

ANTI-DISCRIMINATION LEGISLATION IN MACEDONIA

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Budapest



Macedonia and issues of Human rights

- Macedonia has ratified most of international documents (at UN and Council of Europe level) regulating the issues of human rights and based on the principle of non-discrimination and equality;
 - Universal declaration of Human rights
 - the Covenant on Civil and political rights
 - the Covenant on Economic, Social and Cultural rights
 - the Convention on the Elimination of All forms of racial Discrimination

Two draft law were prepared by NGO`s

- *Two draft laws concerning discrimination were considered by MLSP.*
- *One has been prepared by the Macedonian Helsinki Committee and consists of 44 Articles, together with list of definitions, and reasons for enactment;*
- *The other, was prepared as part of a project by the Macedonian Center for International Cooperation (MCIC).*

KEY ISSUES

- A. Definitions of unlawful practices which are effective and meaningful;
- B. Remedies which provide incentives for voluntary compliance and effective means for change;
- C. Procedural law which facilitates presentation of serious claims; and
- D. Resources to implement the law.

The working group will take into account

- The scope of the law prohibits discrimination in specific areas of public, as opposed to private, life, and that law focus on specific and limited protected categories;
- The prohibition on speech will be narrowed in order to avoid breaching other fundamental freedoms especially that of freedom of expression;
- The definitions of direct and indirect discrimination, and analogous terms will be make consistent with the Equal Opportunities Law and are more precisely delineated;
- Litigation will be supplemented by other mechanisms in order to achieve the aims of the legislation;

REMEDIES AND PROCEDURES

- **Government may wish to consider an approach which incorporates elements of administrative action, and conciliation, with litigation as one available element;**
- **NGO`s recommended that the Government consider making specific provision:**
- **Shifting the burden of proof from the claimant;**
- **Allowing statistical evidence to be adduced to support a claim of discrimination;**
- **Stating the level of compensation and damages to which successful**
- **Claimants are entitled; and allowing claimants to be reinstated if they have been dismissed from employment, and other measures which might prevent repetition of the discriminatory behaviour.**