation, 645 participants declared themselves as Macedonians. 270 Albanians, 25 Bosniaks, 30 Turks, 10 Vlachs, while 20 participants stated that they are from the Roma community





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Chart 1. Sample from the field - persons with disabilities and parents of children with disabilities based on disability

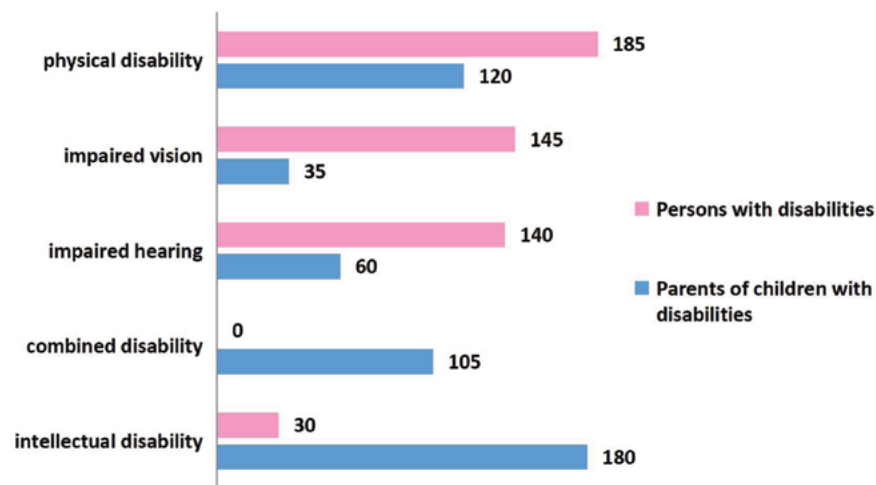


Chart 2. A sample from the field - persons with disabilities and parents of children with disabilities

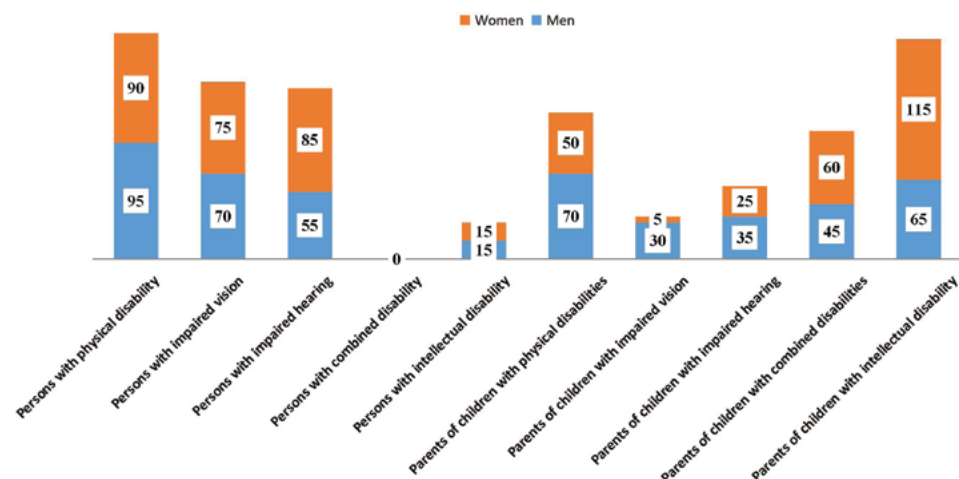


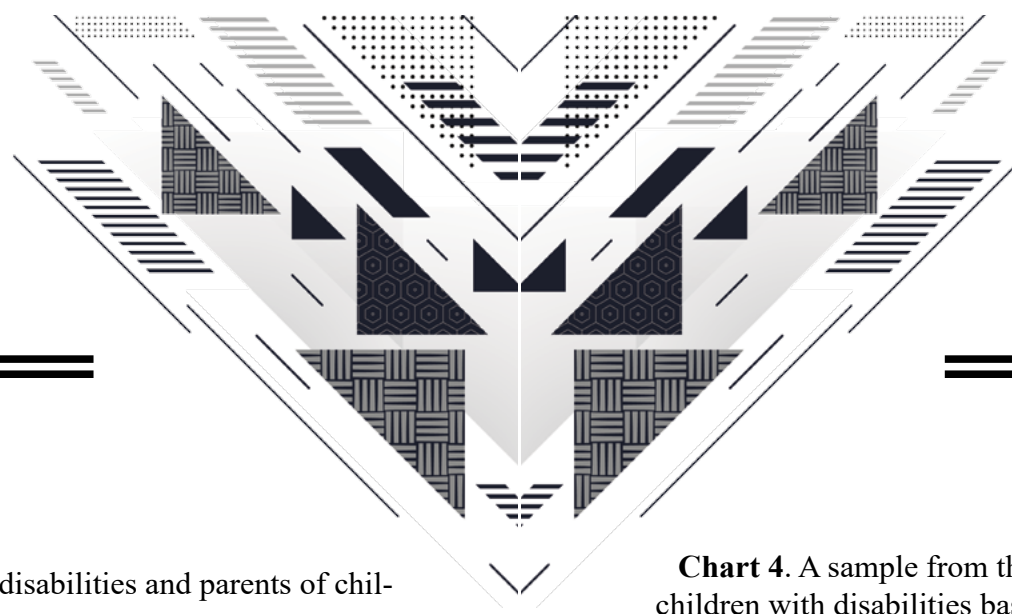
Table 1. A sample from the field of persons with disabilities and parents of children with disabilities by ethnicity

Ethnicity	Persons with physical disabilities	Persons with impaired vision	Persons with hearing impairment	Persons with combined disabilities	Persons with intellectual disability	Parents of children with physical disabilities	Parents of children with impaired vision	Parents of children with hearing impairment	Parents of children with combined disabilities	Parents of children with intellectual disability
Macedonians	110	80	100		25	80	20	50	70	110
Albanians	75	45	20		5	25	10		30	60
Bosniaks		5	10			5			5	
Turks		10	5			10	5			
Vlachs			5							5
Roma		5						10		5
Total	185	145	140	0	30	120	35	60	105	180

Observed from the aspect of territorial coverage, the survey covered both urban and rural areas. The largest representation is in Skopje, where 200 respondents were covered, followed by Tetovo with 165 respondents, followed by answers from Veles for 80 respondents, Prilep - 75 respondents, Gostivar - 70 respondents, Gevgelija - 35 respondents, Strumica, Struga, Radovish, Ohrid, Negotino, Dojran and Vinica - 15 respondents, Gradsko - 30 respondents, Resen - 25 Probishtip, Shtip, Kichevo, Kriva Palanka and Bogovinje

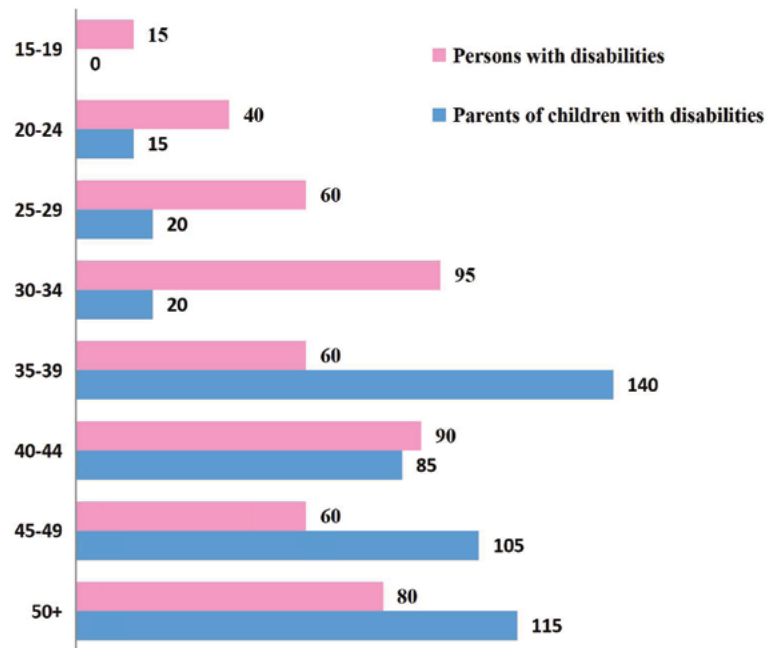
with 20 respondents, Kochani, Kratovo, Kumanovo, Dojran with 10 respondents, Bitola and Brvenica, Valandovo, Debarca with 5 respondents.

The respondents with disabilities with age group from 30 to 34 years dominate in the disability, followed by respondents from 44 to 44 years old, while the most common among the parents is the age group 35 - 39, followed by over 50 years of age. (Chart 3)



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Chart 3. A sample from the field of persons with disabilities and parents of children with disabilities based on age group

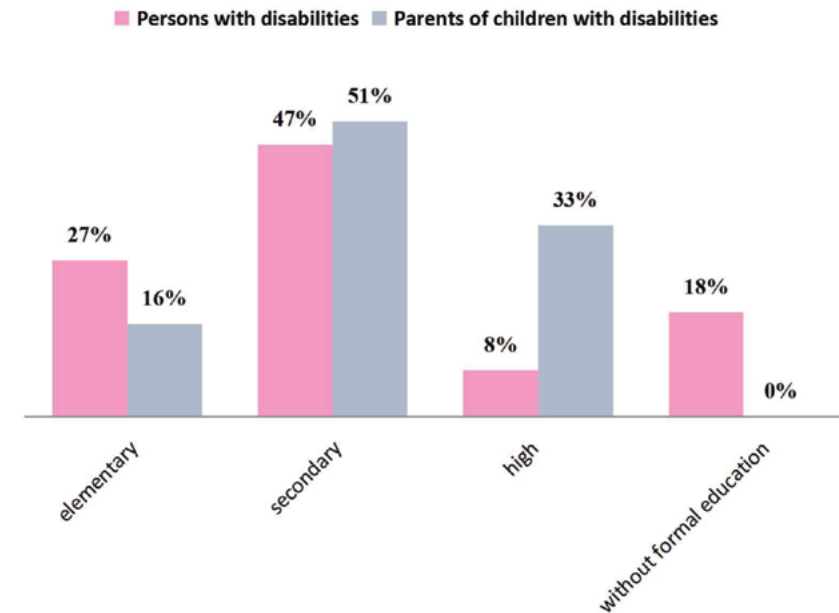


The educational structure of the respondents is different. The most significant is the secondary education in both groups. In the case of persons with disabilities, there are high percentages of persons with primary education and 18% who do not have formal education.

Unlike the parents, 33% have completed high education, the percentage of persons with disabilities are quite low - only 8% of the respondents indicated that they have a university degree.

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Chart 4. A sample from the field of persons with disabilities and parents with children with disabilities based on education



2. Quantitative and qualitative analysis of the responses to the questionnaires

In the field of social protection respondents answered questions related to Article 28. Additionally, the respondents also had questions about certain areas that are closely related to the situation of disability and social protection, for

which both groups show little knowledge or do not mention them in everyday life even though they are an important element in defining social policy.

In terms of discrimination, 87% of the respondents consider that they are discriminated in our society, where education is in third place as a case where persons with disabilities have declared themselves discriminated (70.5%).



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Chart 5. Are persons with disabilities discriminated in our society?

