



Realization and Protection of Rights of Communities on Local Level

- Experiences and recommendations -

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Skopje, June 2014

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2. List of acronyms used in the report

ACRR	Agency for realization of community rights
SIFA	Secretariat for implementation of the Framework Agreement
OSCE	Organization for security and cooperation in Europe
RM	Republic of Macedonia
OFA	Ohrid Framework Agreement
UN	United Nations
COE	Council of Europe
MLG	Ministry of local self government
LLG	Law on local self-government
CRAC	Committees for relations among the communities
OG	Official gazette
ZELS	Association of local government units
EU	European Union
PO	Ombudsman
KPD	Commission for protection against discrimination

3. Foreword

This report is prepared for the needs of the Agency for Community Rights Realization in Republic of Macedonia with the support from the Organization for Security and Cooperation in Europe – OSCE Mission in Skopje.

This report aims to provide an overview of the legal framework, experiences and in particular, the practices for promotion and protection of the rights of communities which are less than 20% of the population in Republic of Macedonia, their participation in the decision-making processes on local level, as well as to provide an answer to several questions related to the procedures and practices for realization and protection of their rights.

Unlike the previously drafted reports and materials related to this topic, based on the recommendations from ACRR, this text in brief, simple and comprehensible language/terminology gives an overview of the laws that underwent changes following the Constitutional amendments in 2001, the existing legal framework and the real situation and challenges for realization and protection of the rights of the communities in RM.

The author of the text gives particular consideration to the practices on local level, by addressing the challenges arising from the practical realization of the community rights, and consequently, gives recommendations for any possible overcoming and promotion.

In addition to ACRR, OSCE and other organizations and agencies, it is expected that this report will also serve the members of the municipal councils, members of the municipal committees for relations among the communities, citizen associations and other interested parties, organizations and institutions, in the context of planning their activities in order to tackle part of the challenges that the communities face on local level regarding the promotion and protection of their rights.

4. Introduction

In the societies with long democratic tradition, bringing the citizens closer to the government and practicing democracy on local level are the utmost priority and benefit. Accordingly, citizens are given the possibility for direct participation in the decision-making processes and their realization within the municipality.

Republic of Macedonia, in its practice of democracy to date, following the constitutional changes from 2001 and the respective application, managed to develop mechanisms that should ensure the promotion and protection of the rights of communities with less than 20 percent of the total number of the population (hereinafter: communities), with a possibility for their effective participation in the decision-making processes both on central and local level.

The process of decentralization, as process of bringing the government closer to the citizens, i.e. the transfer of certain competencies for decision-making from central to local level, from the aspect of ethnic communities and the promotion of their rights, started with the signing of the Ohrid Framework Agreement¹ in 2001, which stipulated the changes of the Constitution of RM and numerous laws that were enforced in the following years.

Besides the provisions of the OFA in interest of the communities, the principles of non-discrimination and fair representation are significant benefit and as such they are included in many legal and sublegal acts that regulate different areas of societal life.

Thus, the Constitution and the laws of RM guarantee the rights of communities and define the procedures for the respective realization and protection in several areas of importance. Accordingly, even before the changes in 2001, the international standards, conventions and recommendations were also respected in order to draft quality legal solutions in interest of the citizens.

5. International standards for the rights of minorities²

¹ Ohrid Framework Agreement: <http://www.osce.org/skopje/100622>

² Minorities – there is no generally acceptable definition on minorities. According to Max van der Stoep: Minority is a group with linguistic, ethnic and cultural characteristics that make it different from the majority.

Despite the national legislation, i.e. the Constitution and laws of RM, there are several international organizations and institutions that work on the definition of standards for the rights of the ethnic communities - minorities, and through adoption of declarations and conventions obligate the signatory states to respect and promote the rights of minorities.

Above all, one should mention the following:

- United Nations:
 - UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities³

- Council of Europe:
 - Framework Convention on the Protection of National Minorities⁴
 - European Charter for Regional and Minority Languages⁵

- European Union documents – EU Charter of Fundamental Rights

- OSCE and High Commissioner for National Minorities standards⁶

This report provides an overview of relevant international documents related to this area, as well as directions for further research on the topic, however; those are not analyzed and explained.

³ <http://www.un.org/documents/ga/res/47/a47r135.htm>

⁴ <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>

⁵ http://www.coe.int/t/dg4/education/minlang/textcharter/Charter/Charter_mk.pdf

⁶ <http://www.ohchr.org/Documents/Publications/GuideMinorities9en.pdf>

6. Legal framework for the rights of communities in Republic of Macedonia

By signing the OFA on 13 August 2001, the representatives of political parties⁷ represented at the Assembly of Republic of Macedonia in that period, affirmed the determination for respect and promotion of the rights of all communities that live in the country.

According to that Agreement, among others, based on the percentage of communities in the total number of citizens, certain rights for the communities are stipulated in different areas. Although the setting of percentages in order to acquire certain rights is a limitation, yet, certain progress was made with regard to the Constitution of RM from 1991⁸ and the laws which were in force until 2001.

The multiethnic character of RM, as well as the exact number of percentage representation of each community, was verified with the census from 2002, whereby the results showed the following ethnic structure of the population: 64,8% Macedonians, 25,17% Albanians, 3,85% Turks, 2,66% Roma, 1,78% Serbs, 0,84% Boshnjaks, 0,48% Vlachs and 1,04% other.

