

**INITIATOR:
10.000 citizens**

THROUGH

**Polio Plus-
Movement Against Disability**

PROPOSAL

FOR ADOPTION OF THE LAW FOR PROTECTION OF THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES

Skopje, September 2005

LAW FOR PROTECTION OF THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES

I. GENERAL PRINCIPLES

Article 1 (The role of the state)

The Republic is the principal and is primarily responsible for the protection of the rights and dignity of persons with disabilities and their integration in all spheres of social life.

The Republic guarantees establishment of a systemic solution and implementation of the actions stipulated by this law.

The Republic is not exempt from responsibility for any form of violation of the rights of persons with disabilities stipulated by this law and the acts generated from it.

Article 2 (Content of the law)

This law regulates the object of protection, the principles of protection, prohibition of discrimination based on disability, affirmative actions of the state (positive discrimination), the system that entails the mechanisms of regulation, protection and ensuring of the implementation of the area of interest and the punitive measures against violators of this law.

Article 3 (Object of protection)

The object of protection of this law shall be the rights and dignity of persons with disabilities in the Republic of Macedonia.

For the purpose of this law, the term “disability” means a disrupted relationship (communication) between the person with an impairment and society.

For the purpose of this law, the term “person with disability” means an individual who, due to a significant and long-term disruption of physical, mental and sensory functions, is unable or is significantly limited in ability to realise one or more daily activities and functions.

Article 4 (Aims of the law)

The aims of this law are as follows:

- Establishing a complete and defined legal system for protection of the rights and dignity of persons with disabilities in the Republic of Macedonia;
- Providing contemporary, human and broadly accepted principles that will generate the future policy and strategy of the Republic in terms of attaining the objectives of this law;
- Creating and providing clear, strong, consistent and enforceable standards addressing the respect of the rights and dignity of persons with disabilities; and
- Providing a primary role of the Republic in the implementation of the principles and standards determined by this law.

Article 5 (Fundamental principles)

The fundamental principles of this law are as follows:

- Equal value and dignity for all human beings;
- Individual autonomy and independence of human beings;
- Respect for diversity and acceptance of disability as part of human diversity and humanity;
- No discrimination based on disability;
- Enforcement of affirmative actions (positive discrimination) as long as the necessity and a pre-condition for it exists;
- Equal opportunities; and
- Full inclusion of persons with disabilities as equal citizens and participants in all aspects of social and political life.

Article 6
(No inter-discrimination)

Considering the different types of disabilities, the Republic emphasises and directs its actions towards the consequence (impairment), as opposed to the cause of disability.

The cause of disability is the basis for designing the preventive role of the Republic.

Article 7
(Raising public awareness)

The Republic is responsible for implementing effective actions for increasing the level of public awareness regarding persons with disabilities, their rights and dignity, their potentials and their contribution by:

- Raising public awareness of persons with disabilities;
- Fighting against existing stereotypes and prejudice regarding persons with disabilities; and
- Promoting a positive image of persons with disabilities as capable and contributing members of society.

For the purpose of fulfilling the responsibilities stipulated in paragraph 1 of this Article, the Government of the Republic of Macedonia, by suggestion of the Ministry of Labour and Social Policy, annually, before the beginning of the fiscal year, shall enact a Programme for increasing public awareness of persons with disabilities and of their rights and dignity.

Article 8
(Cooperation with Disabled People's Organisations)

In the process of creation and development of the policies and strategies for implementation of the law, the Republic shall cooperate with Disabled Peoples' Organisations.

The Republic shall create adequate policy for persons with disabilities on a national level and stimulate and support the activities for their implementation on the local level.

The Republic shall provide for the participation of Disabled Peoples' Organisations in the bodies and institutions created by this law.

II. RIGHTS AND FREEDOMS OF PERSONS WITH DISABILITIES

Article 9 (Equal protection before the law)

All human beings are equal before the law and are entitled, without any discrimination based on their disabilities, to equal protection by the law.

The Republic shall prohibit any discrimination on the basis of disability and guarantees to all persons with disabilities equal and effective protection in realisation of their rights and dignity.

Article 10 (Discrimination on the basis of disability)

For the purpose of this law, the term “discrimination on the basis of disability” means any distinction, exclusion or restriction based on disability which aims to or results in prevention or difficulty of recognition and enjoyment, on an equal basis, of human rights and fundamental freedoms.

Article 11 (Legal capacity)

All persons with disabilities have full legal capacity, unless the same is restricted or limited in procedure according to the law.

In accordance with this law, every attempt to deny a person with disability his/her legal capacity will be considered as discrimination.

The assistance in exercising the legal capacity of persons with mental disabilities is proportional to the degree of assistance required by the person concerned and does not infringe at all upon the legal capacity, nor the rights or dignities of that person.

The assistance provided by paragraph 3 shall be determined individually with a by-law of the competent body.

Article 12 (Freedom and security of the person)

Every person has the right to freedom and security and cannot be deprived of it on the basis of disability.

No person can be deprived of his/her freedom unlawfully or arbitrarily, and any deprivation of freedom will be in conformity with the law and in no case shall be based on disability.

No person can be arbitrarily hospitalized or placed in a special institution based solely on his/her disability without clearly given consent, unless the cause and the procedure are provided by the law.

Article 13 (Freedom from torture)

Persons with disability cannot be subjected to torture or inhuman or degrading treatment or punishment based on disability.

Any measure resulting in severe treatment, punishment or pedagogic methods will be considered as a violation of the right stipulated in the previous paragraph.

It is especially prohibited to expose persons with disability to medical or scientific experimentation without their freely stated consent.

Article 14
(Life in the family)

Every person has the right to life in the scope of his/her family.

The right of motherhood, adoption and custody cannot be restricted on the basis of disability without a legal procedure first carried out.

When violation of the right stipulated in paragraph 2 occurs on the basis of disability, with no legal procedure previously carried out, it will be considered to be a severe case of discrimination.

Article 15
(Social expression)

Every person has the right to express his/her cultural, sports, religious and social positions, affinities and capabilities.

In the case that violation of the right stipulated in paragraph 1 of this Article is based on disability, it will be considered as discrimination, according to the law.