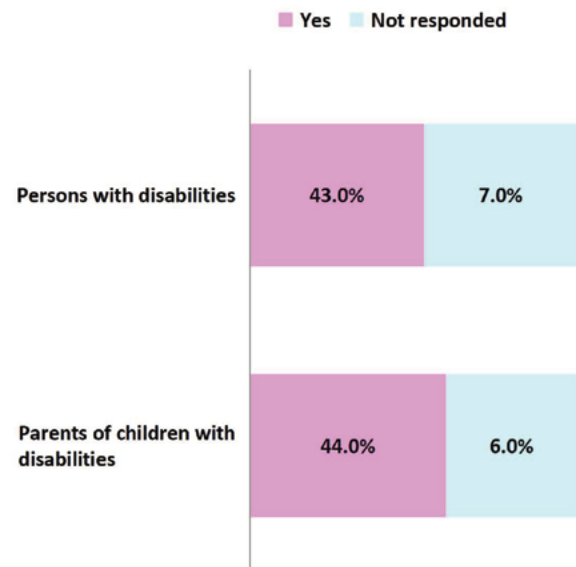
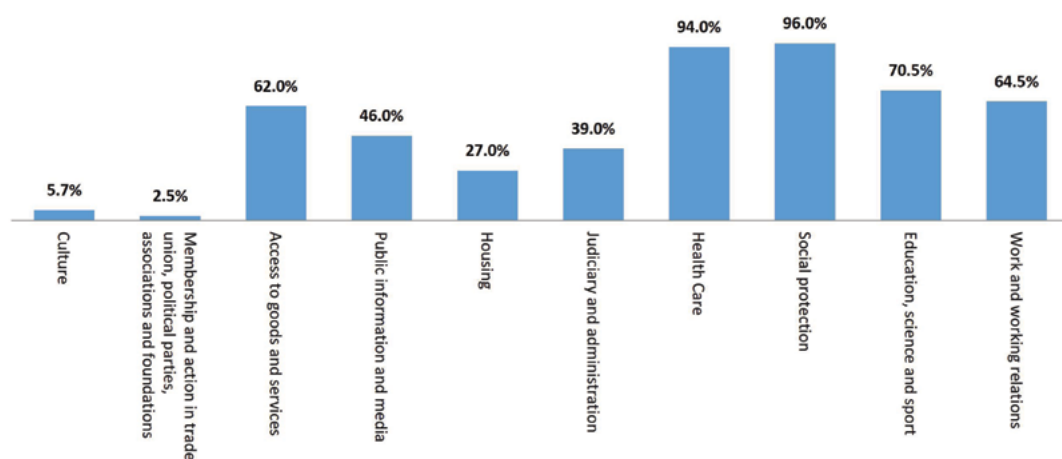


Chart 6. In which area of social life persons with disabilities are most often discriminated against?

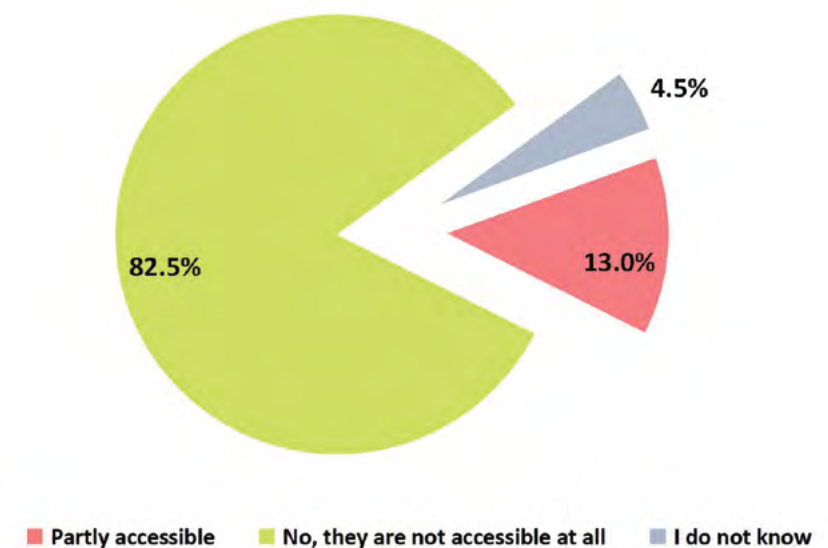


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One of the obligations of the state when undertaking all the necessary measures for providing all social protection services for the persons with disability is to provide accessibility to them. In that direction, 82.5% of the respondents indicated that the institutions for social policy are not accessible and accessible. 13% think they are partially accessible, while 4.5% reported that they do not know (Chart 7)

Regarding the structure of the respondents themselves, there are differences in the number of persons with disabilities by kind of disability and the parents of children with disabilities and by kind of disability. (Chart 8). 45% of people with disabilities think that institutions are not accessible, unlike the parents of children with disabilities, whose opinion is less by 7.5%. There are different views in the responses with partially accessible.

Chart 7 Are social policy institutions accessible and available to people with disabilities?





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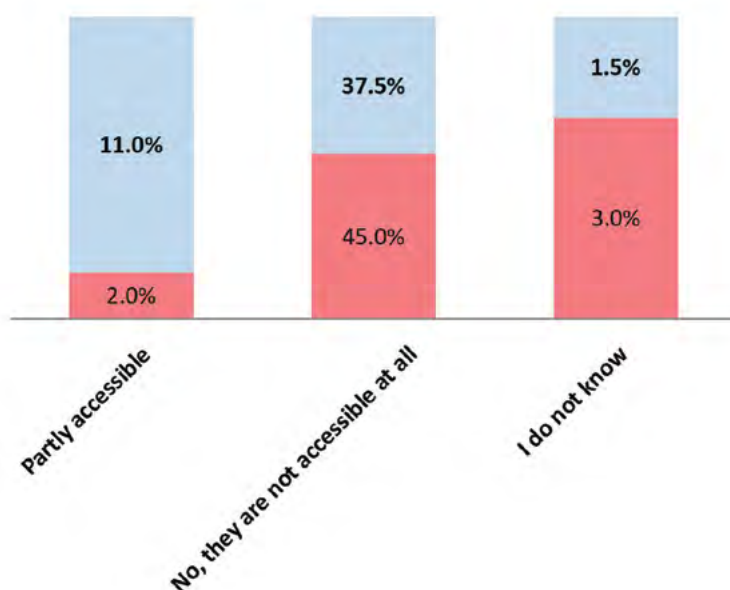
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2% of people with disabilities answered that the institutions are partially accessible, unlike the parents of children with disabilities, whose response is 9% higher. 3% of people with disabilities reported that they do not know if the institutions are accessible and accessible, compared to 1.5% of their parents.

When we talk about accessibility, we must say that institutions are not accessible. We often speak in the institution, but we take ad hoc activities. Regional Social Protection Units are all inaccessible or just a ground floor. The Inter-Municipal Center for Social Protection is also inaccessible - **statement by a focus group participant.**

Chart 8. Are social policy institutions accessible and available to people with disabilities?



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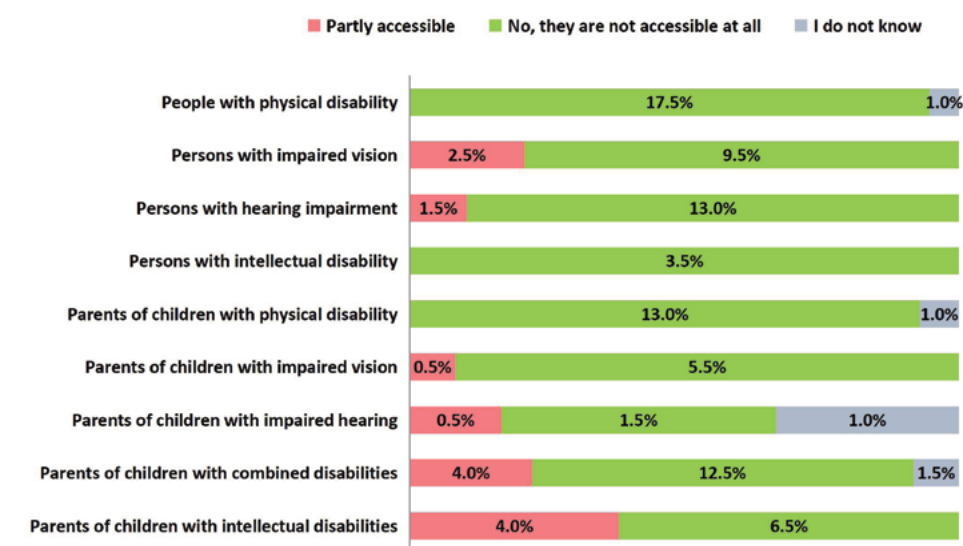
Regarding the type of disability (Chart 9), it can be noted that persons with visual impairment and intellectual disability pointed out that institutions are partially accessible (1.5% of persons with impaired vision and 0.5% of people with intellectual disability), while the answers I do not know are represented by persons with intellectual disability - 1%, persons with physical handicap - 1% and hearing impaired persons - 1%

partially accessible; while 12.5% of the parents of children with intellectual disability pointed out that they are inaccessible, unlike the parents of children with intellectual disability children with a combined disability where he is 5% less.

In general, people with disabilities and the parents of children with disabilities (92.5%) negatively assess the work of the institutions (Figure 10). Persons with disability persons (47%) are 1.5% more dissatisfied with the parents of children with handicap (45.5%).

Chart 9 shows that 8% of the parents of children with intellectual and combined handicap believe that the institutions are

Chart 9. Are social policy institutions accessible and available to people with disabilities?





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Chart 10. How do you assess the work of the social policy institutions in relation to persons with disabilities?

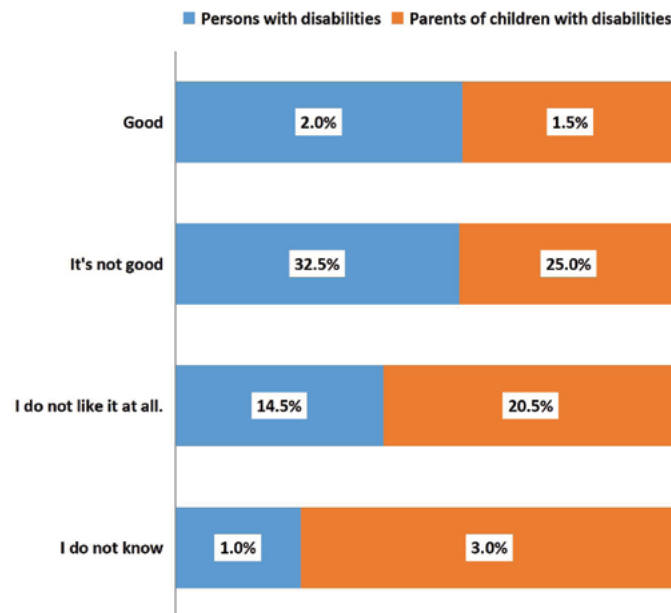
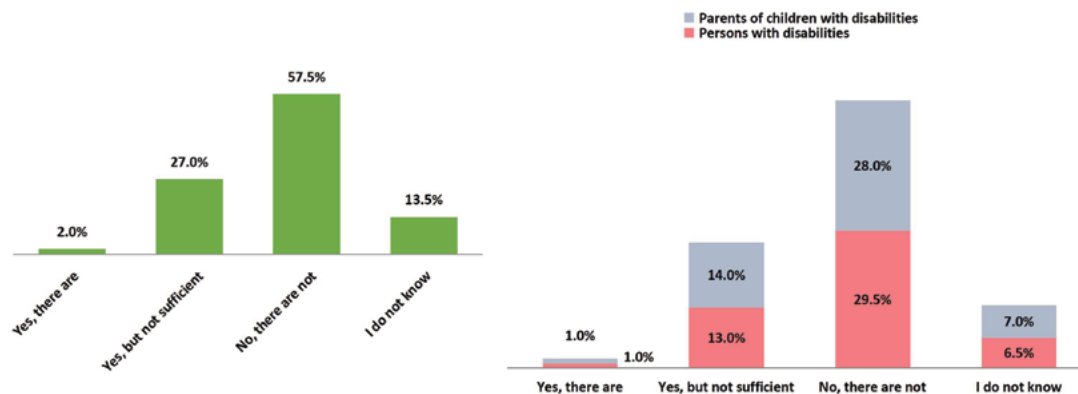


Chart 11. Are there trained staff for working with people with disabilities in social welfare institutions?