6.1. Constitutional amendments according to OFA

The implementation process of OFA commenced with the adoption of fifteen constitutional amendments that were followed up by a range of legislative changes that also included provisions that refer to the principle of adequate and fair representation.

The constitutional amendments from 1991 are important due to the fact that they enabled the promotion of the rights of members of communities, which is stipulated in the highest legal act- Constitution of RM.

Based on the OFA, the following constitutional amendments were adopted in 2001⁹:

- Amendment IV – Preamble;
- Amendment V – use of the languages of communities;
- Amendment VI – adequate and fair representation of the members of communities;
- Amendment VII – status of religious communities;
- Amendment VIII – freedom to express the identity of the members of communities;

⁷ The political parties whose representatives signed the Ohrid Framework Agreement are as follows: VMRO-DPMNE, Social democratic union of Macedonia, Party for democratic prosperity, Democratic party of Albanians

⁸ Constitution of RM from 1991 <http://www.sobranie.mk/ustav-na-rm.nspk>

⁹ Constitution of RM from 2001 <http://www.dzr.gov.mk/Uploads/ustavrm.pdf>

- Amendment IX – guarantees for protection, promotion and enriching the historic and artistic wealth;
- Amendment X – parliamentary procedures;
- Amendment XI – election of Ombudsman;
- Amendment XII – committee for relations among the communities;
- Amendment XIII – appointment of members of the Council of security;
- Amendment XIV – election of members of the Republic judicial council;
- Amendment XV – election of judges for the Constitutional court;
- Amendment XVI and XVII – local self-government;
- Amendment XVIII – manner of decision-making for initiating changes of the Constitution.

Under the amendments IV and VIII, the term “nationalities” is replaced with the term “communities”, which in fact enhances the status of ethnic Albanians, Turks, Vlachs, Roma. In addition, the Serbian and Boshnjak communities are given the status of constitutionally protected category after the inclusion into the Preamble, as well as in other amendments arising from the OFA.

Amendment V stipulates that Macedonian language and its Cyrillic alphabet is the official language on the territory of Republic of Macedonia, however, it also makes official the use of languages spoken by at least 20% of the citizens in Republic of Macedonia.

Amendment VI promotes the principle of adequate and fair representation of the communities in the organs and institutions both on central and local level.

Amendment XVI refers to the introduction of the dual voting for the Law on Local Self-Government, Law on Local Finances, local elections, municipal borders and the City of Skopje.

Annex 1: List of laws that further regulate and specify the constitutional amendments.

6.2. Decentralization – devolved competencies to the municipality

Decentralization implies a process of transfer (delegation) of competencies from the Government (central level) to the municipalities (local level), thus ensuring the autonomy of the local self-government to independently decide about certain matters. Key segments of the decentralization in RM are: decentralization of the government, fiscal decentralization, territorial organization and strengthening the capacities of the municipalities.

By transfer of the competencies from central to local level, the municipalities were given competencies in the following areas: urban planning, education, culture, social protection and child protection, primary health care, local economic development, protection of environment and nature, sport and recreation, communal affairs, fire-fighting protection.

From the aspect of realization and promotion of the rights of communities, the expectations from the process of fiscal decentralization have not been fully met. There is lack of funds in the municipal budget for education under conditions when the expenditures of the schools are increasing from year to year, which affects the realization of the right to education in the mother tongue. One can assume that this is one of the reasons for lack of progress for opening new classes in the mother tongue of the members of communities in RM.

The lack of funds in the municipal budget as well as the persisting centralized process for adoption of urban plans are reflected also on the programs for erecting monuments that should be adopted and financed by the municipality, and which are of importance for the members of communities. The lack of municipal funding is also reflected on the information provided to the communities in the official languages in the municipalities, mostly due to lack of persons translators/interpreters and for updating the materials for the council sessions. Also, the lack of funds in the municipal budget is the main reason for non-allocation of funds from the municipal budgets for the operation of the municipal CRAC, support for cultural programs in the interest of the members of the communities in the municipalities, as well as to support the associations for implementation of programs in the interest of the communities.

6.3. Agency for Community Rights Realization (ACRR)

The Agency for Community Rights Realization was established in accordance with the Law on Promotion and Protection of the Rights of Members of the Communities which are Less than 20% of the population in RM. The Agency monitors the realization and promotion, protection of the rights of communities and oversees the implementation of legal provisions that stipulate the respective rights.

In the framework of its operation, ACRR endeavors to ensure the full realization and protection of the rights of communities in the following areas:

- employment in accordance with the principle of adequate and fair representation;
- use of language;
- education in the mother tongue (primary, secondary and high);
- promotion of the culture and cultural heritage of the members of communities;

- information in the mother tongue through electronic and printed media;
- support for establishment of citizen associations and foundations due to realization of cultural, educational, artistic and scientific objectives;
- realization of the right to use own symbols as in other areas that regulate the community rights by law.

