



NEWS REPORT

Date:	1 February 2011
Expert:	Biljana Kotevska
Title:	Commencement of the implementation of the Law on Prevention and Protection Against Discrimination
Country:	Republic of Macedonia (FYROM)
<u>Context</u>	
Issue at stake:	As of January 01, 2011 the implementation of the first comprehensive legislation on the prevention and protection against discrimination (adopted in April 2010) has started
Ground of discrimination:	All grounds
Source:	Legislation
Field:	All fields
Legislative provisions:	Article 46 - Law for the Prevention and Protection against Discrimination (2010)

Content

Legislative development: On January 2011, the implementation phase of the first comprehensive legislation on anti-discrimination in Macedonia - the Law on the Prevention and Protection against Discrimination (Anti-discrimination law) adopted by the Assembly of the Republic of Macedonia in April 2010, has started. However, several issues related to the implementation of the law, such as the composition of the equality body and the body's budget, remain disputed.

The Anti-discrimination law did not foresee any transitional or final provisions to prepare the Macedonian legal order for the implementation of the law. Preparations for the start of the implementation of the law were only related to the establishing of the Commission for Protection against Discrimination as the equality body. The preparatory actions consisted of the appointment of the Members of the Commission and funds perspectives for the Commission in the 2011 state budget. The result of both these preparatory activities was highly disputed (see flash report MK 7).

Furthermore, several more facts add to the concerns that the independency of the Commission at stake from its very start. Notably, the Commission has been awarded premises in the building of the state Macedonian Television – a building where there are sections of several ministries (including of the Ministry of Interior). The state budget foresees an annual amount of approximately three and a half million Macedonian denars for the fiscal year of 2011.

If one takes into consideration two facts - that the Anti-discrimination law foresees that the Members of the Commission will receive a monthly compensation of two average monthly salaries, and that an average monthly salary in Macedonia is approximately twenty thousand Macedonian denars, one can clearly see that the legal provision cannot be respected with the current budget projection. The amount foreseen for the salaries for the Commission is not enough to cover these expenses for the seven members. This means that in order to bridge this gap, the Commission will have to extract funds from the other budget lines awarded to it, and opens the question of whether the Commission, given that it is a newly established body, will be able to fully equip itself with human and technical resources to enable its members to fulfil their functions.

With regards to preparation of the legal system for the implementation of the Anti-discrimination law, more issues are expected to rise. Aside from the many contradictory provisions pertaining to anti-discrimination in various existing laws, the Anti-discrimination law did not foresee transition provisions that will oblige the legislator to adjust the system and prepare it for the implementation of the new law. Issues such as competences in deciding on discrimination cases, or definitions of grounds of discrimination, are only two of the several expected ones to rise in the implementation due to a lack of such preparation of the system.

Internet link source and additional information:

(Note: all sources are in Macedonian language only)

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.



Budget of the Republic of Macedonia for the year of 2011 [*Буџет на Република Македонија за 2011 година*]. Official Gazette of the Republic of Macedonia. No. 161/2010. 15 December 2010.