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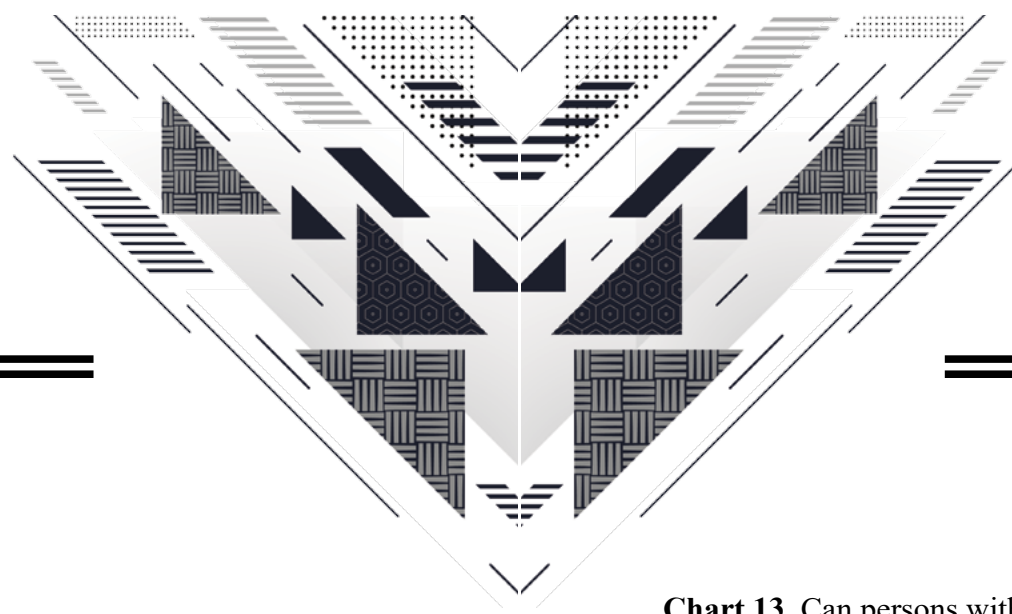
Table 2. How do you assess the work of the social policy institutions in relation to persons with disabilities?

How do you rate the work of social welfare institutions in relation to persons with disabilities?	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 disability
Good	0,5%	1,0%	0,5%	0,0%	0,0%	0,0%	0,0%	0,0%	1,5%
Not good	14,5%	9,5%	6,5%	2,0%	7,0%	1,0%	3,0%	6,0%	8,0%
I really do not like it	3,5%	4,0%	7,0%	0,0%	4,5%	2,0%	3,0%	3,5%	7,5%
I do not know	0,0%	0,0%	0,0%	1,0%	0,5%	0,5%	0,0%	1,0%	1,0%

Regarding the type of disability, 14.5% of people with physical disability assessed that the work of the institutions was not at all good. Persons with visual impairments have a similar view - 9.5% and those with impaired hearing - 6.5%. Unlike people with disabilities, parents of children with disabilities have a more moderate attitude. Namely, the parents of children with physical disability negatively assessed the work of the institutions with 7% (Table 2). While 4.5%, do not like the work of the institutions at all. 8% of the parents of children with intellectual disability reported that the work of the institutions was not good, while

7.5% indicated that they did not like the work of the institutions at all.

Regarding the trained staff at the disposal of institutions for people with disabilities, both persons and parents have almost the same views (Chart 11). 57.5% of the respondents point out that the institutions do not have highly trained staff for working with people with disabilities. 27% reported that the institutions have, but it is not pre-qualified and trained to work with people with disabilities. There is high percentage of respondents who answered, "I do not know" - 13.5%.

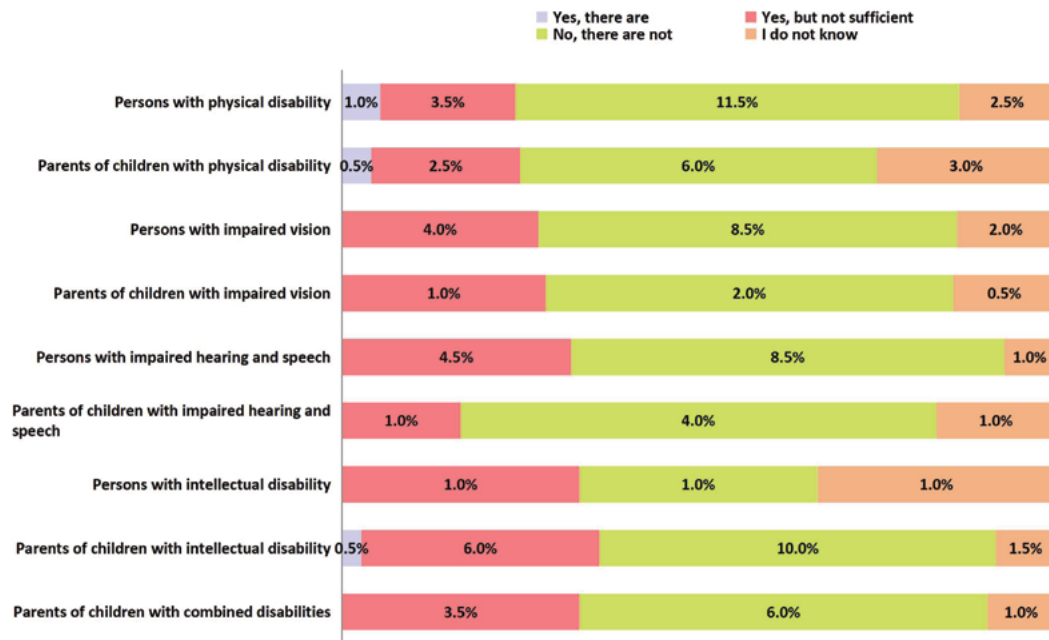


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Chart 12. Are there trained staff for working with people with disabilities in social welfare institutions?



Regarding the type of disability (Chart 12) and the parents of children with intellectual disability - 10% and the persons with physical disability - 11.5% are the highest that the social policy institutions do not have trained staff. Then, people with impaired vision and hearing - 8.5%,

followed by parents with children with physical and combined disabilities with 6% each. The highest statement that the institutions have trained staff, and which is not enough, gave parents of children with intellectual disability - 6%.

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Chart 13. Can persons with disabilities benefit from the right to social protection without discrimination on an equal base with others?

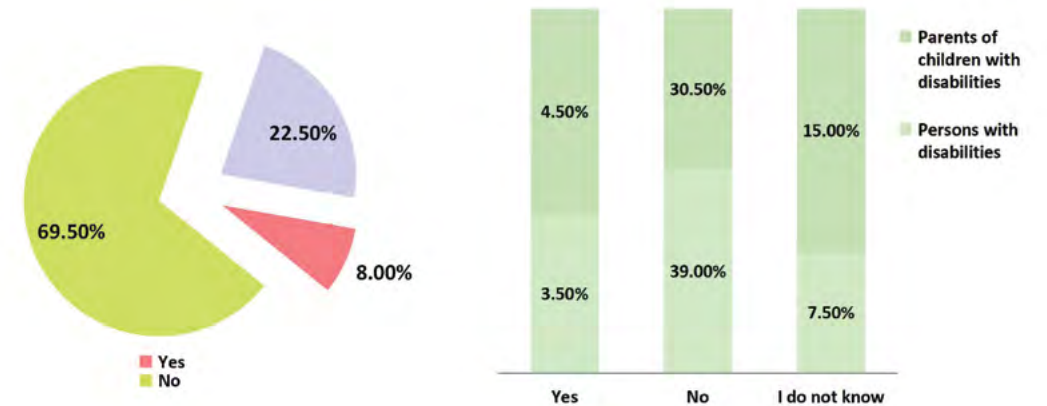
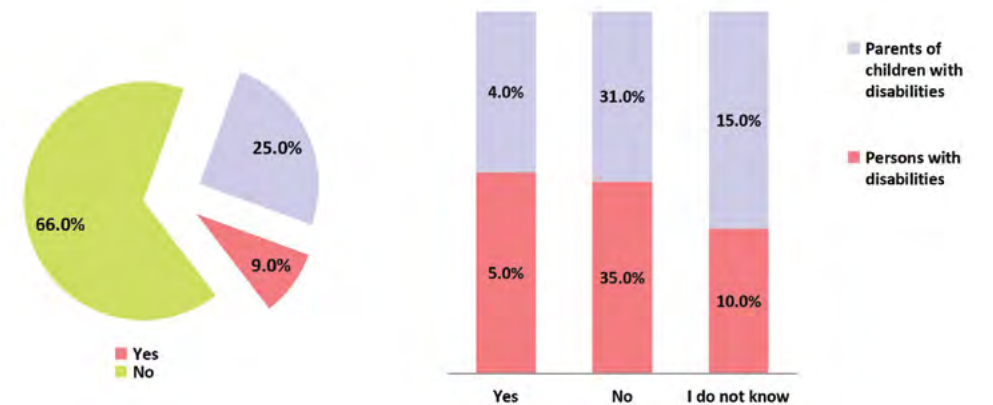
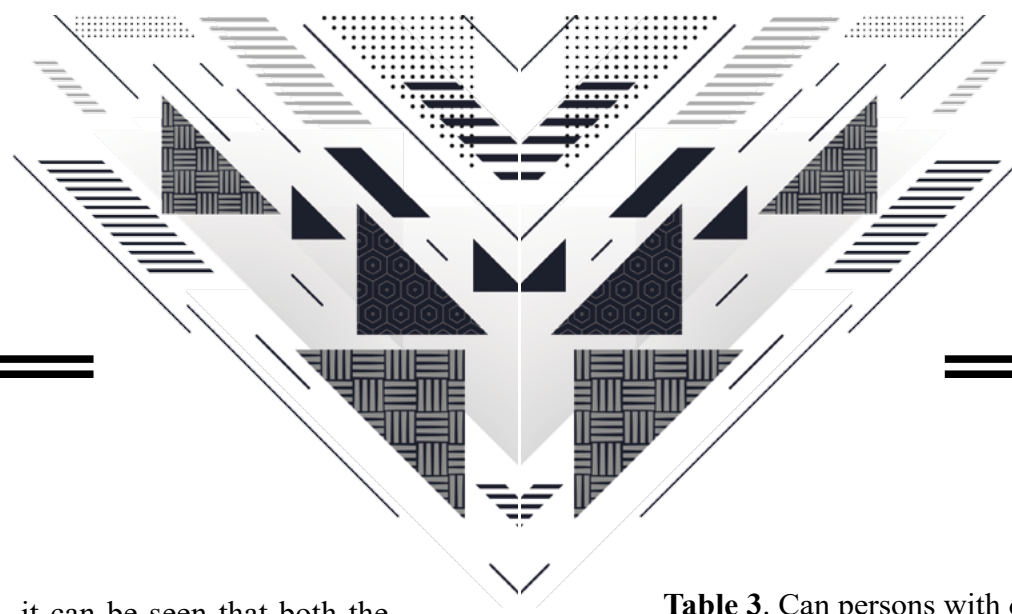


Chart 14. Do people with disabilities have access to appropriate and accessible services and other help / assistance to meet their disability related needs?