With regard to all stated areas of the work of ACRR, there are numerous comments by the members of the communities, which do not refer to the work of the agency itself, but about the current situation in the municipalities. In this context, one can single out some of the comments that were noted during the workshops on strengthening the capacities of CRAC and implemented by ZELS and IRZ in 2013:

- the principle of adequate and fair representation is not respected in the employment process in the municipalities or public enterprises, whereby the smallest communities are in worst situation, in particular Roma, Serbs and Turks.
- use of languages within the local self-government; despite the decision of the council to put a particular language in official use, still this is not practiced in certain number of municipalities, neither at the sessions of the council nor in the administration.
- the promotion of culture and cultural heritage of the communities is not implemented in the municipalities, and most of the municipalities do not allocate funds for that purpose.

According to the participants at the participatory forum of the communities' citizen associations within AOPS, the biggest challenge is the financing of associations that should be supported through special funds that ACRR should have at disposal regarding matters in the field of culture, information in the mother tongue through media, the question of education in the mother tongue and adequate and fair representation in the employment process in the local and state institutions.

In this context, besides the promotional and informative meetings in the municipalities that were realized in the past period by ACRR, yet one can perceive a need for proactive attitude of ACRR towards the municipalities where smallest communities live with concrete proposals for realization, protection and promotion of the rights of communities.

Thus, ACRR could make analyses and develop recommendations for each of the municipalities separately regarding the financing for the associations from the municipal budget regarding projects which are in the interest of the communities and which address topics and challenges in the field of education and culture. Furthermore, in the municipalities where media are

established by the municipality itself, they could make a proposal for introduction of programs and informative programs in the language of the community in the municipality.

The lack of funds for operation of ACRR, which was also noted in the EU progress report for Macedonia, is a serious obstacle for the work of the Agency and the efforts for realization of the rights of communities.

6.4. Committees for relations among communities

The Law on Local Self-Government from 2002 stipulates the mandatory establishment of Committees for relations among the communities in 20 municipalities in Republic of Macedonia and the City of Skopje (according to the most recent territorial division and merging municipalities to the municipality of Kicevo, there are 19 municipalities where CRAC are established based on law and 20 municipalities where they are established on facultative or voluntary basis), which provides the possibility for their participation in the decision-making and policy creation process of all ethnic communities that live on the territory of the respective municipality.

The Committees for relations among the communities are the only institutional framework for dialogue among the communities on local level within the municipalities.

The work of these committees does not only mean protection of the rights of the ethnic communities which are minority. The functioning of these committees means transparency in the work of the municipal council and possibility for the communities, which are not represented in the municipal council, to give opinions and proposals about certain matters that the Council of the municipality should decide about. This is an exceptional possibility for the community members if they do not have their own representative in the municipal council who is elected at the elections, to be able to convey the views and opinions of the members of the community about certain matters through CRAC.

This is a standing committee of the municipal council and it functions as any other committee. The only difference is that when the municipal council adopts decisions in the areas that affect the cultural or ethnic identity of the ethnic communities, in accordance with the Law on Local Self-Government, should adopt them with special majority, i.e. the so-called “Badinter”majority/rule.

Although the committees were established, the state and local institutions did not make sufficient efforts to promote the CRAC among the citizens and that created space for speculations about their role. Most often, the majority of the citizens who confirmed that they

are informed about CRAC, perceive them as bodies to make reconciliation among the citizens if there are any problems or fights on ethnic basis or as forums to discuss matters that affect the citizens in all areas of life. Such perceptions do not correspond to what is stipulated in the law.

According to the Law on Local Self-Government from 2002, the work of these committees is defined in Article 41 and 55.

According to Article 41 of LLG:

- (1) The Council may work if the session is attended by the majority of the total number of members of the Council.
- (2) The Council decides with the majority votes from the attending members, unless otherwise specified by law and statute.
- (3) Regulations that refer to culture, use of languages and alphabet spoken by at least 20% of the citizens in the municipality, setting up and using the coat of arms and the flag of the municipality, are adopted with majority votes from the attending members of the Council, whereby there must be majority votes from the attending members of the Council who belong to the non-majority population in the municipality.
- (4) The voting at the session of the Council is public, by rule.
- (5) Minutes are taken for every session of the Council.

Article 55 of the Law on Local Self-Government reads as follows:

- (1) In a municipality where at least 20% of the total number of citizens in the municipality according to the last population census are members of a particular community, Committee for relations among the communities is established.
- (2) The Committee from paragraph 1 of this Article is comprised of the equal number of representatives from each community represented in the municipality.
- (3) The manner of election of the committee members is regulated by statute.
- (4) The Committee reviews the questions that refer to the relations among communities which are represented in the municipality and gives opinions and proposals about their resolution.
- (5) The Council of the municipality is obligated to review the opinions from paragraph 4 of this Article and to decide accordingly.

6.5. Denomination of streets, squares, bridges and other infrastructure facilities¹⁰

According to Article 4 of the Law on denomination of streets, squares, bridges and other infrastructure facilities, the denomination of a street, square, bridge and other infrastructure facility on the territory of the municipality is made on the basis of a decision made by the municipal council, while for the territory of the City of Skopje, on the basis of decision reached by the council of the city of Skopje.

The decision from paragraph 1 of this Article is adopted with majority votes by the present members of the municipal council, i.e. the council of the City of Skopje, whereby there must be majority votes by the present members from the council that belong to the communities which are not majority population in the municipality, i.e. the City of Skopje.