Article 16
(Unethical treatment)

Medical treatment that is unethical, untimely or inattentive and that instigates a radical deterioration of the psychophysical condition and the level of disability of the disabled person will be considered as violation of this law.

Article 17
(Harassment)

Every form of harassment is prohibited.

For the purpose of this law, the term “harassment” means any violation of the dignity of a person with disability by creating an antagonistic, threatening and degrading environment and atmosphere.

Article 18
(Distress)

Every form of distress is prohibited.

For the purpose of this law, the term “distress” means any inaccessibility to public services and buildings, and maintaining an architectural environment that hinders accessibility for persons with disabilities, and the lack of, disrespect and opposition to reasonable adjustment for persons with disability.

Article 19
(Tolerance)

Every individual and legal entity should demonstrate a certain level of tolerance towards persons with disabilities who use special aids, technical and other forms of assistance for their personal needs.

Legal entities – service providers should endorse internal regulations for access to services for persons with disabilities from paragraph 1 of this article; these regulations must be publicly announced and visible.

Article 20
(Multiple discrimination)

Discrimination against women and children with disabilities, as well as against persons with severe, combined or multiple disabilities will be considered as severe discrimination.

The Republic shall undertake priority measures and activities to eliminate all types of discrimination based on disability, particularly concentrating on women and children with disabilities, as well as persons with severe, combined or multiple disabilities.

Article 21
(Qualifying basis)

Every violation of the provisions of this Law that also represents a criminal act as provided for by the Criminal Code of the Republic of Macedonia shall receive a qualifying element to the criminal act, if the basis of the act is disability.

Article 22
(Responsibility to act or to omit)

The Republic shall have the responsibility to take legislative, administrative, judicial, educational and other measures for ensuring the protection against discrimination based on disability.

All individuals and legal entities have the responsibility to act or to omit, in accordance with the provisions prescribed by this law.

III. AREAS OF PROTECTION

1. Health care and rehabilitation

Article 23

The Republic shall have the ultimate responsibility for undertaking anticipatory measures for prevention of the cause of disability and for ensuring the right for effective medical care and rehabilitation for persons with disabilities.

Primary health care services shall be free for persons with disabilities.

The medical services that are not covered by the mandatory health insurance but are essential for rehabilitation and improvement of the health condition of persons with disabilities shall be considered as primary medical services, and shall be established individually by an authorised body.

Article 24

The Government, through the Ministry of Health and the Ministry of Education, shall undertake and implement educational programmes with the aim to prevent the cause of disability.

The Government, through the Ministry of Health and the Ministry of Labour and Social Policy, shall undertake concrete measures for provision and announcement of hygienic and health protection measures in all institutions and public places, particularly in those where there is a greater concentration of people.

The Government, through the Ministry of Health, shall undertake concrete measures for detection, analysis and well-timed identification and information about risk factors prior to pregnancy and genetic illnesses, and other ways to prevent disability

For the purpose of fulfilling the responsibilities stipulated in paragraphs 1, 2 and 3 of this article, the Government of the Republic of Macedonia, by recommendation of the Ministry of Health and on previous suggestion from the Ministry of Education and Science and the Ministry of Labour and Social Policy, annually, before the beginning of the fiscal year, shall enact a Programme for health education, hygiene and health protection measures for prevention of disability.

Article 25

In order to provide for early detection and continuous monitoring of the situation of children, the Ministry of Health shall establish a network of Centres for early detection of risk factors that may cause or increase the level of an already existing impairment.

The conditions of the children with the most severe forms of disability shall be under surveillance of a special Centre on the national level.

Article 26

The Republic shall have the ultimate responsibility to create a national programme for rehabilitation and to provide its implementation for all persons with disabilities with respect to their needs, under reasonable conditions and in continuity.

Persons with permanent disabilities shall have the right to free medical rehabilitation.

In accordance with this law, medical rehabilitation includes certain surgical intervention and medication therapy, physical therapy, oral and visual therapy, kinesis therapy, ergo therapy, psychotherapy and designing of assisting aids appropriate to the impairment.

To promote and support independent living of persons with disabilities, the Republic shall provide patronage service for continuous medical care and rehabilitation.

Article 27

The Republic, for persons with disabilities to be able to perform one or more of their day-to-day activities and functions, shall provide for utilisation-adequate prosthetic aids with regards to the latest technical and technological achievements.

If the prosthetic aids from paragraph 1 are not manufactured in the country, the Health Fund, through procedure provided by the Law, for each individual case, shall separately cover total expenditures for procurement of the aids, including the person's housing costs for staying abroad, if required by the technical and technological procedure.

A person with disabilities with seriously disrupted loco-motor and sensory functions, has a right to paid accompanying assistance, covered by resources allocated for such activities, while travelling, performing business tasks, professional practice and medical and technical interventions.

Article 28

The Republic and the units of local self-government, in the process of creating and implementing the activities for health protection and rehabilitation of persons with disabilities, shall provide for adequate participation and representation of persons with disabilities, members of their families and their organisations.

2. Education

Article 29

The Republic shall provide equal rights and opportunity for the entire education of persons with disabilities, as an integral part of the regular educational system.

In a situation where the regular educational system does not properly meet the educational requirements of the persons with disabilities, special educational units shall be established as part of the same system.

The person with disability has the right to free choice between the regular and special educational units, in conjunction with previous findings and opinions of an authorized body.

Article 30

In the special educational units and special institutions for the care of persons with disabilities, beside the educational component, the learning program will also be compulsory and adjusted with teaching methods and material for learning and evaluation of the acquired knowledge.

Article 31

The special schools for persons with sensory disabilities shall evolve into institutions for educational and social rehabilitation, all having the aim for successful participation of the pupils in the regular educational system.

Article 32

The regular educational system shall provide continuous training of the teaching staff, aids and equipment, as well as organize services and posts in accordance with the individual educational – learning requirements of the persons with disabilities.

Article 33

The Republic shall undertake measures for gradual integration of persons with disabilities into the regular teaching process.