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“Institutions should have permanent trainings for people with disabilities and a manner for communicating with people with disabilities” - **statement by a focus group participant.**

“When you go to the institution and ask them about the rights, they do not tell you anything, they just say: put a signature here and a chao” - **statement by a focus group participant.**

More transparency of institutions and more professionalism is needed, they need to know that we are not “goods”, we are people and they treat us very badly - **statement by a participant in a focus group.**

Regarding the exercise of the right to social protection without discrimination, on an equal base with others,

Chart 13, it can be seen that both the persons and the parents of children with disabilities consider (69.5%) that the persons with disability are unable to use the right to social protection without discrimination. Only 8% answered positively. It is noteworthy that in this matter, the percentage of those who answered, “I do not know” is quite large.

39% of people with disabilities answered that they cannot use this right without discrimination on an equal base with others, 3.5% of them answered positively, while 7.5% said they did not know. Unlike people with disabilities, it is surprising that there is large percentage of parents who answered with I do not know -15%. Regarding the type of disability and here there are variations that can be seen in Table 3. Namely, 15.5% of the persons with physical disability responded negatively, followed by the parents of children with intellectual disability 10.5%. Persons with hearing impairment declined by 3% than persons with visual impairment 12.5%.

Table 3. Can persons with disabilities benefit from the right to social protection without discrimination on an equal base with others?

In your opinion, are persons with disabilities able to use the right to social protection without discrimination on an equal basis with others?	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 disability
Yes	1,0%	1,5%	1,0%	0,0%	0,0%	0,0%	1,5%	1,5%	1,5%
No	15,5%	12,5%	9,5%	1,5%	8,5%	2,5%	3,0%	6,0%	10,5%
I do not know	2,0%	0,5%	3,5%	1,5%	3,5%	1,0%	1,5%	3,0%	6,0%

The state in accordance with and obligations undertaken by the CRPD should provide access to appropriate and ac-

We are aware that existing laws discriminate on many grounds and in terms of disability and age. However, the ministry does not understand this issue. We need a new and better law - this law on social protection discriminates us - **statement by a focus group participant.**

ceptable services and support related to the condition of disability and should be covered by the state. 67% of the respondents believe that people with disabilities do not have access to appropriate and accessible services and other help / assistance for meeting their needs related to disability. Only 9% responded positively. As with the previous issues, 25% of respondents answered that they do not know whether people with disabilities have access to appropriate and accessible services and other assistance / assistance to meet their needs related to disability.

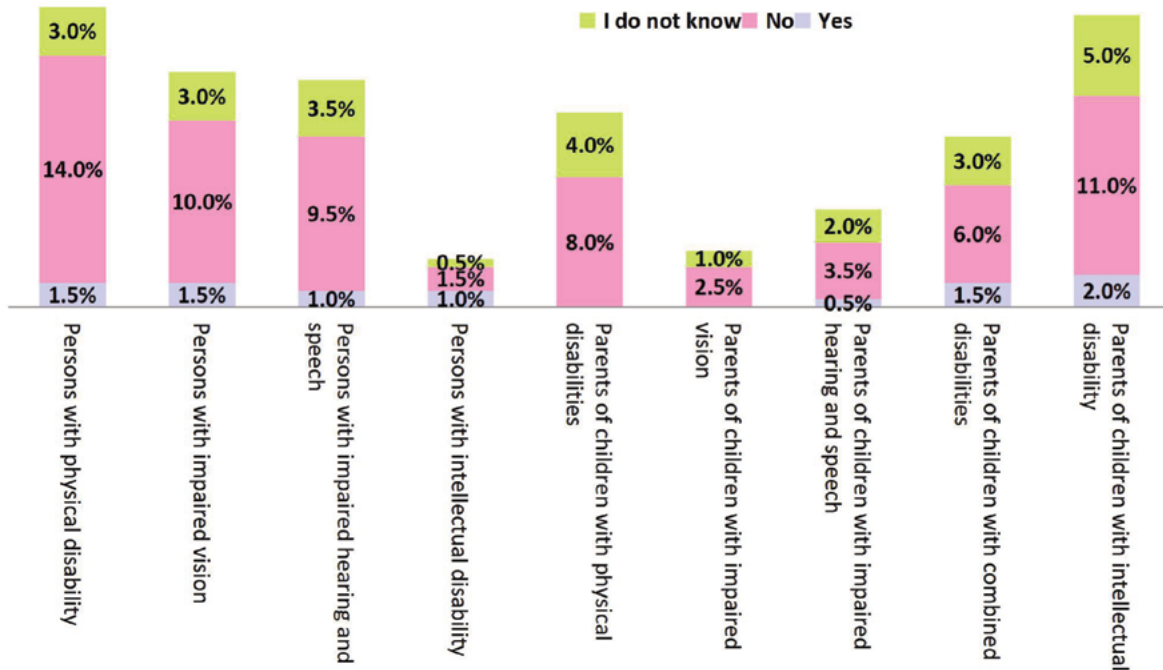
Regarding the type of disability, 14% of the persons with physical disability, 10% of the persons with impaired vision and 9.5% of the persons with im-



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paired hearing responded negatively. 3% of people with physical and hearing impairment are given the answers “I do not know”, unlike those with impaired hearing where their percentage is 1.5% higher. The situation of the parents of children with disabilities is similar.

Chart 15. Do people with disabilities have access to appropriate and affordable services and other help / assistance to meet their disability needs?



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62.5% of the respondents (Chart 16) believe that the persons with disabilities do not have access to social protection programs and poverty reduction. This opinion is similar to parents and people with disabilities. 6.5% of respondents answered affirmatively.

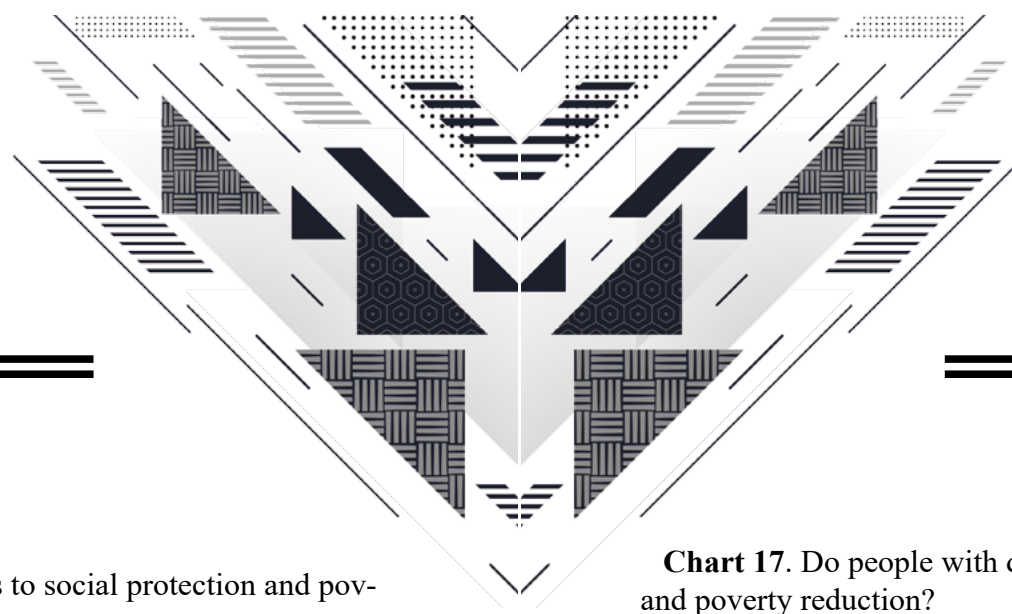
As in the previous answers, the percentage of ignorance in this area is quite high in both categories. Greater ignorance of the programs for social protection and poverty reduction is expressed by the parents of children with disabilities (16.5%), especially among the parents of children with combined disability - 6% (Chart 17). 14% of parents of children with intellectual disability, 13.5% of persons with physical disability 9.5% of persons with impaired vision, 8% of persons with impaired hearing and 7.5% of parents of children with physical disability believe that the persons with disabilities do not have access to social protection programs and poverty reduction.

What kind of benefits are we talking about - just submitting document and exposing to additional costs for issuing existing documents. To take those benefits one or more commissions you need to pass, a bunch of documents - **statement by a focus group participant.**

The law and the uncertainties in the field of social policy, as well as the insufficient care and access of the institutions towards people with disabilities, lead us to be nowhere - **statement by a focus group participant.**

I do not know everything I am entitled to, everything is related to the diagnosis and friends - **statement by a focus group participant.**

A help is needed and education for the immediate family by the ministry - **statement by a focus group participant.**

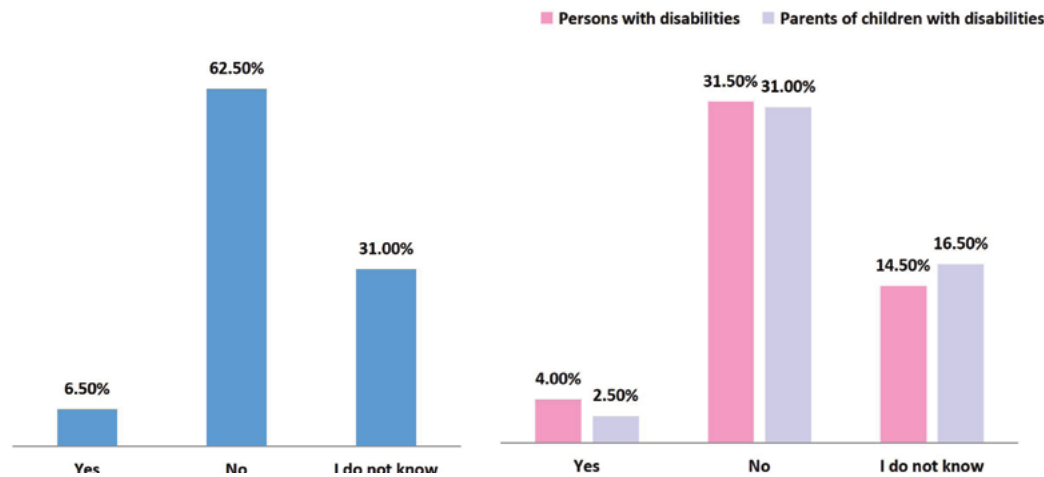


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Chart 16. Do people with disabilities have access to social protection and poverty reduction programs?



72% of respondents agree that the disability situation is the reason for the impoverishment of families (Chart 18). This thinking is for 1% more pronounced in people with disabilities, where 36.5% of them consider their condition is cause of greater poverty. Similar is the thinking of the parents of children with disabilities with 35.5%.