The decisions for denomination of streets and other infrastructure facilities should be given additional consent also by the Government of RM.

The issue of changing the names of streets and infrastructure facilities becomes more prominent, as big number of municipalities either initiated or plan to initiate the changes of names of streets or facilities. It is believed that the changes affect the communities that live in the respective municipalities, given that these changes are voted with special majority or the so-called Badinter rule. For these reasons, CRAC should be consulted about its opinion before decisions are made.

6.6. Adequate and fair representation in the public administration bodies

One of the matters of special importance in the discussions about the Ohrid Framework Agreement was also the realization of adequate and fair representation of the members of communities in the state and public administration bodies.

This principle is applied for:

- Election of judges and lay judges
- Election of public prosecutors
- Employment in the judicial administration
- Employment in the public prosecution administration
- Employment of state and public servants

¹⁰Law on Denomination of Streets, Squares, Bridges and Other Infrastructure Facilities. Official Gazette of RM number 66/04 from 01.10.2004

- Consultation of bodies and organs of the Academy for judges and prosecutors, appointment of members of committees, for selection of candidates for training
- Employment in the bodies of the local self-government, public enterprises and public institutions
- Election of educators, professional associates and other staff in primary and secondary schools

For certain irregularities or established situation of absence of adequate and fair representation in the employment process, the members of the committees can file an appeal besides to the Ombudsman, state administrative inspectorate and inspectorate for local self-government, and also to the Agency for administration, inform the CRAC and ACRR, and file a lawsuit to the competent court.

According to the survey carried out by IRZ and ZELS from 2013 regarding the perception for adequate and fair representation in employment, the most important momentum that was emphasized by the citizens- members of communities was the political party affiliation, before the ethnic background and other criteria and qualifications.

The public enterprises established by the municipalities, do not give due consideration for the adequate and fair representation of the members of the community, however, it is indicative that the associations or the community members as natural persons do not file complaints or lawsuits to the legal entities. According to the results from the survey, most often the solution for employment is found in the political party membership.

7. Challenges and practices on local level

The overview and comments about the manner and mechanisms which can be used for the realization of the community rights on local level are presented below.

7.1. Rights of communities on local level and CRAC

Notably, from the contacts and communication with members of municipal councils and with members from the Committees for relations among communities, it is interesting that different municipalities give different interpretations of the Law on Local Self-Government and reach the decisions accordingly.

According to the survey carried out by IRZ-Tetovo, which was accompanied with the publication of the document “Analysis of policies for CRAC¹¹”, there are ambiguities in Article 41 and 55 of LLG which are reflected on the work of CRAC and create difficulties in their functioning.

In addition, the survey identified several issues which can be categorized in several groups:

- lack of mechanisms to support the continuity in the work of CRAC once a new administrative structure is established after the local elections
- lack of transparency and information (i.e. lack of systematic, precise and organized database with regard to the work of the municipal CRAC) available to the citizens in the municipality
- lack of communication among the members of CRAC and citizens in the municipality.

- **Legitimacy in the election of the representative of certain community in CRAC**

In this part, there are no legally prescribed procedure and criteria, and the municipalities have no unified position. There are examples when the members are elected on a public competition announced by the municipalities, while in other municipalities it is done in consultations with citizen associations, neighborhood units, etc. In addition, one raises the question who can and cannot be member of CRAC, convicted persons on different grounds etc.

For the smaller communities that do not have their representative (based on the ethnic background) in the municipal council, it is of exceptional importance that they have their representative in the CRAC. In this way, there will be a direct possibility to advocate for the interests of the ethnic community that the member belongs, and this further enables that the ideas and proposals of smaller communities are represented in the municipal council in the decision-making process through CRAC. As recommendation, at the gathering of citizens which is organized by informal groups of citizens or associations, they could single out the proposals for representative of their community in the CRAC.

- **Decision-making with the special majority in the municipal council – decision with the so-called “Badinter rule“**

Of particular interest for CRAC in this Article is paragraph 3, which refers to the regulations in the area of culture, use of languages and alphabet, as well as the use of coat of arms and flag of the municipality. The regulations, stated above, are adopted with the special majority or the so-

¹¹ IRZ-Tetovo, 2011: Analysis of CRAC policies

called “Badiner” rule. The adoption of decision with special or so-called “Badinter” majority means that for certain regulation to be adopted, one half of the present members of the Council which based on their ethnic background belong to the minority community, should support the proposal.

Voting with special majority or so-called *Badinter rule* is of special importance for the communities if they are represented in the municipal council, because they are given the opportunity to point out the issues of importance for their community, and additionally not to give support for certain solutions which are not in their interest.

Example: at the last local elections in one municipality, 31 members of the council were elected, out of whom 9 (nine) councilors that according to their ethnic background belong to a minority community. At the session of the council, proposal was submitted for adoption of the coat of arms for the municipality. At the moment of voting, among the other councilors, in the hall were also present 5 of the total number of elected councilors that belong to the ethnic minority in the municipality. When the proposal was submitted for voting, besides the simple majority of the total number of members of the council, at least half, i.e. 3 members from the total number of members present in the hall (according to this example 5 members) who are ethnic minority should support the proposal in order to be adopted. In other words, half of the present members of the council that belong to the smaller communities should agree with the proposal so that it can be adopted.

