



NEWS REPORT

Date:	1 February 2011
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Title:	The Assembly of the Republic of Macedonia appointed the members of the first Commission for Protection against Discrimination
Country:	Republic of Macedonia (FYROM)
<u>Context</u>	
Issue at stake:	Members for the Commission for Protection against Discrimination appointed by the Assembly of the Republic of Macedonia
Ground of discrimination:	All grounds
Source:	Decision on Appointing Members of the Commission for Protection against Discrimination, adopted by the Assembly of the Republic of Macedonia, No 07-5222/1, 27 December 2010 (Official Gazette of the Republic of Macedonia. No. 170/2010. 29 December 2010).
Field:	All fields
Legislative provisions:	National legislative provisions: Articles 1, 17, 18, 19 and 21 of the Law for the Prevention and Protection against Discrimination (2010) EU provisions: Article 13 of the Race Equality Directive (2000/43/EC)

Content

Political development: At the Committee on Election and Appointment Issue's instigation the Assembly of the Republic of Macedonia (the Assembly) appointed on 27 December 2010 the members of the Commission for Protection against Discrimination (the Commission). The Commission is the first equality body established by the 2010 Law on the Prevention and Protection against Discrimination (Anti-discrimination law) which is the first comprehensive legislation on anti-discrimination. However, civil society organisations, the opposition at the Parliament, as well as some of the applicants for the position of members of the Commission raised a variety of

concerns on the appointed members in relation with the provisions of the Anti-discrimination law.

In accordance with this law, the Assembly published an announcement for the appointment of the Members of the Commission, stating conditions that all applicants must fulfil. The Anti-discrimination law establishes the following conditions for the Members of the Commission: be a citizen of the country with permanent residence, have completed high education and have experience in the area of Human Rights or social sciences.

The Committee drafted a decision for the appointment of the Members of the Commission, submitting its adoption to the Assembly. The proposal presented a list established out of the thirty eight applications received. The Assembly adopted the draft decision as proposed by the Committee on December 27, 2010.

However, serious concerns were raised as to the three main following lines: Firstly, concerns were raised on whether all appointed members fulfilled the legal conditions established by the Anti-discrimination law.¹ Secondly, it is highly questionable whether the best possible candidates were selected from the applicants.² Thirdly, some of the appointed members work and will continue to work in positions in the executive and legislative branches of the government, which brings their capacity to act impartially under question.³

Arguments used in defence of the proposed composition of the Commission by the Members of the Parliament who voted in favour, does not provide strong reasoned support justifying the appointment of the most contested candidates, and does not convincingly refute the higher quality of some of

¹ Notably, as can be seen from the submitted CVs, one of the selected candidates has only working experience as a teaching assistant in arts (music), meaning no experience in Human Rights, nor social sciences, which is part of the legal criteria. CVs of several of the other appointed members qualify their interest in working in Human Rights as questionable (as can be seen from lack of any specific education, experience or at least extracurricular activities in Human Rights).

² As noted in the stenographs from the session of the Committee and of the Assembly, the list of applicants included persons with substantially stronger credentials and competences when measured against the legal criteria, than most of those of the appointed members. The list of rejected applicants includes Human Rights scholars (including applicants teaching Human Rights and related courses at both graduate and post-graduate level) and Human Rights activists (some of which were part of the driving civil society force that pushed for the adoption of the Anti-discrimination law, and that were active during the whole process of drafting of the text of the law; others are active in working with marginalized groups, including LGBTI and Roma).

³ Under the Anti-discrimination law, members of the Commission do not have an obligation to discontinue/pause these engagements. However, it is questionable whether this obligation does not exist under other laws.

the rejected applicants, as can be seen from the transcripts of the Committee and Assembly working sessions.

However, this composition was elected and will be sitting in the Commission for a five year mandate with the right to one re-election. Some of the unsuccessful applicants have announced that they will start court proceedings against the decision of the Assembly.

Internet link source and additional information:

(Note: all sources are in Macedonian language only)

Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia. Full materials from the session of the Committee on Election and Appointment Issues. *Assembly of Republic of Macedonia Website*.

<http://www.sobranie.mk/ext/exporteddocumentdownloadwindow.aspx?Id=01bddbcd-16fc-4db7-b46c-2c051dd27afe&t=pdf> . Last accessed: 28 January 2011.

Stenograph notes from the session of the Committee on Election and Appointment Issues [Стенографски белешки одсто и триесетата седница на Собранието на Република Македонија, одржана на 27 декември 2010 година]. *Assembly of Republic of Macedonia Website*. <http://www.sobranie.mk/WBStorage/Files/130%20sednica%2000%20-%2027.12.2010.doc> . Last accessed: 28 January 2011.

Decision on Appointing Members of the Commission for Protection against Discrimination [Одлука за именување членовина Комисијата за заштита од дискриминација]. *Official Gazette of the Republic of Macedonia*. No. 170/2010. 29 December 2010.

Law on Prevention and Protection Against Discrimination [Закон за спречување и заштита од дискриминација]. *Official Gazette of the Republic of Macedonia*. No. 50/2010. 13 April 2010.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. *Eur-lex*. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:EN:HTML> . Last accessed: 28 January 2011.