Regarding the opinions in the disability groups themselves, 9% of the persons with physical disability answered 4, while 6.5% of the parents of children

with intellectual disability answered with 5, 5% of the persons with physical disability, the persons with impaired hearing and vision gave an assessment 5. The variations in the parents of children with disabilities are much greater, with their answers ranging from 5% to the parents of children with physical disability and to the parents of children with combined disabilities up to 1.5% for the assessment 5 in the parents of children with visual impairment.

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Chart 17. Do people with disabilities have access to social protection programs and poverty reduction?

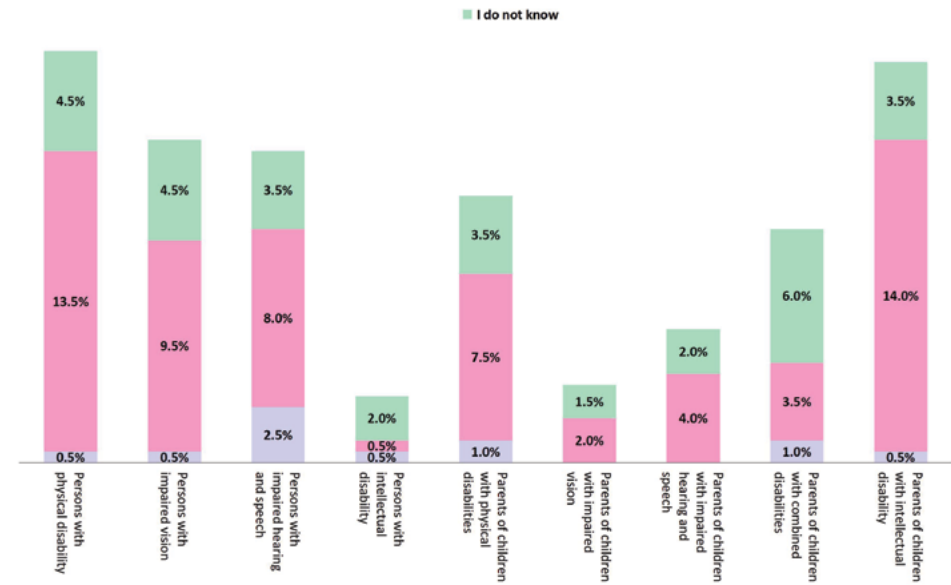
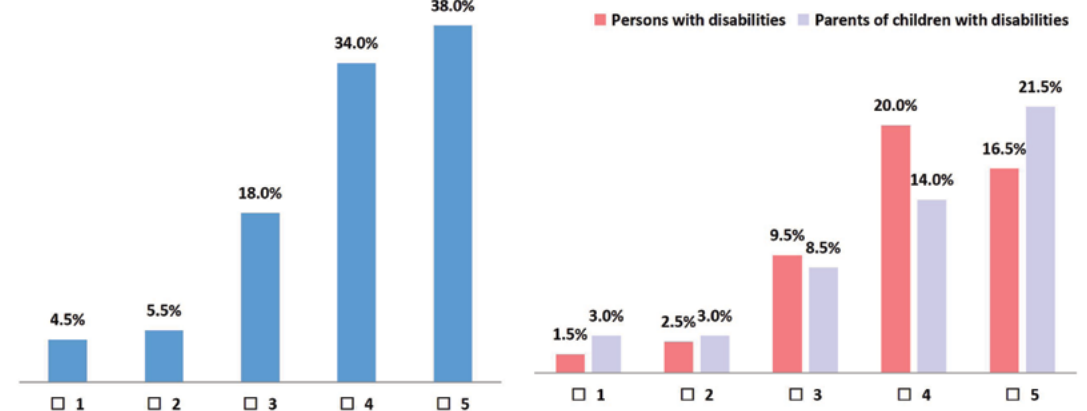


Chart 18. According to you, how much disability is the reason for the incidence of poverty in families?



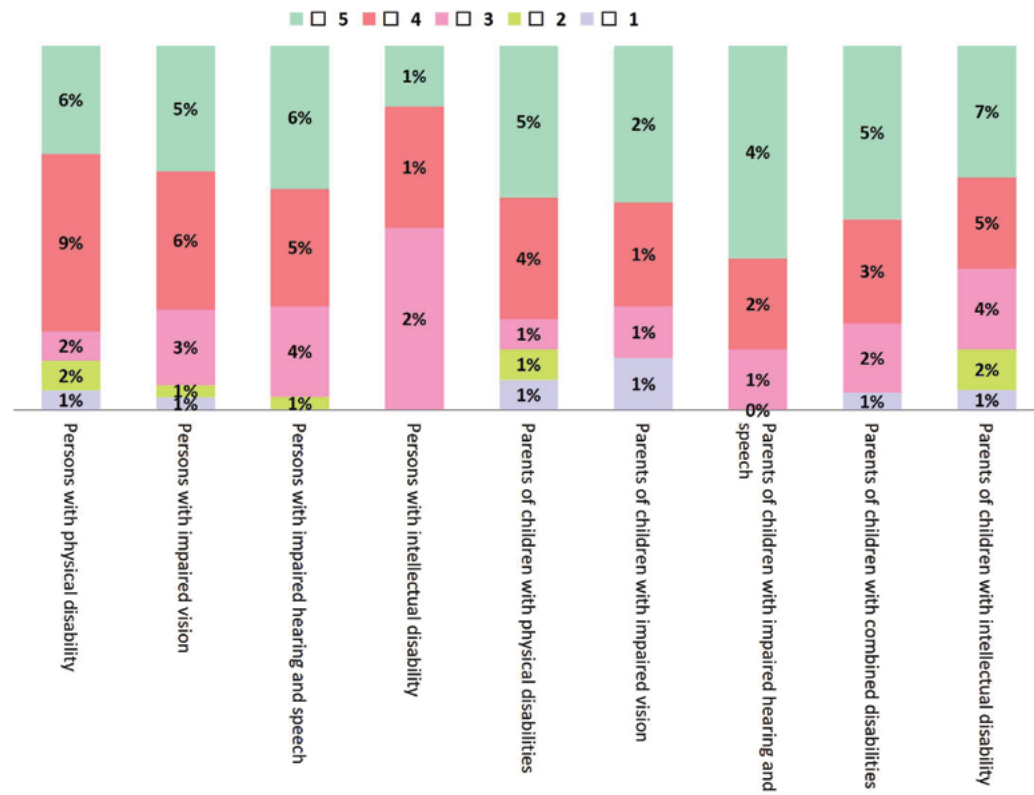


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Chart 19. According to you, how much disability is the reason for the incidence of poverty in families?



After my son is persons with disability, everything is more expensive - as if you were not poor - statement by a focus group participant.

Only medicines, transport, and care how much they cost ... we borrowed money- statement by a focus group participant.

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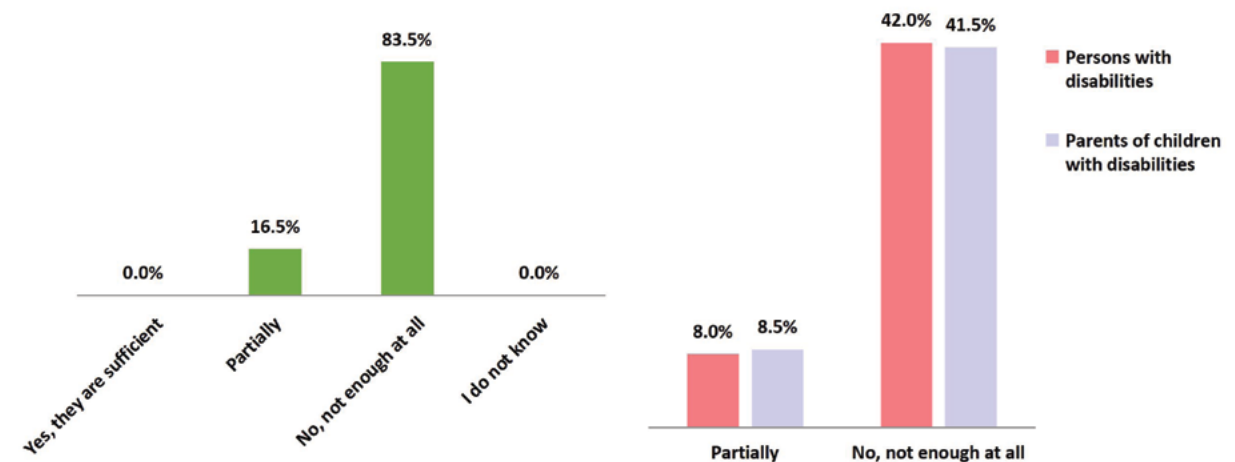
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Regarding the benefits provided by the state and the persons and parents of children with disabilities (83.5%) agree that the existing benefits are insufficient for providing independent and accessible life for the persons with disability - Chart 20. 42% of people with disabilities believe that these benefits are not enough, which

is 0.5% higher than the views of the parents of children with disabilities - 41.5%. Unlike previous questions, none of the respondents replied to this question with I do not know.

Chart 20. Do you think that the benefits of social protection for people with disabilities is sufficient for independent and dignified life for people with disabilities?





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Chart 21. Do you think that the benefits of social protection for people with disabilities is sufficient for an independent and dignified life for people with disabilities?

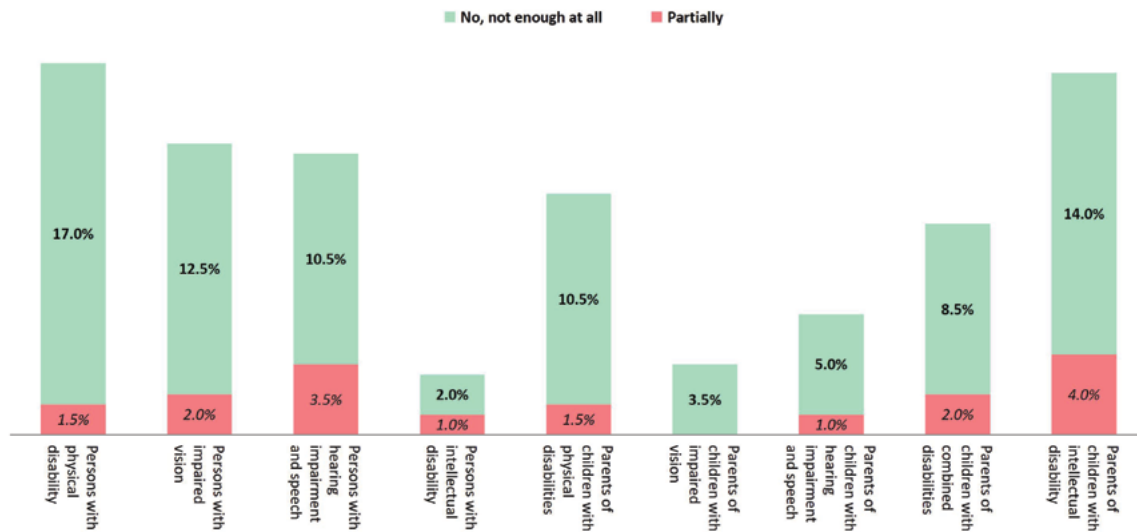
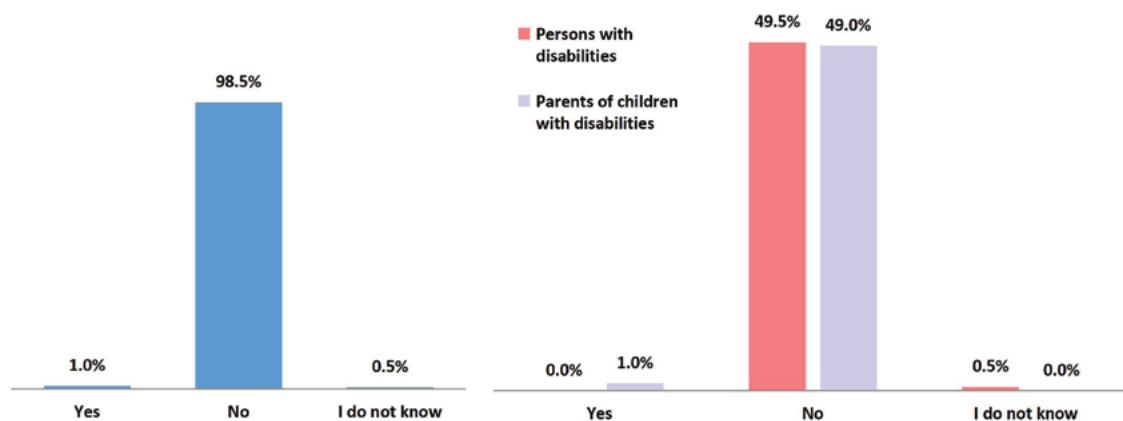


Chart 22. According to you, do these benefits motivate people with disabilities to be active in society?