- **Precise time framework for the work of CRAC and communication with the Council of the municipality**

The law does not define the time framework in which the municipal council requests and CRAC is obligated to respond to certain request. Accordingly, if CRAC is not able to convene and provide its opinion in a timely manner, it means that it is possible that it will block the work of the municipal council, or the decision-making procedure can continue without the opinion of CRAC, which deprives the small communities of the opportunity to share their views and opinions.

In this context, if some of the communities are dissatisfied, they could file a complaint to the Ombudsman.

- **CRAC archive**

As it was previously stated, there are no adequate archives of materials, opinions and other documents related to the work of CRAC in the municipalities. This makes questionable many of

the council decisions, whether they have been adopted within the legally prescribed procedures, and whether the rights of the smaller communities have been respected. In particular, this is a problem during possible change of the municipal administration after the local elections, whereby there are difficulties in the continuity of works.

This question is important for the communities from the aspect of continuity and timely realization of their rights in the framework of the municipality and through their representatives in CRAC should make efforts that an archive related to CRAC exists and is regularly updated.

- **Name of street or other facility of importance for the community**

In many municipalities in Republic of Macedonia, in the past period there were proposals to change the names of streets. Although declaratively we do get information that the procedure was respected, one cannot find data about the work of CRAC in the municipal archive, the archive from their meetings, and written recommendations referred to the municipal council through the archive. In the media one could get information about possible failures in the procedure when the names of schools were changed in Chair, Gostivar and in other municipalities in similar situations.

Although Article 41 or Article 55 of the Law on Local Self-Government does not explicitly specify that the question of setting the names of streets, squares, bridges and other infrastructure facilities is a matter that refers to the relations among the communities, yet, in the spirit of respecting the rights of all communities that live in the community and their participation in the process of decision-making on local level, the municipal council should request opinion from CRAC.

If the members of the communities would like to propose the name of a street or any other infrastructure facility, in that case, as group of citizens, or certain association on their behalf, should submit proposal to the municipal council, i.e. the organ that decides about those matters. In addition, it is recommended that it is also proposed as a topic of discussion at the CRAC, whereby they will give proposal to the municipal council on their side, i.e. to the organ that makes the final decision.

- **Questions that refer to the communities in the field of culture**

The Law on Local Self-Government does not precisely stipulate which questions are taken into consideration as questions of interest for the relations among the communities.

In the Law on Culture in RM, according to Article 2, the notion Culture, in the context of that law, covers the following: creation, publication of the artistic creation and protection and use of creation.

All regulations adopted by the Council, including the regulations on financing in the sphere of culture, should be previously reviewed by the members of CRAC and they should give their opinion. In general, this is not respected in the municipalities in Macedonia, which is especially present in the urban municipalities with big municipal budgets, while in the rural municipalities there are more examples of better functioning of CRAC.

Although it is assumed that this question would be of particular interest for the municipalities, according to the research carried out by IRZ, there is no database or documents which show that the smaller communities give proposals to the municipal budget through CRAC about programs and projects of their interest.

Smaller communities should formalize their requests and that can be done through the CRAC, and with programs and projects of their interest that may be implemented by the citizen associations. It is of particular importance that the programs are submitted to the respective municipal committees and to the municipal council during periods when the budget for the following year is considered and defined.

- **Municipalities in RM which should mandatorily establish a CRAC**

In RM, according to law, CRAC should be established in the following municipalities: Brvenica, Debar, Dolneni, Zelenikovo, Jegunovce, Kicevo, Krusevo, Kumanovo, Mavrovo and Rostuse, Petrovec, Sopiste, Struga, Tetovo, Caska, Cucer Sandevo, City of Skopje, Butel, Cair, Suto Orizari.

In these municipalities, at least one ethnic community is represented with more 20% or more in terms of the total number of citizens and therefore the Committee on relations among the communities is established.

- **Establishment of CRAC in a municipality where the total number of citizens from different communities is more than 20%**

The law does not stipulate the establishment of a committee in cases when the total number of citizens from two or more ethnic communities in the municipality together represents more than 20% of the population. The precondition for establishment of a committee is that one community is represented with less than 20% of the total number of citizens.

Nevertheless, the communities, through the citizens or associations, should make a recommendation to the municipal council that CRAC should be established, because significant number of the citizens living in the community belongs to different communities. In particular, this is important if the communities did not manage to be represented with a councilor in the council through the local elections, where based on the ethnicity he/she is member of a smaller community.

- **Establishment of CRAC in the municipalities which are not obligated by law to establish it**

There are municipalities such as Gostivar, Vrapcishte, Lozovo and other, which in their statute stipulated the establishment of CRAC and did that under decision of the municipal council. These are positive examples, and there are initiatives for establishment of such committees in other municipalities as well. The dilemma of some of the members of CRAC is whether these municipalities which are not obligated, but still established CRAC, should respect the provisions of the Law on Local Self-Government. Given the fact that municipalities which are not obligated according to the Law on Local Self-Government to establish such CRAC and still stipulated in their statute to establish one, they should respect the provisions of the Law on Local Self-Government. On the website: www.komz.mk one can see the list of all municipalities that established the committee.