Access to the regular contents of the teaching programs (curriculums) for the pupils with special educational – learning requirements shall be ensured by preparation of individual teaching programmes.

Article 34

The Government shall enact more specific regulations for:

- Improvement of the accessibility of the educational institutions;
- Transportation and accommodation for pupils with disabilities;
- Provision of stimulating measures (quotas, scholarships, participation exemption, etc.) for pupils with disabilities;
- Accessibility of the educational programs (curriculums); and
- Use of technical – technological and audio – visual means, according to the needs of the type and level of disability.

The Ministry of Education and Science shall improve the existing teaching programs in order to raise awareness of the issue of disability.

Article 35

Parents and disabled people's organizations shall be included in the creation and implementation of the educational programs (curricula), school councils and services for regular support of persons with disabilities in the educational process.

3. Employment

Article 36

The Republic shall undertake concrete measures and actions to ensure professional integration of all persons with disabilities, regardless of the cause, nature and level of their impairment.

The Ministry of Labour and Social Policy and the Employment Agency shall develop and implement national programmes and measures to increase employment that will provide equal opportunities for employment of persons with disabilities in the open labour market.

Article 37

For persons with disabilities, for every 12 months of active working, an additional four (4) months of pension insurance shall be calculated.

The person with disabilities obtains the right to age pension five (5) years prior to the established term for his/her age and gender.

Article 38

The Republic shall enact a Law for Employment of Persons with Disabilities and an Action Plan for implementation of the Law.

The bodies of the units of local self-government are obliged in their Local Development Programmes to provide measures for stimulation of the employment of persons with disabilities.

In adopting the legal acts stipulated by this article, special attention shall be put on promoting the labour of persons with disabilities, with particular emphasis on job satisfaction for those who will never be capable of performing effective, economically-justified work.

Article 39

The Law for Employment of Persons with Disabilities shall foresee special conditions and benefits for employment of persons with disabilities by:

- Providing quotas of 2-3% for employment of persons with disabilities in public administration through establishing a system of reserved positions in the systematisation of vacancies;
- Creating working conditions with adaptation of the workplace occupied by persons with disabilities;
- Tax exemptions and other economic benefits with the aim to promote corporate social responsibility and to motivate big companies to employ persons with disabilities;
- Establishing and stimulating sheltered companies as a transitory mechanism towards the full integration of persons with disabilities in the labour process;
- Empowering and stimulating persons with disabilities for self-employment and management of sheltered companies.

Article 40

A sheltered company shall be any company that employs at least five (5) persons, out of which at least 40% are persons with disabilities according to the terms of this Law.

The sheltered companies shall use special benefits from the financial resources of the Special Fund for Employment of Persons with Disabilities, for:

- Employment of a person with disabilities;
- Creation of working conditions with reasonable adaptation of the workplace for the person with disabilities;
- Tax-exemptions;
- Providing resources for contributions; and
- Financial support for business investments that provide new employment for persons with disabilities.

Article 41

The Employment Agency shall:

- keep a database of employed and unemployed persons with disabilities, and give recommendations for creation of and placement in adequate job positions;
- undertake measures and implement professional development training programmes with the aim of professional promotion for persons with disabilities; and
- monitor and control the justifiability of the Fund's resource expenditures.

Article 42

The Employment Agency shall send persons with disabilities to vocational training upon:

- request of the unemployed person with disabilities for his/her continuous upgrading of working abilities and skills;
- request of the employer, if the person with disabilities who is to be employed has no adequate education for the position or the work that he/she must perform;
- request of the employer for transferring the person with disability to a new working position if he/she has no adequate qualifications for it.

The financial resources for vocational training of the persons with disabilities shall be provided from the Special Fund for Employment of Persons with Disabilities.

Article 43

The Republic shall establish a Special Fund for provision of conditions for vocational training, employment and working of persons with disabilities.

15% of the total funds from the existing contribution for employment shall be relocated to a sub-account of the Employment Agency, at the latest the 30th of the current month, for the previous month.

The Special Fund shall be managed by an Executive Board comprised of three representatives from each of the following: the Employment Agency, the Governmental Coordinative Body, NADPO and the Union of Sheltered Companies.

The Government shall nominate a Director of the Special Fund who has the position of a state official.

Article 44

The resources of the Special Fund shall be allocated for:

- functioning of the Special Fund, maximum 1% of the total resources of the Special Fund within one fiscal year;
- creating work conditions with adaptation of the workplace occupied by persons with disabilities;
- vocational training and professional development of persons with disabilities;
- special benefits for the sheltered companies; and
- special benefits for persons with disabilities that are self-employed or are managing sheltered companies.

Article 45

The State, the workers' unions and employers should establish collaboration with the representatives of persons with disabilities.

NADPO shall establish a Commission for working relations, which shall have a consultative position in dealing with working relations issues with regards to persons with disabilities.

4. Social Security

Article 46

The Republic guarantees equal opportunities for persons with disabilities and undertakes measures that all have the aim to ensure a living wage and development of personal independence, economic independence, and social integration, through providing:

- minimum financial means for a dignified life;
- support of the families of persons with disabilities and individual independence of the persons with disabilities; and
- services for the overall involvement of persons with disabilities in social life.

In the case of impossibility of realization of the regulations stipulated in paragraph 1 of the present article, the Republic shall intervene by giving shelter and care of persons with disabilities in institutions for social protection.

Article 47

The Republic, through the Ministry of Labour and Social Policy, ensures the following for persons with disabilities:

- social pecuniary aid;
- continuous pecuniary aid on the basis of disability;

- support and care by another person; and
- support of the families of persons with disabilities.

Article 48

Persons with disabilities shall receive social pecuniary aid according to the terms stipulated by the Law, which do not exclude other kinds of financial support.

Article 49

Persons with disabilities shall have the right to continuous pecuniary aid in the amount of 1/3 to 2/3 of the average monthly net salary, depending upon the type and level of disability.

The right of paragraph 1 of the present article has an aim to cover all additional costs based on disability and is not considered as income and does not depend on the social status of the family.

Article 50

The Ministry of Labour and Social Policy, for persons with severe and most severe levels of disability, depending on their individual needs, ensures support and care by another person.