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Observed by the disability situation, it can be noted that similar views are seen in both groups in different conditions of disability with minor variations (Chart 21).

In addition to the joint view of the respondents that the benefits are not sufficient for independent and dignified life of persons with disability, 98.5% of the respondents agree that these benefits do not help the persons with disability to be active in the society. Chart 22. Only 1% gave a positive answer, while 0.5% answered that they did not know.

In line with the autonomy and independent life of the persons with disabilities, which according to the CRPD, the state has the obligation to take measures and actions that would include the principle of autonomy in the direction of the prohibition of forcing people with disabilities to live in “special conditions for living”. This requires the creation of preconditions for the full inclusion of people with disabilities in all spheres of social life. In that line, 98.5% of the respondents are unanimous that the existing system through the LSP does not

More funds are needed to be provided by the state. These benefits do not come to anything - **statement by a focus group participant.**

I'm not pleased with the amount, but that's ... you have to survive with something - **statement by a focus group participant.**

I do not take anything. Only 100% of the state covers them, with 90% nothing. I think that they should also provide us with benefits - **statement by a focus group participant.**

Only foster families give money, for us, biological families nothing. Need more - **statement by a focus group participant.**

provide an independent and independent life for the children / persons with disabilities.

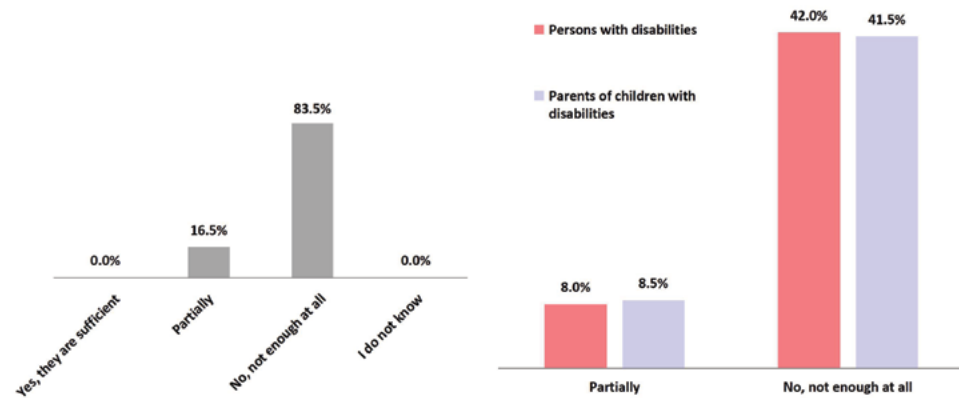


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Chart 23. According to you, do you think that social protection provides an independent life for children / people with disabilities?



In the provision of non-institutional protection of people with disabilities, the state uses and undertakes various actions. One of these measures is the system of foster families. In providing this support, the benefits provided to foster families are dramatically higher in terms of the support provided for biological families. For the existing system of support, 98.5% of the respondents consider that this approach is not justified by the state. Only 1.5%

of the respondents do not know whether this approach is justified or not..

The state has obligation to provide people with disabilities access to housing programs, as well as access to public and subsidized community housing programs. 74% of the respondents believe that the state does not provide housing programs for people with disabilities, while 25% say they do not know.

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Chart 24. Do you consider justified the distinction and benefits that foster care families receive compared to biological families?

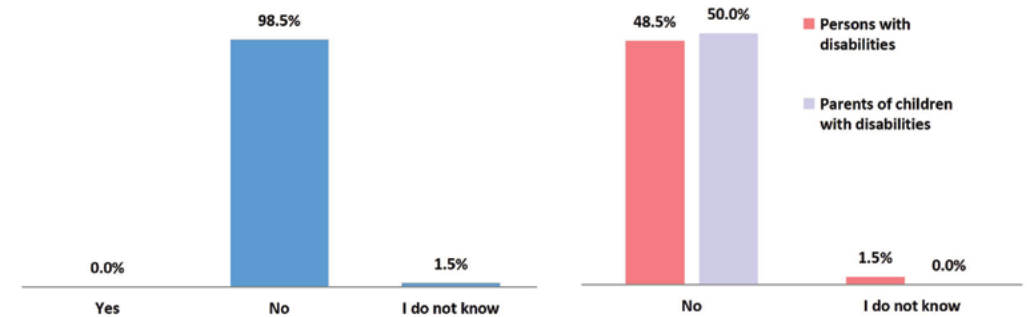
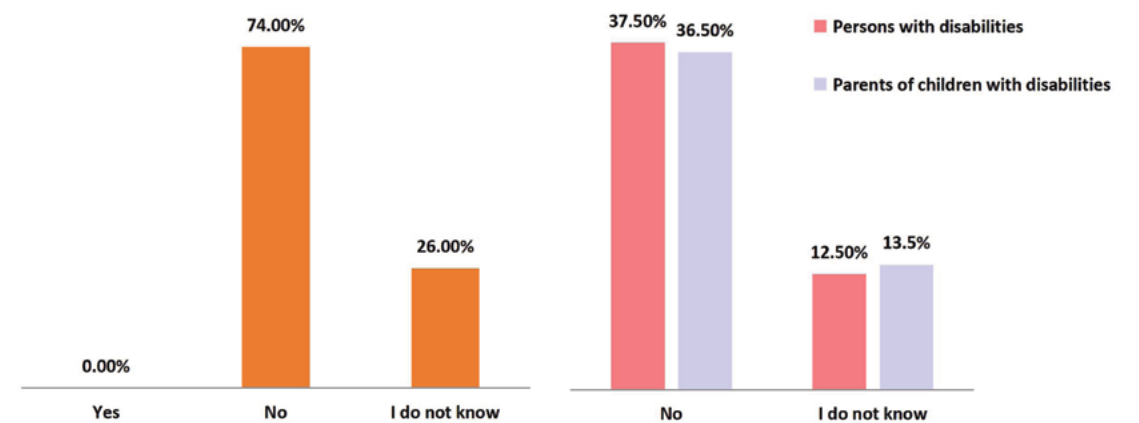


Chart 25. Do people with disabilities have access to public housing programs?





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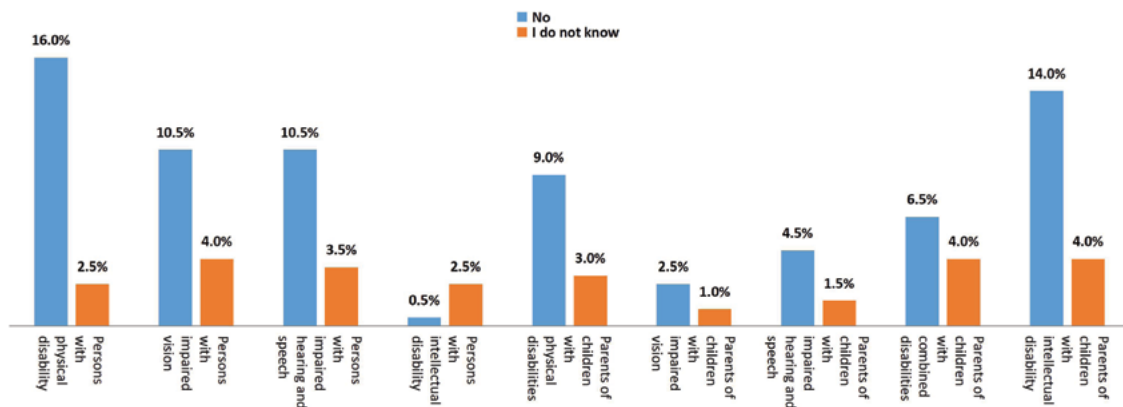
It is noteworthy that even on this issue both groups do not have much knowledge. Greater concessions, Chart 26 shows people with visual impairments, where 4% said that they do not have knowledge and people with hearing and speech impairments, while 3.5% reported that they do not know. In parents of children with disabilities, this is expressed in all groups.

The families themselves have important role in providing independent and dignified life for people with disabilities. Therefore, the CRPD suggests that states must provide support to children / persons with disabilities, as well as to

provide conditions for maintaining the integrity of families. 61% of people with disabilities and parents consider that the disability affects the entire family and that the situation is the reason for the divorce of married couples. Chart 27.

As regards the groups and persons with disabilities and parents with 15% signified the highest with 5 that disability plays a major role for divorce of married couples. 18.5% of people with disabilities and 12.5% of parents of children with disabilities answered by grade 4. A total of 28% of the respondents stated a grade of 3, 12% of those with disabilities and 15.5% of children with disabilities.

Chart 26. Do people with disabilities have access to public housing programs?



