



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Macedonia
Title:	Appointment of new members of the equality body
Date:	26 February 2016
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Update of flash report nr:	MK-7 ¹
<u>Context</u>	
Issue at stake:	The appointment of new members of the equality body by Parliament raises worry over politization and independence
Ground of discrimination:	All
Source:	Decision on Appointing Members of the Commission for Protection against Discrimination, adopted by the Assembly of the Republic of Macedonia, No 08-183/1, 11 January 2016
Field:	Equality body; all fields
Applicable law:	Law for the Prevention and Protection against Discrimination (50/10, 14/14, 150/15), Art: 17. EU law: Article 13 of the Race Equality Directive (2000/43/EC)

Content

Policy development:

The mandate for the first composition of the Commission for Protection against Discrimination (the equality body) expired in December 2015. The appointment of that composition raised in 2011 serious concerns for civil society organisations and the parliamentary opposition. These concerns laid along three main lines: Fulfilment of the prescribed criteria for membership, failure to select far better qualified candidates, and failure to meet the Paris Principles (appointment of persons from the executive branch in a decision-making role and composition which does not reflect the society at large).²

After the five-year mandate of the first composition expired, on January 11th, 2016, the Assembly appointed the seven new members (with one reappointment).³ Among the newly appointed members there are persons which, aside from being publicly known as supporters of the ruling party, have publicly voiced homophobic statements and relativized discrimination as well as hate crime and hate speech. Members of parliament from the opposition voiced strong objections to the appointment of two of the now

¹ "The Assembly of the Republic of Macedonia appointed the members of the first Commission for Protection against Discrimination" <http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2186&Itemid=295>. Last accessed: 21.02.2016.

² For more, see: *ibid*.

³ Parliament website, "Proposal for a decision for appointment of the members of the Commission for protection against discrimination [Предлог-одлука за именување на членови на Комисијата за заштита од дискриминација]", <<http://www.sobranie.mk/materialdetails.nspx?materialId=631e99a8-f038-41d6-ae48-1589f8985e41>>, Last accessed: 21.02.2016.

appointed members, due to their open support for the government.⁴ This also raised concerns among human rights activists and civil society organisations. The largest network of organizations working on equality and non-discrimination "Network for Protection against Discrimination" published a public reaction to the new composition, calling into question the competence of the members and stating that this will further complicate the access to justice of the victims since the body will not be independent as long as it is formed by known government supporters.⁵

The first public appearance of the newly appointed President of the equality body on a debate on hate speech and hate crime did not alleviate these worries. Aside from lack of understanding and awareness to equality and non-discrimination issues, the President highly relativized the grave position of the LGBT community in the country, praised the government efforts in relation to the position of Roma and other minorities in the country, to name but a few. He expressed no critical stance towards the human rights situation in general and equality and non-discrimination in the country whatsoever.⁶

Key points of analysis:

Appointment of new equality body members causes serious concerns over independence, competence and representativeness, as well as heightened politization of the body.

⁴ Video recording from the parliamentary debate: <http://reporter.mk/2016/01/12/бoгoв-влaстa-нe-смee-дa-бидe-пpибeжиш/>.

⁵ "Incompetent Composition of the Commission for Protection against Discrimination [Некомпетентен состав на Комисијата за заштита од дискриминација]", *Macedonian Helsinki Committee Website*, <<http://www.mhc.org.mk/announcements/357#.Vssc28cj0wB>>. Last accessed: 21.02.2016.

⁶ TV Debate "Open 'Hate Speech in Public Discourse [Отворено: Говор на омраза во јавниот дискурс]" <<https://www.youtube.com/watch?v=YNQXh4MOO08>>. Last accessed: 21.02.2016.

Internet link source:

Parliament website, "Proposal for a decision for appointment of the members of the Commission for protection against discrimination [Предлог-одлука за именување на членови на Комисијата за заштита од дискриминација]",

<<http://www.sobranie.mk/materialdetails.nspx?materialId=631e99a8-f038-41d6-ae48-1589f8985e41>>, Last accessed 21.02.2016.