



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

### FLASH REPORT

<b>Country:</b>	FYR of Macedonia
<b>Title:</b>	The proposed new law on anti-discrimination blocked in Parliament
<b>Date:</b>	31 January 2019
<b>Expert:</b>	Biljana Kotevska
<b>Update of flash report:</b>	<a href="#">FYR Macedonia - Public debate on a proposal for a new law on anti-discrimination (PDF 150 kB)</a>
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Proposed law on anti-discrimination is blocked in Parliament by both MPs from parties in power and from opposition MPs
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	Other
<b>Field:</b>	All fields
<b>Applicable law:</b>	Law on Prevention and Protection against Discrimination (2010)

### **Content**

**Policy development:** The Ministry of Labour and Social Policy (MLSP) with the support of the Organisation for Security and Cooperation in Europe – Mission to Skopje (OSCE) prepared a draft-proposal for a new Law on Prevention and Protection against Discrimination (hereinafter draft-ADL).<sup>1</sup> This law is to replace the old 2010 law.

The draft proposal is to resolve a number of issues with the current law. One of the key issues it aims to resolve is to add sexual orientation explicitly as a protected ground of discrimination. This has caused challenges for the progress of the law in Parliament. Namely, MPs from the Democratic Union for Integration (DUI) – an Albanian coalition partner in the current government, and the Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (VMRO-DPMNE; the party that was in power 2006-2017) are blocking the progress of the draft-ADL in Parliament.

Several attempts to put the law on the agenda of the relevant working bodies have failed, with the above-mentioned MPs repeatedly voting down the proposal which was initially drafted by MPs from the Social Democratic Union of Macedonia (SDSM) – the biggest party in the current government coalition - and opposition MPs from the Liberal Party. The last of these attempts was in December 2018, where the law was again blocked in the Commission on Social Issues.<sup>2</sup>

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<sup>1</sup> Flash report - MK, 'Public debate on a proposal for a new law on anti-discrimination' (24.01.2018), available at <https://www.equalitylaw.eu/downloads/4539-fyr-macedonia-public-debate-on-a-proposal-for-a-new-law-on-anti-discrimination-pdf-150-kb>. All hyperlinks accessed on: 25.01.2019.

<sup>2</sup> The president of this commission is Vlatko Gjočev, who was also one of the most vocal VMRO-DPMNE MPs during the time when the 2010 ADL was being adopted.

Activists and allies<sup>3</sup> have spoken out against this block in Parliament, claiming that the reason why the law is being blocked in Parliament is a letter which the MPs have received from the two biggest religious communities in the country – the Macedonian Orthodox Church and the Islamic Religious Community, who object to sexual orientation being added as a protected ground for discrimination. Following this, MPs have raised personal religious beliefs in the Parliamentary procedure as grounds for refusal to let the law pass to the next stage in Parliament. This letter has not yet been released to the public.

During a debate show on national TV Telma 'Top tema' on 23 January 2019,<sup>4</sup> Dr. Simonida Kacarska – Director of the European Policy Institute – Skopje (a think-tank monitoring, inter alia, the rule of law and human rights) asked the Deputy-Prime Minister in charge of European Integration Bujar Osmani to elaborate on the block of the law and what it means for EU integration and the reforms that are expected of the country as a candidate for membership of the EU. Osmani stated the following:

'There are certain differences among the political parties in relation to which categories should be protected under the law. There are ongoing talks with the political parties since there is still prejudice among the MPs, or they think that there is prejudice in their electorate which can in turn reflect upon them. However, I believe that through dialogue we can add all categories because this is a matter of European values.'

When asked to clarify which categories he meant, Osmani identified LGBT and some other 'disputed categories'. He also added that he thinks the law should not be forced on to the party and the people and that this should not be imposed until these prejudices are discussed with the electorate.

His statement was followed by reactions from the Network against Homophobia and Transphobia. They condemned Osmani's statement for calling LGBT persons 'a disputed category' and recalled obligations of the EU acquis which apply to FYR of Macedonia as a candidate EU Member State. They insisted on the law being part of the European legal legacy which the country has to adopt and stated that from the developments it is clear that DUI does not want to see the EU integration processes progress.<sup>5</sup>

At the time of writing, there was no reaction from the Parliament or from individual MPs.

**Internet link source:** Various media reports (references added in the footnotes).

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<sup>3</sup> Civil Media, 'Андоновски: Блокадата на ВМРО-ДПМНЕ и ДУИ на законот против дискриминација е скандалозна (Andonovski: The VMRO-DPMNE and DUI blockage of the Anti-discrimination Law is Scandalous)', available at: [https://civilmedia.mk/andonovski-blokadata-na-vmro-dpmne-i-dui-na-zakonot-protiv-diskriminacija-e-skandalozna/?fbclid=IwAR1f36ebbDTPV-64a\\_5WVUPTVLqzh8Fp-tgXmHITgwmv-QyOqCb8IRFUJCM](https://civilmedia.mk/andonovski-blokadata-na-vmro-dpmne-i-dui-na-zakonot-protiv-diskriminacija-e-skandalozna/?fbclid=IwAR1f36ebbDTPV-64a_5WVUPTVLqzh8Fp-tgXmHITgwmv-QyOqCb8IRFUJCM); Prizma, 'Орвеловска држава на дискриминацијата (Orvel's State of Discrimination)', available at: <https://prizma.mk/kolumni/orvelovska-drzhava-na-diskriminatsijata/>.

<sup>4</sup> Top tema na vasa strana, 'Жешко столче со вицепремиерот Бужар Османи (22.01.2019) (Under the Spotlight with the Deputy PM Bujar Osmani (22.01.2019)', *Top tema na vasa strana official YouTube Channel*, [https://youtu.be/MY\\_MPUr8II4](https://youtu.be/MY_MPUr8II4), Last accessed on: 25.01.2019.

<sup>5</sup> LGBTI, 'Реакција по повод изјавата на вице-премиерот Бужар Османи за законот за недискриминација: Зошто ДУИ ги кочи евроинтеграциите? (Reaction to the statement of the deputy PM Bujar Osmani on the Law on non-discrimination: Why is DUI blocking the euro integrations?)', available at: [http://lgbti.mk/reakcija-po-повод-изјавата-na-вицепре/?fbclid=IwAR2gJou9vbMjHfPGwohC6VG0Ti-rPPFWw-bs\\_YgpEJmm6QfEwPLL1OG\\_d5M](http://lgbti.mk/reakcija-po-повод-изјавата-na-вицепре/?fbclid=IwAR2gJou9vbMjHfPGwohC6VG0Ti-rPPFWw-bs_YgpEJmm6QfEwPLL1OG_d5M).