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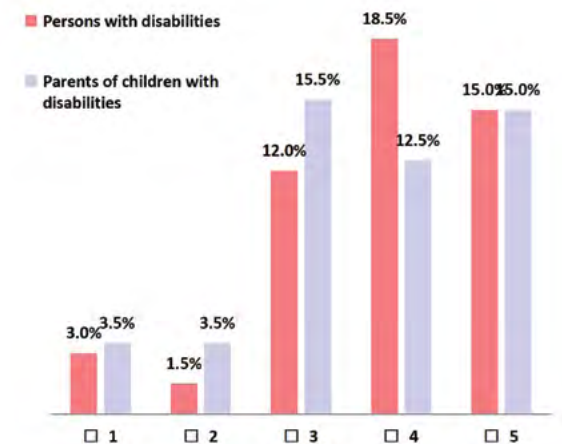
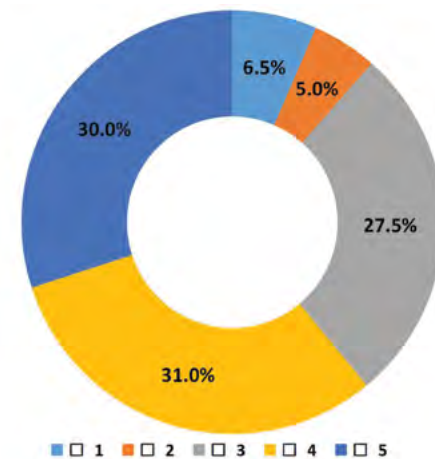
CHAPTER III

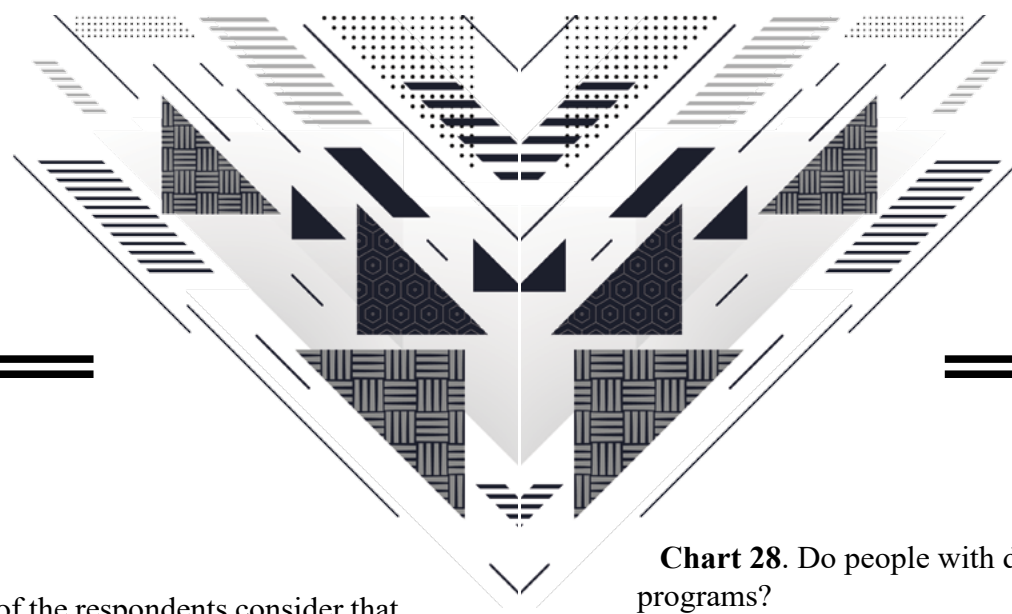
Unfortunately, in most cases, marriages are broken up. One can not stand - **participant of a focus group.**

It also depends on the type of disability and whether the child should be in the institution or not. Still society does not accept people with disabilities. In addition, most often because of the influence of the environment comes to a divorce - **statement by a participant of a focus group.**

When you are a child with a disability, both parents need to be strong. Pressure from all sides. Money remains very little. More requires engagement. One should work with parents - **statement by a participant in a focus group**

Chart 27. According to you, how much the condition of disability in families is the reason for divorce?





CHAPTER III

I was looking for a job in the company to provide me with a beneficial experience in accordance with the lawsuit, but they are not interested in that. They told me that they could not pay for it further - statement by a focus group participant.

I wanted to hire my child in my company, but they refuse me from the commission, they say that “he is not capable of hygiene”. I do not know where the reason in my child is incapable - statement by a focus group participant.

I do not know what the benefits are for employment. I know that you can take a disability pension, but everyone says that there are many going to institutions and commissions - statement by a focus group participant.

Regarding retirement and benefits to this program, only 16% of respondents gave a positive answer that persons with disability people have access to benefits and retirement programs

43.5% of the respondents consider that the persons with disability do not have access to the benefits and programs for retirement. This view is different for people with disabilities and parents. 26% of people with disabilities responded negatively, which is much higher than the parents’ explanation, where only 8.5% think that the persons with disability do not have access to the benefits and programs for retirement. Quite high is the percentage of responses where respondents do not have knowledge about this area. This is most pronounced among parents, where 27% of parents indicated that they do not know whether people with disabilities have access to benefits and retirement programs. Regarding the group’s variations, 8.5% of the parents of children with intellectual disability indicate that they do not know about this issue, and the percentage is also high among the parents with physical disability. These views and ignorance are reflected in the persons with disability themselves (Chart 29), 5% of the persons with physical disability answered that they are not familiar with this issue.

CHAPTER III

Chart 28. Do people with disabilities have access to benefits and retirement programs?

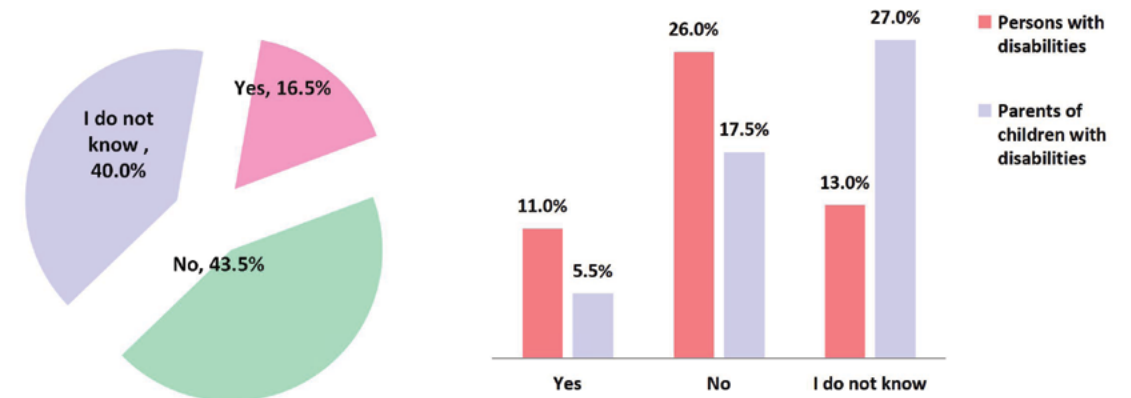
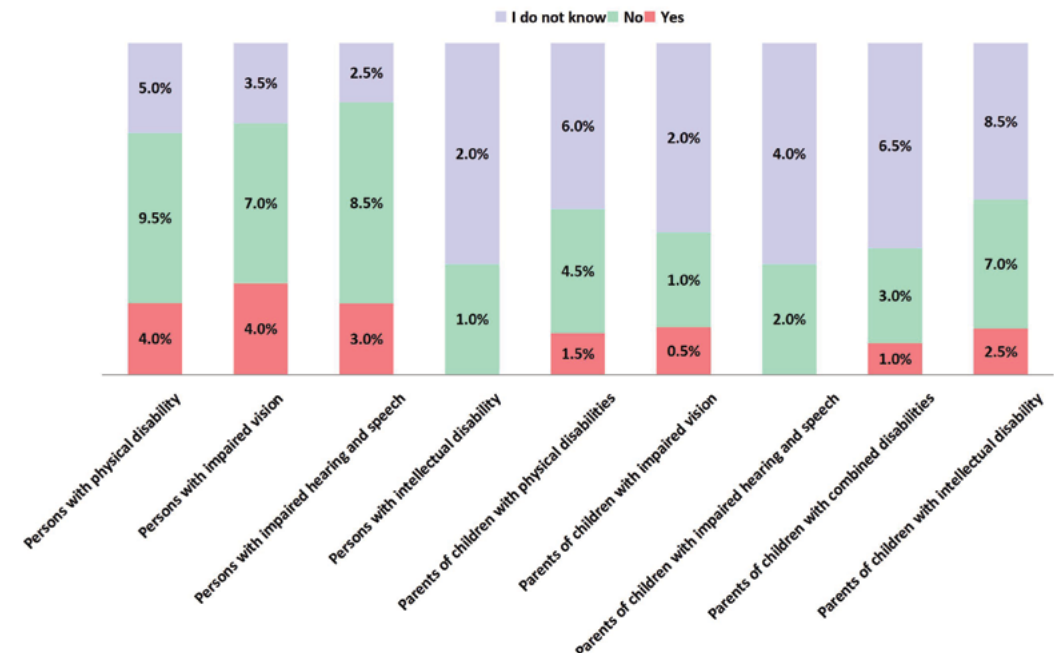


Chart 29. Do people with disabilities have access to benefits and retirement programs?





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CHAPTER III

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CHAPTER III

Regarding the right to form a family, 59% of the respondents consider that the persons with disability do not have the same rights and obligations as the others in exercising the right to guardianship and adoption of children. This view is shared by 31.5% of people with disabilities and only 27.5% of parents. 6% think that people with disabilities have the same rights as the others. This opinion, Chart 30 has 5.5% of people with disabilities and 0.5% of parents. In ad-

dition, in this area, for both equality and non-discrimination, retirement, housing, the percentage of ignorance in this area is quite high. Namely, 35% answered that they do not know this area, of which 22% are parents of children with disabilities.

Variations based on the groups themselves are also evident in this issue. Namely, while in the persons with disability there is some intermediate level

of thinking about this issue based on the negative response, in the parents these considerations range from 3% among the parents of children with impaired vision to 9% of the parents of children with physical disability. In the answers “I do not know”, the variations are great-

er with the parents and they range from 0.5% among the parents of children with impaired vision to 11% among the parents of children with intellectual disability (Chart 31)

Chart 30. Do persons with disabilities have the same rights and obligations as everyone else in terms of guardianship and adoption of children?

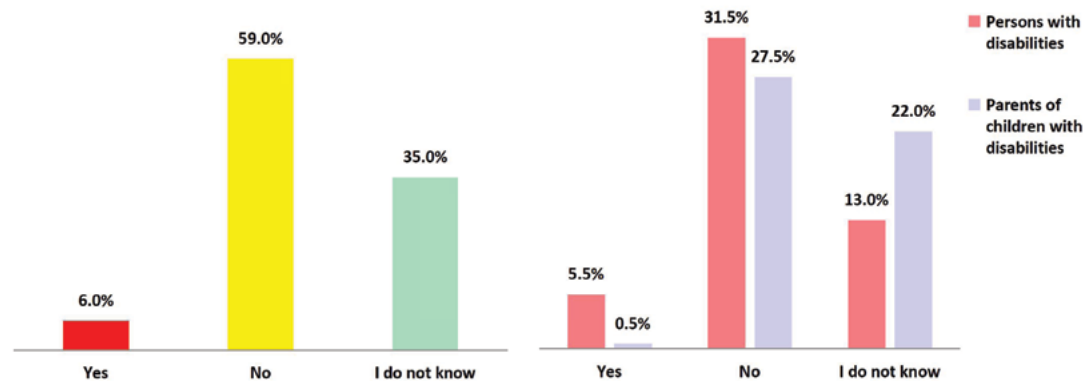
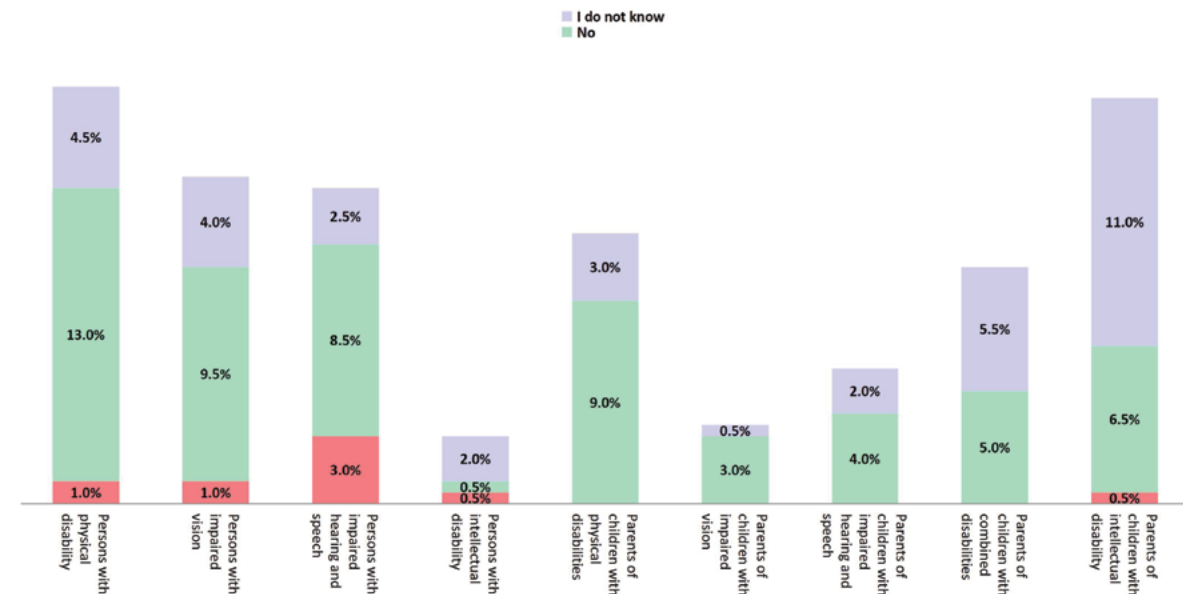


Chart 31. Do persons with disabilities have the same rights and obligations as everyone else in terms of guardianship and adoption of children?