The indemnity for giving support and care of a person with disability is determined by an authorized body in the amount of 1/3 to 2/3 of the average monthly net salary, depending upon the type of service and the scope of the duties that are carried out.

If necessary, and upon previous suggestion of the Ministry of Labour and Social Policy, the service of paragraph 2 of the present article is provided according to the need of the persons with disabilities.

Article 51

The Republic shall provide a system of support for the families of the persons with disability, with the aim to keep the person with disability in his/her natural family.

The families of persons with severe and most severe types of disability shall be provided with greater support, and the time dedicated to care of this person by one of the parents shall be calculated as pension insurance.

Article 52

Persons with disabilities shall have the right to social rehabilitation.

In accordance with this law, social rehabilitation implies assistance for acquiring skills for independent living through rehabilitation of the person with visual, hearing and speaking impairment, physical rehabilitation, psychological and psychiatric assistance, information and provision of social services, as well as other activities that will fully integrate the person with disabilities and his/her family into society.

The Republic shall organize a network of special regional teams for social rehabilitation, comprised of experts from relevant areas, lawyers, persons with disabilities and members of their families.

Article 53

With the aim to support independent living and involvement of persons with disabilities in all spheres of social life, the Republic shall organize a network of services for personal assistance.

The need, time, level and quality of the assistance from paragraph 1 shall be evaluated by an authorized body for each case individually, in procedure provided by the law, as stipulated in the legal act.

Article 54

To support independent living, development of habits and skills, and to provide unimpeded business and social engagement of members of the family, the Republic shall organise a network of day-care centres for persons with disabilities.

In addition to the centres from paragraph 1, the Republic and the units of local self-government shall initiate and support establishment of other alternative support centres, such as: resource centres, SOS telephone lines, educative centres, centres for legal assistance, counselling services for psycho-sociological integration of persons with disabilities, awareness raising activities and other actions according to the needs.

The Republic, through the Fund stipulated by this Law, as well as the local self-government from their own resources, shall support initiatives and activities of families of persons with disabilities, non-governmental organisations and informal groups to carry out alternative services for support of persons with disabilities and their families.

Article 55

For the persons with severe, most severe and combined disabilities, which due to various reasons are not able to live in a family, the Ministry of Labour and Social Policy shall provide conditions for their acceptance in special institutions that function on the principle of family living.

Persons stipulated in paragraph 1 of this article shall be accepted in special institutions, nearest to their place of living.

5. Accessibility

Article 56

In order to include and ensure participation of persons with disabilities in the community, the Republic, with specific regulations shall prescribe the relevant spheres respecting the principles of freedom of movement, access to information and informatics technologies, independent living and universal design.

Article 57

The Ministry of Transport and Communication and the Ministry of Environment and Spatial Planning, in the process of planning, construction and adaptation, shall be responsible for enacting regulations and realization of measures that will provide freedom of movement, as well as architecturally accessible environments for persons with disabilities.

The Ministry of Transport and Communication shall enact a program for identification and gradual removal of existing architectural barriers.

The Units of the local self-government, when enacting the detailed urban plans, are obliged to include the regulations of paragraph 1 and paragraph 2.

Article 58

The Ministry of Transport and Communication and the Units for the local self-government shall enact regulations and carry out appropriate measures, all with the aim to:

- provide accessibility of public transportation;
- provide accessibility by building in technical devices in transportation stations and means of transportation;

- provide special conditions for movement, drop off, parking and leaving vehicles driven by or those that transport persons with disabilities; and
- ensure signalization, tactile paths and freedom of movement of a persons with a guide dog in public transportation.

The Republic prescribes with a special regulation the benefits in public transportation for persons with disabilities and their personal assistants.

The Republic prescribes with a special regulation the benefits for import, adaptation, maintenance and insurance of the passenger motor vehicles that are necessary for realization of the mobility of persons with disability.

Article 59

The Republic shall enact regulations in order to ensure accessibility of information, facilitate communication with the mass media, application of appropriate technologies and services, as well as to adjust the information system according to the needs of persons with disabilities.

National Radio and Television and Macedonian Information Agency shall provide medium coverage of events, promotion of positive images and editing of proper content and messages for persons with disabilities.

The written and electronic media shall include content in their programs that is assigned for persons with disabilities and promotes access to the remaining contents.

Presentations and the web pages of public institutions shall be provided in the accessible formats for persons with visual impairment, as well.

The Information Agency and the Council of the Radiobroadcast shall continuously follow and improve the implementation of paragraphs 3 and 4 of this article.

6. Political Participation

Article 60

The Republic shall undertake measures and activities to guarantee active participation of persons with disabilities in the electoral process.

The State Election Commission shall inform, initiate and undertake measures for realization of the overall participation of persons with disabilities in the electoral process.

Article 61

The Republic shall have the ultimate responsibility for providing complete comprehension and accessibility of the election procedures and voting places for persons with disabilities.

In case of a lack of possibility for realization of the right from paragraph 1, the Republic shall ensure home voting, voting in hospitals and institutions, as well as assistance during voting.

Article 62 (Election quota)

The political parties and other bearers of the candidate lists, when submitting the candidate lists, are obliged to anticipate presence of 5 % of persons with disabilities, in the sense of the present Law, with acknowledgment that the submitter of the list must have in mind the equal representations of those persons.

7. Housing

Article 63

The Republic, in the process of planning, projecting, constructing and allocating the social houses, respecting the principle of personal independence and independent living, shall establish a priority of solving the housing problems of persons with disabilities.

Article 64

The units of the local self-government shall undertake concrete measures for adaptation of the place of residence of persons with acquired disabilities in accordance with their situation and living needs.

The units of the local self-government shall undertake concrete measures for temporary housing and partial or full coverage of the costs of living for persons with disabilities.

8. Cultural Life and Sports

Article 65

The Republic and the units of the local self-government, associations and communities shall undertake concrete measures and programmes to ensure equal opportunities to satisfy the cultural, sports and religious needs of persons with disabilities and recognition of their creative ability and potential.

Article 66

The Ministry of Culture shall add to the content of its Annual Programmes with the aim to provoke, promote and affirm the creative, artistic and intellectual potentials of persons with disabilities.