Smaller communities in the municipalities where according to the law there is no obligation for establishment of CRAC, can submit a request to the municipal council for establishment of such CRAC, which will assist the work of the municipal council. Thus, the views and opinions of the community, which does not have its representative/councilor in the Council, can still be represented to the members of the council before the final decisions are made. With this regard, ACRR can also provide assistance by issuing a recommendation to the municipality about the establishment of CRAC, by emphasizing the benefits both for the community and the municipality.

- **Equal representation of all communities in the establishment of CRAC**

According to paragraph 2 of Article 55, it is stipulated that CRAC is comprised of equal number of members from the communities. It means that every community, regardless of the number and the percentage in terms of the total number of citizens in the municipality, shall be represented in the committee with the same number as the other communities.

In practice, the biggest numbers of municipalities do respect this rule, however; still there are municipal CRAC which have unequal number of representatives from the communities. The situation when there is no equal number of members in CRAC from all ethnic communities is very serious and this can lead to challenging certain decisions of the municipal council, i.e. to challenge the procedure because the procedure for establishment of CRAC was not in full compliance with the law.

- **Use of languages**

The Macedonian language and the Cyrillic alphabet is the official language in Republic of Macedonia. In the municipalities, besides the Macedonian language and its Cyrillic alphabet, official language and alphabet is also the one used by at least 20% of the citizens in the municipality.

Municipal council decides about the use of languages and alphabet used by less than 20% of the citizens in the municipality.

There is not a single example among the municipalities in Macedonia that organized a register of citizens in order to know how many of them use different language than Macedonian language in their municipality. Most often, it is assumed that citizens use the language on the basis of the ethnic background, however; it does not necessarily mean that every member of certain ethnic community knows and uses the language of the community he/she belongs to.

Example: There are Albanians in Skopje and other municipalities who do not understand and use Albanian language, as well as Roma in Suto Orizari and other municipalities who do not use Roma language.

Overview¹² of municipalities and used languages:

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¹² Materials of the Agency for Community Rights Realization and OSCE, Berovo 2014

Municipality	Used language
Mavrovo and Rostuse	Macedonian and Turkish language
Staro Nagoricane	Macedonian and Serbian language
Studenicani	Macedonian, Albanian and Turkish language
Suto Orizari	Macedonian and Roma language
Centar Zupa	Macedonian and Turkish language
Plasnica	Macedonian and Turkish language
Vrapciste	Macedonian, Albanian and Turkish language
Gostivar	Macedonian, Albanian and Turkish language
Cucer Sandevo	Macedonian, Albanian and Serbian language
Krusevo	Macedonian, Albanian and Vlah language
Kumanovo	Macedonian, Albanian and Serbian language

- Table 1 -

In these municipalities, the citizens also have the right to communicate with the municipality in the language which is in official use based on municipal council decision, and to obtain all information and documents in that language.

In practice, although big number of the municipal councils have adopted decisions to put several languages in official use (see Table 1), that decision is very rarely or not practiced at all, mostly due to financial reasons and costs for translation that cannot be covered.

In this context, if the decision of the council is not respected, smaller communities, among others, can also submit a complaint to the Ombudsman and the State inspectorate for local self-government.

Furthermore, one can emphasize that the members of communities, in certain municipalities (primarily rural), refrain from the use of their mother tongue, although it is not in official use, in order to avoid creation of a situation which "the other side" can understand it as provocation.¹³

- **Members of CRAC in municipalities where big number of different communities live**

Most often, there is a dilemma about the communities that should be represented in CRAC. According to the law, those that were registered during the last census should be represented in the Committee.

¹³ Statements of citizens during the visit paid to the municipalities by the author of the text

Smaller communities should have proactive approach about this matter and insist on having their community represented in the municipal CRAC, and discuss this matter with the members of the council. According to the law, communities which are registered at the last census should be represented in CRAC.

If the council reaches a decision whereby the communities are not represented according to the law, it is recommended that consultations are made with the Ombudsman, State inspectorate for local self-government and the Commission for protection against discrimination.

- **Possible topics of discussion at the CRAC session**

According to paragraph 4 Article 55 of the Law on Local Self-Government, the Commission considers the questions that relate to the relations among the communities which are represented in the municipality and gives opinions about proposals made for resolution. Those are most often matters which are defined in Article 41 of the Law on Local Self-Government, however; there may be other questions that CRAC or the municipal council considers that they refer to the relations among the communities.

From the practice so far, the Committee has been reviewing different matters, such as change of street names, adoption of regulations in the field of culture, municipal budget, disturbance of public peace and order, fighting in primary and secondary schools, etc. CRAC should submit its recommendations through the archive of the municipality to the municipal council which is obligated to make the respective decision according to the law.

Smaller communities, either the citizens themselves or through associations or in another organized form, if they believe that there is a need, through their representative in CRAC can propose topics for discussion within CRAC which are believed to be of interest for the respective community. There are no limitations about the topics, as long as they are in the interest of the members of the community.

- **Matters and topics which are not under the competence of CRAC**

One should know that CRAC is not a citizen association or any other similar body/organization. Its work is specified by law, according to which it refers opinions and proposals to the municipal council.

Many CRAC publicly present the project activities that they conducted, however; there is a dilemma whether this remains to be part of their terms of reference.