Conclusions and recommendations



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Conclusions

- Despite the existence of firmly grounded international standards that prohibit discrimination as well as the obligations arising from the CPLH, national legislation still leaves room for ambiguity regarding the failure to provide social protection and security for people with disabilities.
- The legislation in the area of social protection does not provide a systematic and complete approach to the realization of the right to social protection of persons with disabilities without discrimination and on equal basis with others, in accordance with the Convention on the Rights of Persons with Disabilities. According to the survey, 96% of people with disabilities and the parents of children with disabilities consider themselves discriminated in the field of social protection.
- Institutions of the social sphere have no obligation to ensure accessibility of institutions, nor appropriate adjustment, and they are not responsible for unjustified non-performance, which is a serious defect in the fight against discrimination of persons with disabilities and creating equal opportunities. According to the survey, 82.5% of persons with disabilities and the parents of children with disabilities consider that the social policy institutions are not accessible and accessible.
- One of the main obstacles to discrimination against persons with disabilities in the social protection system is the lack of collective awareness of social cohesion and the creation of a society where people with disabilities will have equal opportunities.
- The state does not provide access to appropriate, affordable services and appropriate support related to the situation of disability, and they should be covered by the state. According to the survey, 67% of the respondents believe that people with disabilities do not have access to adequate and accessible services and other assistance / assistance for meeting their needs related to disability.





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Conclusions

- Existing legislation does not provide access for persons with disabilities to various schemes and programs for overcoming poverty, nor does it have adequate preventive measures for the situation of disability not to affect the impoverishment of families. According to the survey, almost 72% of the respondents believe that the disability situation affects the impoverishment of families.
- Existing benefits provided by the state in the field of social protection do not allow for the strengthening of the capacities and skills of people with disabilities so that they can start an independent and active life. The existing system brings the persons into a passive position and keeps them in a status quo without the possibility of their more active and independent living. According to the survey, 98.5% of the respondents are unanimous that the existing system does not provide an independent and independent life for the children / persons with disabilities.
- Emerging legal solutions do not provide measures for access of people with disabilities to housing programs, as well as providing access to public and subsidized community housing programs. 74% of the respondents believe that the state does not provide housing programs for people with disabilities, while 83.5% of the respondents consider that the existing benefits from the LFS are not sufficient for an independent and dignified life.
- People with disabilities and organizations of people with disabilities are not actively involved in the creation neither of the social protection system nor in the policies and projects that are initiated and implemented in this area.
- The existing system makes systemic discrimination both by age of persons with disabilities and by their basis for acquiring the disability situation. So, depending on that, different cash benefits are granted.

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Conclusions

- The existing system of out-of-institution support provides great financial benefits to foster families versus biological families, which in the long run stimulate institutionalization. For the existing system of support of biological families versus biological families, 98.5% of the respondents consider that this approach is not justified by the state.
- Regarding the right to form a family, 59% of the respondents consider that the persons with disability do not have the same rights and obligations as the others in exercising the right to guardianship and adoption of children.
- The assessment of the entry of persons with disabilities in the social protection system is done on a medical - special education basis, which is a serious obstacle for providing social protection and security for people with disabilities.
- Institutions at all levels in the social sphere do not stimulate the inclusion of persons with disability people in policy making, as well as active involvement of organizations of persons with disabilities, individuals with disabilities or children with disabilities.
- Practice shows that the state does not undertake sufficient efforts to implement fully the obligations undertaken with the ratification of the Convention on the Rights of Persons with Disabilities, and significant improvement is needed in order effectively to realize the rights of people with disabilities.
- From the findings of the survey, it is concluded that most of the persons with disability and the parents of children with disabilities do not know their rights / rights to their children with disabilities, and their interpretation is most often related to the medical approach of seeing the disability situation. Likewise, people with disabilities and the parents of children with disabilities have a low level of knowledge about the existing institutional infrastructure for their rights



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Recommendations

- National legislation in the area of social protection should be fully reformed in order fully to align it with the Convention on the Rights of Persons with Disabilities.
- The prohibition of discrimination as well as the appropriate disability adjustment should be clearly laid down in the legal framework at all levels and be applied at all levels.
- It is necessary to adopt *lex specialis* on the rights and dignity of persons with disabilities in order systemically to coordinate the issue of disability at the micro and macro level.
- Equalization of disability allowance for all persons with disabilities, irrespective of the reason for the occurrence of disability, as well as providing opportunities for all persons with disabilities to access the predicted benefits regardless of their age.
- It is essential to develop a comprehensive assessment system for people with disabilities. Such a system should be independent and that should monitor the individual needs of persons with disabilities so that the system can individually approach and ensure that people with disabilities have a legal right to a sufficient personal budget for independent living, which takes into account the additional costs related to the situation of disability and redirect resources and funds from institutionalization to community services;
- Introducing a new approach to categorizing people with disabilities, while respecting the human rights-based approach and allowing active participation of people with disabilities in the Commissions for categorizing people with disabilities.

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Recommendations

- Legislation needs to fully redefine the personal assistance pilot program and allocate sufficient resources to provide personalized assistance and to ensure that community services are available, affordable, affordable, tailored and high quality in order to enable individuals with a disability to exercise and practice their right to live independently and to be included in the community;
- Establishment and adoption of a Policy for a comprehensive support services system with specific precision of the control and coordination instruments. Additionally, new services and services should be developed and established, as well as profiles that will meet the needs of citizens with disabilities.
- It is necessary to adopt policies and measures to determine the cost of the disability situation and to differentiate the measures for support of persons with disabilities and conditional transfers of services. At the same time, it is necessary to apply mandatory budgeting policies for disability policies at all levels.
- For legislation to have the desired effect for this group of citizens, it should be accompanied by other additional measures such as raising public awareness, building the capacities of the responsible institutions and a detailed analysis of legislation and policies and their proper promotion.
- Changing the Housing Law and fully complying with the Convention on the Rights of Persons with Disabilities.
- Changing the laws on pension and disability insurance according to the CRPD.
- Full change to the legal provisions governing the right to form a family.
- Introduce policies and measures for continuous campaigns to change the mentality at the community level. It is crucial that society as a whole, decision-makers and all stakeholders involved in the field of social protection fully understand the need to change this paradigm.



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Recommendations

- Introducing an obligation for compulsory involvement of the organizations of persons with disabilities and individuals with disabilities, as well as the children with disabilities taking into account all forms of disability and gender balance in the creation of all programs, measures or proposed activities, whether they are the simplest and most ordinary activities in the process of providing social protection.
- Introduce compulsory programs and activities for capacity building of public officials on the right to equal recognition before the law of persons with disabilities and the right to supported decision making.
- Raising awareness among people with disabilities and the parents of children with disabilities for the Convention on the Rights of Persons with Disabilities, their rights and obligations of the state undertaken with the ratification of the Convention.
- It is recommended from the findings of the survey that it is necessary to increase the capacity of the organizations of persons with disabilities for advocacy and policy influence.

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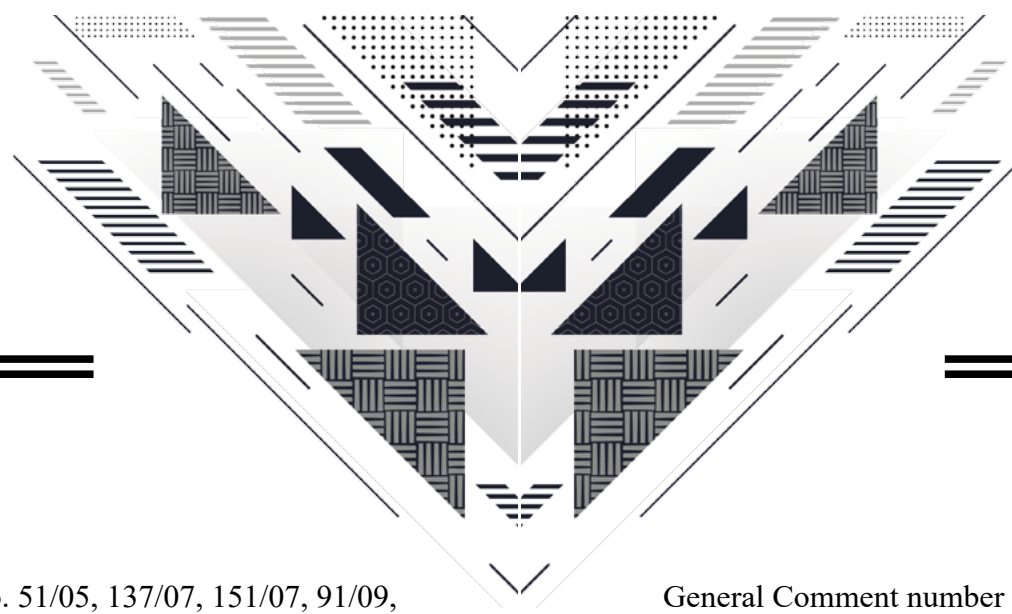
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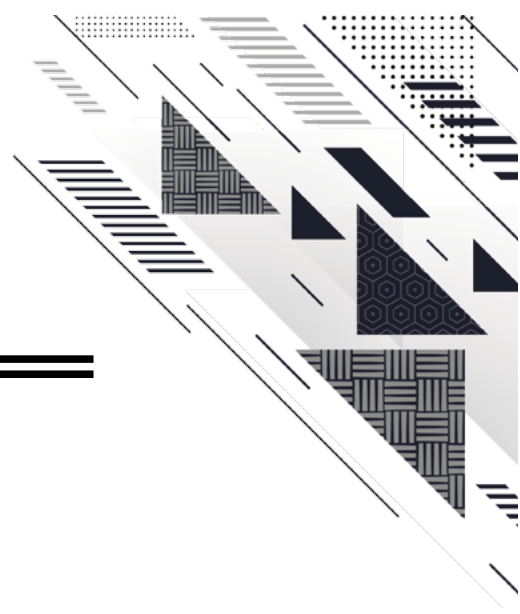
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Polio Plus – movement against disability

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



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