The Ministry of Culture and other relevant cultural institutions shall undertake concrete measures for providing accessibility, conditions for following and understanding of the cultural contents by persons with disabilities.

Article 67

The Agency for Sports and Youth shall enact an Annual Programme for full participation of persons with disabilities in the sports activities stipulated in it.

The Agency for Sports and Youth, in close cooperation with the Units of the local self-government, sport federations and sport clubs shall create conditions for integration of persons with disabilities through adaptation and permission for the use of sports stadiums, fields and equipment as well as informing and promoting the results from the competitions.

The organisers of sports competitions and events shall undertake concrete measures for accessibility, transportation, spectating and personal security of persons with disabilities.

IV. MECHANISMS FOR REGULATION

1. Statistical data

Article 68

The Republic is the bearer and shall have the ultimate responsibility for gathering, at regular intervals, specific statistics and other information related to the lives of persons with disabilities.

This information gathering shall be carried out in an organised and legal method concurrently with the Census of the population and households.

Article 69

The Republic shall have the ultimate responsibility for the design, updating and use of the databases for persons with disabilities.

The right from paragraph 1 of this article can be transferred to another legal entity through a particular legal act and in procedure provided by in the law.

In the process of designing the databases, care should be taken to preserve the confidentiality of the data and the personal integrity of the person with disabilities.

Databases shall be in a statistical format and should include information on the age, gender, type of disability, education and social status of the person with disability.

Article 70

The Republic and the units of the local self-government shall be responsible for designing and carrying out research programs regarding socio-economic issues and about issues of participation of persons with disabilities, which have an impact on their lives and on the lives of their families.

2. Disability Verification Commissions

Article 71

The determination of the type of disability and the level of impairment and limitation to realise one or more daily activities and functions for each individual case shall be carried out by a special Disability Verification Commission established for that purpose.

Under a special regulation by the Ministry of Health, 5 (five) first instance regional Disability Verification Commissions and a National Disability Verification Commission with the authority to monitor and decide on appeal instance shall be established.

Article 72

The procedure for determination of disability can be initiated by an individual who considers him/herself disabled, by his/her guardian or by an authorised body.

The procedure for determination of disability shall be free of charge for the initiator.

The Disability Verification Commission works according to the national and international standards and International Classification of Functions, Disability and Health (*ICF*).

Article 73

The determined disability may be temporary or permanent.

The person whose disability has been determined shall receive an identification number necessary for exercising the rights based on disability.

Article 74

The Disability Verification Commission shall keep records of all persons whose disabilities have been determined.

The data from paragraph 1 of this article shall be confidential and can be used only in accordance with the law.

3. Governmental Coordinative Body for Equalisation of Opportunities for Persons with Disabilities

Article 75 (Establishment)

For the purpose of coordination of governmental institutions in the implementation of the provisions of this Law and the acts generated from it, the Government shall establish a Coordinative Body for equalisation of opportunities for persons with disabilities (hereinafter: Governmental Coordinative Body).

The Governmental Coordinative Body shall meet according to need, at minimum once per month.

Article 76

The duty of the Governmental Coordinative Body shall be to coordinate the efforts of the Government and other institutions, regarding:

- Issues of importance for elimination of any discrimination against persons with disabilities;
- Measures that will contribute to the reduction or the elimination of discrimination;
- Measures for enforcement and promotions of equal opportunities and full participation of persons with disabilities in all spheres of society; and
- Other issues related to enforcement of the provisions of this Law and the acts generated from it.

Article 77

The Governmental Coordinative Body shall have 9 members.

According to its official function, members of the Governmental Coordinative Body shall be as follows:

- The Minister of Labour and Social Policy;
- The Minister of Health;
- The Minister of Transport and Communications;
- The Minister of Education and Science;
- The Minister of Culture; and
- The Minister of Environment and Spatial Planning.

Participating in the work of the Governmental Coordinative Body shall be the President of the Commission for Protection of the Rights of Person with Disabilities, the Director of the Disability Rights Fund and the President of the National Assembly of Disabled People's Organizations.

The President of the Governmental Coordinative Body shall be appointed by the Government, and come from the position of Minister.

Article 78

The Governmental Coordinative Body shall submit annual reports of its work to the Government.

The report shall be submitted previously for opinion to the Commission for protection of the rights of persons with disabilities and the National Assembly of Disabled People's Organization.

4. National Assembly of Disabled People's Organizations (NADPO)

Article 79

Persons with disabilities have the right to freedom of association for the purposes of achieving common goals and interests, in accordance with the legislation in force in the Republic of Macedonia.

For the purpose of coordination of the non-governmental organizations and ensuring the participation of persons with disabilities in the development of policies and strategies for implementation of this Law and the acts generated from it, the organizations of persons with disabilities shall establish a National Assembly of Disabled People's Organizations (hereinafter: NADPO).

Article 80

For the purpose of this Law, the term "Disabled People's Organization" shall denote any organization registered in accordance with the Law on Associations of Citizens and Foundations, in which at least 51% of the members are persons with disabilities or representatives of persons with disabilities not able to represent themselves, and where the managerial positions are held by persons with disabilities or by representatives of persons with disabilities not able to represent themselves.

Article 81

All organizations of persons with disabilities shall have the right, of their own free will and judgment, to be members of NADPO.

In terms of structure, the organizations of persons with disabilities in the NADPO shall be organized according to the type - genesis of the disability on one hand, and the preferences, cause, methods of work and common interests of persons with disabilities (multi-structural groups) on the other hand.

Article 82

NADPO shall have the status of a legal entity, and its work will represent public interests in the Republic of Macedonia.

NADPO shall enact its own Charter of Principles and a long-term and short-term Plan of Action.

NADPO shall enact a Statute that regulates the structure and the work of the NADPO and its organs.