Furthermore, CRAC cannot reach decisions and there cannot be outvoting among the members, and if the members of CRAC cannot reach consensus about certain recommendations, then it is recommended that all proposals, regardless how different they are, to be submitted to the municipal council in written through the archive, and then the council makes the decision.

- **Relations among CRAC and the Committee for relations among the citizens, Secretariat for implementation of the Framework Agreement and ACRR**

According to the law, municipal CRAC are not formally related or obligated to communicate with the parliamentary Committee on relations among the communities, with the Secretariat for implementation of the Framework Agreement and ACRR.

On the other hand, members of CRAC, in the consultations with the communities they represent, should establish all challenges and problems that communities face, and accordingly submit information to ACRR, which can further inform the other institutions with which SIFA cooperates, such as Directorate for development and promotion of education in languages and Directorate for affirmation and promotion of the culture of the members of communities in Republic of Macedonia, and in cooperation with them, to develop recommendations to overcome them.

From the practice and experiences acquired so far in the course of the work of municipal CRAC, there is need to formalize the communication channels and the cooperation among these bodies. The regular and obligatory communication among the municipal CRAC with the parliamentary committee for relations among the communities, SIFA and ACRR, can contribute to the improvement of the quality of work of municipal committees, and for conveying to the legislator all the problems they face on local level and to cooperate to overcome the problems. This matter can be also regulated as part of the statutes of the municipalities and rules of procedure for work of CRAC and other institutions.

- **Use of symbol and flag of the communities in the municipality**

Citizens that belong to certain community in a municipality should submit that request in front of their member-representative in CRAC. Then, CRAC should discuss that matter and accordingly refer adequate proposals to the municipal council. According to the Law on Local Self-Government, the municipal council is obligated to make decision about that matter. Thus,

the council is not obligated to accept the opinion of CRAC, and the decision can also be negative.

The members of the community that submitted the proposal are given recommendation to organize direct meetings with the members of the council and to explain their request, as well as the benefits if the proposal is accepted for all citizens in the municipality. In this context, one can also request support from the media and other citizen associations in the municipality which can provide information about the initiative and lobby in front of the members of the council for adoption of the proposal.

There are municipalities that do not respect the provisions of the law, and do not use all the symbols and flags in accordance with the law. In this context, the members of the communities and their associations should react and inform all competent bodies, by respecting to overcome the situations and respect the law. Unfortunately, some municipalities refrain and many of the members of communities, so that they do not have confrontations with the other citizens in the populated places, and they do not want to formally react i.e. file a complaint or similar.

- **How and under which procedure can a community give proposal for education in the mother tongue?**

Members of the community - parents, who want the children to learn in the mother tongue, would be necessary to submit a request to the municipal council which can make a decision for establishment of a class, in accordance with the criteria and rulebook on establishment of class. Furthermore, opinion should be given by the Ministry of education and science.

According to the verbal information obtained during the workshops for strengthening the capacities of CRAC implemented by ZELS and IRZ in 2013, there are requests for establishment of classes to be taught in the mother tongue and which have also been adopted by the municipal council, however; the Ministry of education and science has not yet issued the approval.

- **Authentic interpretation of Article 41 and 55 of the Law on Local Self-Government**

The legislation related to the rights of communities gives solid ground for the realization of community rights, and the majority of them are being applied. On the other hand, there is certain tendency among the municipal councils to read the law in a manner that does not take

into consideration the other legal solutions, and give interpretations which are not in the interest of the realization of community rights. Big number of associations that analyze the work of CRAC and the realization of community rights, come across information according to which during possible interpretation of the provisions from Article 41 and 55 of the Law on Local Self-Government could clarify certain dilemmas and challenges which are encountered by CRAC, thus also the communities on local level. According to IRZ-Tetovo, it would be necessary to request an authentic interpretation of Articles 41 and 55 of the Law on Local Self-Government, and further in the procedure, to initiate the changes and amendments to the law with regard to the respective interpretation.

Besides the questions that require authentic interpretation of the articles in the law, there are also other dilemmas about certain matters with regard to the establishment and functioning of CRAC and those are specified in this report.

With this regard, the municipal councils can overcome some of the problems in the statutes and rules of procedure, and in the same context, ACRR in cooperation with ZELS could develop recommendations that would be adopted by the municipal councils.

Annex 2: Proposals for authentic interpretation of Article 41 and 55 of the Law on Local Self-Government.

- **Monuments and memorials**

In order to mark significant events and persons from the history of the communities, in accordance with the Law on Monuments and Memorials¹⁴, memorials and monuments can be erected. Based on Article 5 of the law, memorial may be erected by the Assembly of Republic of Macedonia in accordance with this law.

The initiative for erecting a memorial or investing money can be made by: the Assembly of Republic of Macedonia and the state administration bodies, units of local self-government, institutions, citizen associations and foundations, other interested legal entities and citizens.

Memorials may be erected by the municipalities, the City of Skopje in accordance with this and other law.

¹⁴ Official Gazette of RM number 66/04

The members of communities, organized in associations as well as natural persons, can make an initiative to the municipal council about the erection of a memorial, as well to invest money for the erection of memorial.

In accordance with Article 17 of the same law, the municipal council adopts the five-year program by voting of the municipal council with dual majority, i.e. Badinter rule.