Article 83

The competencies of the NADPO shall include:

- Representation of interests of persons with disabilities both in the country and abroad;
- Participation in the creation of policies, programmes and strategies regarding the implementation of this Law and the acts generated from it;

- Delegation of members to the Governmental Coordinative Body, the Commission for Protection of the Rights of Persons with Disabilities, the Executive Board of the Disability Rights Fund, and other bodies;
- Providing opinions on the reports about the work of the Governmental Coordinative Body, the Commission for Protection of the Rights of Persons with Disabilities, the Disability Rights Fund, and other bodies;
- Initiation and undertaking of activities at both the national and local level with the aim of protecting the rights and dignity of persons with disabilities; and
- Informing, giving opinions and recommendations to competent authorities and organizations about issues of interest to persons with disabilities.

Article 84

The financing of the operation of the NADPO shall be ensured by:

- The membership fee from the Disabled People's Organisations- member of NADPO;
- The resources from the Disability Rights Fund; and
- Other sources of funding.

Article 85

The NADPO, on an annual basis, shall enact a report of the actions undertaken and their justification.

NADPO shall submit a financial report for the current year and a budget forecast for the following year to the Disability Rights Fund.

NADPO, for informational purposes, shall submit the financial report for the current year to the Governmental Coordinative Body and the Commission for Protection of the Rights of Persons with Disabilities.

V. MECHANISMS FOR PROTECTION

1. Commission for Protection of the Rights of Persons with Disabilities

Article 86

Due to the necessity for efficient and effective protection of the rights and dignity of persons with disabilities under the provisions of this Law, a Commission for Protection of the Rights of Persons with Disabilities shall be established (hereinafter: Commission)

Article 87

The Commission shall be comprised of 5 individuals: a president-commissioner and 4 members.

The members of the Commission shall be appointed by Parliament and nominated by the Government, with previous consultations with the NADPO, and with a mandate of five (5) years.

Article 88

A Commissioner shall be a person who has completed higher education and a minimum of 6 years working experience in the field of protection of human rights.

A member of the Commission can also be a non-disabled person, but when nominating the Commission members, the participation of people with disabilities must be ensured.

The function of a Commissioner shall be conducted professionally and shall be incompatible with any other public function.

Article 89

To ensure the protection of the rights and dignity of persons with disabilities, the Commission shall:

- Provide protection against violations caused by general acts;
- Provide legal assistance and representation in cases of violation of the rights of an individual;
- Raise awareness and promote the object of protection of this Law; and
- Follow the implementation of this law and the acts generating from it.

Article 90

The competencies of the Commission shall include:

- Preparing and initiating the creation of general acts;
- Commenting on and initiating amendments of existing general acts;
- Recommending directions for practical implementation of the general acts from the perspective of protection of the rights and dignity of persons with disabilities to the government institutions;
- Carrying out assessment of the situation in specialised institutions or day care centres that provide for persons with disabilities;
- Submitting requests for revoking working licences in cases of severe violations of the provisions of this Law and the acts generated from it;
- Giving legal aid and providing representation in case of single or multiple violations against the object of protection of this Law in individual cases;
- Acting as a litigation party in cases of public interest or when a large group of citizens is concerned;

- Undertaking a formal investigation with provided assistance from relevant institutions when there is well-founded suspicion of violation of the provisions of this Law and the acts generated from it;
- Notifying offenders in cases of violation of the provisions of this Law and requiring in a given period of time eliminations of the indicated violations;
- Undertaking research, preparing and presenting analyses and programmes with the aim to promote the rights and dignity of persons with disabilities; and
- Undertaking educative campaigns with the aim to promote the existing and future contribution of persons with disabilities towards the overall potential and diversity of society.

Article 91

The Commission shall adopt its own Statute, Working Protocol, Plan and Programme for Action, Legal Strategy and Guidelines of the types of protection of the rights and dignity of persons with disabilities.

Article 92

The Commission shall appoint a secretary, with previous consultations with the NADPO.

The Secretary shall coordinate the work of the expert body in the scope of the Commission.

Article 93

The work of the Commission shall be public.

The functioning of the Commission shall be ensured by the resources from the Disability Rights Fund.

Article 94

On an annual basis, the Commission shall submit a report of the actions undertaken to the Parliament of the Republic of Macedonia.

The annual report shall be submitted for opinion to the NADPO and the Disability Rights Fund.

The report shall include:

- Information about the actions undertaken by the Commission itself or in collaboration with other institutions;
- General research of the development of matters that are under the responsibility of the Commission;
- Plan of activities of the Commission for the following year;
- Financial report for the current year; and
- A budget forecast for the following year.

2. Relations with the Ombudsman

Article 95

Violation of the provisions of this Law and the acts that are generated from it shall be a basis for intervention of the Ombudsman.

The Ombudsman shall delegate one of his deputies to continually monitor the matters and undertake appropriate measures for that aim.

3. Protection on the Local Level

Article 96

Authorities of the local self-government, to ensure effective protection of the rights and dignity of persons with disabilities, shall establish councils or actively cooperate with the existing local Disabled People's Organisations.

Every Council of the local self-government shall establish a working body for cooperation with established councils or with the local DPOs from paragraph 1 of this article.

4. Actio Popularis

Article 97

In case of violation of the rights and dignity of persons with disabilities provided by this Law and the acts that are generated from it, Disabled People's Organisations, on behalf of their members and staff shall have the right to appear as a litigation party in concrete court cases.

VI. MECHANISMS FOR ENSURING IMPLEMENTATION

1. Disability Rights Fund

Article 98

Due to the necessity to ensure funds for implementation of this Law and the mechanisms stipulated by it, a Disability Rights Fund shall be established (hereinafter: Fund).

The Fund is a legal entity.

The Fund is independent in its work.

The Fund shall be based in Skopje.

Article 99

The Fund shall receive its income from:

- The lottery games gains (50% of all income);
- The Budget of RM;
- Credits;
- International investments;
- Donations, legates and
- Other resources.

Article 100

The Fund, in accordance with the principles of effectiveness, efficiency and low-cost, shall allocate its resources in the following way:

- For the functioning of the Fund;
- For the functioning of the Disability Rights Commission;
- For supporting the work of the NADPO;
- For the programme's funding of the Disabled People's Organisations; and
- For capital investments aiming to improve the current situation of persons with disabilities.

Article 101

The work of the Fund shall be coordinated by the Executive Board of the Disability Rights Fund (hereinafter: Executive Board).

The Executive Board shall consist of eleven (11) members appointed by the Government of the Republic of Macedonia, with a mandate of five (5) years:

- Five representatives from the NADPO;
- Two representatives from the Ministry of Labour and Social Policy;
- Two representatives from the Ministry of Finance; and
- Two representatives from the Commission.

The Executive Board shall meet when necessary, at least six times per year.

Article 102

The responsibilities of the Executive Board shall include:

- Following the policy of development and promotion of the protection of the rights and dignity of persons with disabilities;

- Enacting the Statute of the Fund;
- Adopting the Plan and Programme of Action;
- Making legal documents and systematization of the Fund;

- Drafting the Budget of the Fund;
- Carrying out assessments, reports, information and other work regarding the current situation and problems facing persons with disabilities in protection of their rights;
- Adopting a Programme for investment according to the priorities for protection of persons with disabilities; and
- Appointment and dismissal of the Director of the Fund as well as other functions provided by the law and the Statute of the Fund.

The Executive Board of the Fund shall adopt its decisions with a majority of votes of all members.

Article 103

The Director shall be the working (operational) body of the Fund.

The Director shall be appointed by the Executive Board through public announcement for a five (5) year mandate, without right for reappointment.

The law shall provide the need for consent by the Government of the Republic of Macedonia with the decision to appoint the Director of the Fund.

Article 104

For the purpose of undertaking professional and administrative work of the Fund, the Secretariat of the Fund (hereinafter: the Secretariat) shall be established.

The Director shall be responsible for the work of the Secretariat.

Article 105

The work of the Fund shall be public.

The Fund, on an annual basis, shall submit a report for the actions undertaken to the Government of the Republic of Macedonia.

The annual report shall be submitted for opinion to the Governmental Coordinative Body and the NADPO.

The report shall include:

- Information about the justifications of the actions undertaken by the Fund itself or in collaboration with other institutions;
- Action Plan of the Fund for the following year;
- Financial report for the current year; and
- A budget forecast for the following year.

The audit of the material and financial work of the Fund shall be conducted according to the Law on state auditing.

2. National Strategy for Equalisation of Opportunities for Persons with Disabilities in the Republic of Macedonia

Article 106

For the purpose of implementing the provisions of this Law and acts generated from it, the Government shall enact a National Strategy for Equalisation of Opportunities for Persons with Disabilities in the Republic of Macedonia (hereinafter: the National Strategy).

An integral part of the National Strategy shall be the National Action Plan.

The working group for drafting the National Strategy shall consist of representatives from the Disability Rights Commission and the NADPO.

Article 107

The National Strategy shall be enacted for a period of six (6) years.

The National Action Plan shall be enacted for a period of six (6) years and is subject to revision every second year.

Article 108

The Government shall prepare and publicly announce an annual report of the progress of implementation of the National Strategy and National Action Plan.

The Disability Rights Commission and the Governmental Coordinative Body shall participate in the preparation of the report stated in paragraph 1 of this article.

Article 109

NADPO shall take a position and prepare a general review about the report stated in the previous article.

NADPO shall publicly announce the review about the report stated in the previous article, and submit it to its members, relevant institutions and organisations in the country and abroad.

VII. PUNITIVE / REPRIMANDATORY PROVISIONS

Article 110

Any person who shall deprive a person with disabilities of his/her rights stipulated by the Constitution, law or ratified international treaties shall be punished for a criminal act with imprisonment of three months to three years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of six months to five years.

Article 111

Any person who shall deprive a person with disabilities of his/her legal capacity, without conducting the procedure stipulated by the law, contrary to Article 11 of this Law shall be punished for a criminal act with imprisonment of one to three years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of one to five years.

Article 112

Any person who unlawfully deprives a person with disabilities of his/her freedom contrary to Article 12 of this Law shall be punished for a criminal act with imprisonment not exceeding three years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of one to five years.

Article 113

Any person, who subjects a person with disabilities to torture or inhuman and degrading treatment or punishment, in accordance with Article 13 of this Law, shall be punished for a criminal act with imprisonment of one to five years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of a minimum three years

Where, due to the offence from paragraph 1, a person with disability has lost his/her life or has suffered severe physical injury or other severe consequences, the offender shall be convicted to imprisonment of three to ten years.

Article 114

Any person who exposes a person with disability to medical or scientific experimentation without his/her freely stated consent shall be punished for a criminal act with imprisonment of a minimum three years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of a minimum five years.

Article 115

Any person who restricts a person with disability the right to motherhood, adoption and custody shall be punished for a criminal act with fines or imprisonment not exceeding three years.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment of one to five years.

Article 116

Any person who restricts a person with disabilities the right to express his/her cultural, sports, religious and social positions, affinities and capabilities shall be punished for a criminal act with fines or imprisonment not exceeding one year.

Article 117

Any person who violates the dignity of a person with disability by creating an antagonistic, threatening and degrading environment and atmosphere shall be punished with fines or imprisonment of not exceeding one year.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with imprisonment not exceeding one year.

Article 118

Any person, who in any form causes distress of a person with disabilities, in accordance to the provisions of Article 18 of this Law, shall be punished with fines or imprisonment not exceeding one year.

Where the offence from paragraph 1 is committed by an officer acting in his/her official capacity, the offender shall be punished with restriction to engage in official practice and imprisonment of one to three years.

Where the offence from paragraph 1 is committed by a legal entity, it shall be punished with a fine.

VIII. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 119

The Government of the Republic of Macedonia shall enact a regular Annual Programme for increasing public awareness within society of persons with disabilities and their rights and dignity, as stated in Article 7 of this Law, and a Programme for health education, hygiene and health protection measures for prevention of disability, as stipulated in Article 24, for the first time within the year following the year in which this Law enters into force.

Article 120

The Republic shall be obliged to harmonise the assistance in executing the legal capacity of persons with mental disabilities with the provisions of this Law within a period not exceeding one year after the entry into force of this Law.

Article 121

As stipulated by Article 25 of this Law, The Ministry of Health shall establish a network of centres for early detection and continuous monitoring of the situation of children within a period not exceeding three years after the entry into force of this Law.

Article 122

The Republic shall prepare the national rehabilitation programmes and shall ensure enjoyment of the right to free medical rehabilitation as well as patronage service for continuous medical care and rehabilitation for the beneficiaries, as stated in Article 26 of this Law, within a period not exceeding three years after the entry into force of this Law.

Article 123

The Ministry of Health and the Health Fund shall harmonise the regulations stated in Article 27 relating to providing prosthetic aids for persons with disabilities and the right to paid accompanying assistance, with the provisions of the Law within a period not exceeding two years after the entry into force of this Law.

Article 124

The Republic and the units of the local self-government shall provide for adequate participation and representation of persons with disabilities, representatives of their families and their organisations in the process of creation and implementation of activities related to health protection and rehabilitation of persons with disabilities within a period not exceeding three years after the entry into force of this Law.

Article 125

The Republic shall enact the Law for Employment of Persons with Disabilities, harmonised with the provisions and the Action Plan for implementation of this Law within a period not exceeding two years after the entry into force of the Law.

The bodies of the Units of the local self-government shall enact their Local Development Programmes for providing measures for stimulation of the employment of persons with disabilities, in accordance with Article 38, within the year following the year in which this Law enters into force.

Article 126

The Employment Agency shall harmonise the regulations for employment of persons with disabilities with the provisions of this Law within a period not exceeding two years after the entry into force of the Law.

Article 127

The work of the Special Fund for providing conditions for vocational training, employment and working of persons with disabilities shall be coordinated with the provisions of this Law within a period not exceeding two years after the entry into force of the Law.

Article 128

The Government shall enact the regulations from Article 34 of this Law related to promoting accessible and inclusive educational institutions, transportation and accommodation of pupils with disabilities, providing stimulating measures (quotas, scholarship, participation exemption, etc) for pupils with disabilities, accessibility of the educational programmes (curriculums), using technical-technological and audio-visual resources in accordance to the needs of the type and level of disability etc, within a period not exceeding three years after the entry into force of this Law.

Article 129

The Republic, through the Ministry of Labour and Social Policy, shall harmonise the regulations, stipulated by Article 47, relating to social pecuniary aid, continuous pecuniary aid on the basis of disability, support and care by another person, support of the families of persons with disabilities with the provisions of this Law within a period not exceeding three years after the entry into force of this Law.

Article 130

The Republic shall establish a network of special regional teams for social rehabilitation, as stated in Article 52 of this Law, and shall organize a network of services for personal assistance, as stated in Article 53, within a period not exceeding three years after the enactment of the Law.

Article 131

In accordance to Article 54 of this Law, the Republic, within a period not exceeding three years after the enactment of the Law, shall establish a network of Day-Care Centres for persons with disabilities.

Article 132

In accordance to the provisions of Article 55 of this Law, the Ministry of Labour and Social Policy, within a period not exceeding three years after the enactment of the Law, shall provide conditions for accommodation of persons with severe, most severe and combined disabilities in the special institutions.

Article 133

The Ministry of Transport and Communication and the Ministry of Environment and Spatial Planning, within a period not exceeding three years after the enactment of this Law,

shall enact regulations that will provide unobstructed mobility and architecturally accessible environment for persons with disabilities.

The Ministry of Transport and Communication, within a period not exceeding six months after the enactment of the regulations from paragraph 1 of this Article, shall enact a Programme for identification and gradual elimination and overcoming of the existing architectural barriers.

The Units of the local self-government shall harmonise their detailed urban plans with the provisions of this Law within a period not exceeding one year after the enactment of the regulations from paragraph 1 of this Article.

Article 134

The Republic, the Ministry of Transport and Communications, the Ministry of Environment and Spatial Planning and the units of the local self-government shall enact the regulations stipulated in Articles 58 and 59 of this Law within a period not exceeding three years after the enactment of the Law.

Article 135

The provisions from Articles 60, 61 and 62 of this Law shall be implemented during the first parliamentary election following the entry into force of this Law.

Article 136

The Ministry of Culture shall harmonise its annual programme with the provisions of Article 66 of this Law within the first year following the enactment of this Law.

The Ministry of Culture and the cultural institutions shall begin to implement concrete measures for providing accessibility, conditions for following and understanding of the cultural contents by persons with disabilities within a period not exceeding six months after the enactment of by-laws that will regulate these issues.

Article 137

The Agency of Sports and Youth shall enact its annual programme harmonised with the provisions of Article 67 of this Law, within the first year following the enactment of this Law.

The organisers of sporting events shall begin to implement concrete measures for providing accessibility, transportation, spectating and personal security of persons with disabilities within a period not exceeding six months after the enactment of by-laws that will regulate these issues.

Article 138

The Law on Census (Official Gazette of RM 25/94 and 43/02) shall be harmonised with the provisions of this Law within a period not exceeding one year after the entry into force of the Law, and the provisions stipulated by Articles 68, 69 and 70 of this Law shall be enforced by the first following Census in the Republic of Macedonia.

Article 139

The Ministry of Health, within a period not exceeding one year after the enactment of the Law, shall enact by-laws that will regulate the work of the Disability Verification Commissions and the National Disability Verification Commission.

Article 140

The standing Government Coordinative Body for equalisation of opportunities for persons with disabilities shall, in accordance to the provisions of this Law, begin to function within a period not exceeding one year after the enactment of the Law.

Article 141

The assembly meeting for establishment of the National Assembly of Disabled People's Organizations shall be held within a period not exceeding six months after the enactment of this Law.

Article 142

The Commission for Protection of the Rights of Persons with Disabilities shall begin its work within a period not exceeding one year after the enactment of this Law.

Article 143

The Disability Rights Fund shall begin to function within a period of one year after the enactment of this Law.

Article 144

The Government shall coordinate the National Strategy for Equalisation of Opportunities for Persons with Disabilities in the Republic of Macedonia with the provisions of this Law within a period of six months after the enactment of this Law.

Article 145

This Law enters into force on the eighth day of its publication in the "Official Gazette" of the Republic of Macedonia.