According to the law, the Ministry of culture determines which entity shall be competent for further preservation, maintenance, protection and use.

In practice, if any of the communities have proposal to erect a memorial on local level, the members of that community, as natural persons or through the associations in which they have membership, may refer a proposal to the municipal council for erection of a memorial. It is desirable during the process of preparations and development of idea that CRAC is also involved, which may additionally support and affirm the request.

8. Ombudsman

The role of the Ombudsman is defined in Article 77 of the Constitution of Republic of Macedonia and the Law on Ombudsman.¹⁵ According to Article 2 of the Law, the Ombudsman is an organ in Republic of Macedonia that protects the constitutional and legal rights of citizens and all other persons when those rights are violated by acts, actions, and failures to act by the state administration bodies and other organizations and bodies that have public authorizations and take measures and activities for protection of the principles for discrimination and adequate and fair representation of the community members in the state administration bodies, local self-government units and public institutions and services.

According to Article 33 of the same law, when the Ombudsman shall conclude that there is violation of the constitutionally and legally prescribed rights of the complainant by the state administration bodies and other bodies and organizations with public authorizations or that there is violation of the principles for discrimination and adequate and fair representations of the community members in the state administration bodies, local self-government bodies and public institutions and services, or there are other irregularities and if it is believed that the execution of the administrative act will give rise to irreplaceable damage to the right, the interested persons shall request:

- Timely postponement of the execution of the administrative act until the second-instance body makes the decision
- Timely postponement of the execution of the administrative act until the competent court makes the decision
- Timely postponement of the execution of the administrative act until the competent court makes the decision

The organs from Article 2 of this law are obligated immediately, and within three days from the receipt of the request submitted by the Ombudsman at latest to adopt and submit the decision to the Ombudsman whereby the administrative act execution is postponed for some time. Competent bodies are obligated to submit the decision to the Ombudsman once the procedure is completed.

According to the Law on Ombudsman, there is no prescribed template about a complaint. An example is given below which can be used by the citizens.

During the procedure in front of the Ombudsman, Macedonian language and alphabet are in official use, as well as the language and the alphabet spoken by at least 20% of the citizens.

¹⁵ Law on Ombudsman <http://www.ombudsman.mk/upload/documents/Zakon%20na%20NP.PDF>

The head office of the Ombudsman is in Skopje, and regional offices in Tetovo, Kicevo, Bitola, Stip, Strumica and Kumanovo where it is represented by deputy ombudsman.

The communication with the Ombudsman can be in person, by post, fax, on the phone and electronically.

If the members of CRAC consider that there is discrimination on the part of state bodies, institutions or organizations with public authorizations, or absence of adequate and fair representation of the community members in the state administration bodies, local self-government bodies and public institutions and services, they can accordingly inform the Ombudsman as well as ACRR, which according to the previously described procedure can give proposals or take respective measures.

Annex 3: Possible template for complaint to be lodged to the Ombudsman

9. Commission for protection against discrimination (KPD)

The Commission for protection against discrimination (KPD), with its competencies, can play important role with regard to the protection of the community rights.

Among others, KPD has the following competencies¹⁶:

- Takes action upon complaints, gives opinion and recommendations for concrete cases of discrimination;
- Provides information to the complainant about his/her rights and possibilities for initiation of a court or any other procedure for protection;
- Makes an initiative to initiate a procedure in front of the competent bodies about committed violations on the law;
- Informs the public about cases of discrimination and takes activities for promotion and education about equality, human rights and non-discrimination;
- Establishes cooperation with the competent bodies for realization of equality and human rights protection in the local self-government;
- Gives recommendations to the state bodies to take measures for realization of equality;
- Gives opinions for proposals for laws which are relevant for protection from discrimination;

The citizen may be discriminated against and file a complaint on the grounds of gender, race, skin color, sex, member of marginalized group, ethnic background, language, citizenship, social background, religion or creed, education, political affiliation, personal or societal status, mental and physical disability, age, family or marital status, property status, health status or any other ground.

Areas in which the citizen can be discriminated against and is entitled to file a complaint to the Commission:

- Work and labor relations;
- Education, science and sport;
- Social security, including the area of social protection, pension and disability insurance, health insurance and health care;
- Judiciary and administration;
- Housing;
- Public outreach and media;

¹⁶ Official gazette of RM 50/2010

- Access to goods and services;
 - Membership and activity in trade unions, political parties, citizen associations and foundations and other membership based organizations;
 - Culture and
 - Other areas specified by law.
- Time framework for filing a complaint in case of discrimination?
Complaint to KPD is filed at latest within three months from the moment when the act of discrimination occurred.
- How is the complaint submitted?
In written or verbally, in person at the Commission for protection against discrimination, by post, on the telephone or by e-mail.
- Languages in which the complaint can be submitted
Complaint may be submitted:
- In Macedonian language
 - In the language spoken by more than 20% of the citizens in Republic of Macedonia
 - Any of the official languages and respective alphabets which are used in the local self-government unit, whereby the Commission will respond besides in Macedonian language, also in the other language.
- Costs for submission of complaint.
No fees and charges are paid for submission of a complaint
- Additional information that should be submitted along with the complaint?
All information, facts and evidence which are in the interest of confirming the discrimination.
- Time period in which KPD responds on submitted complaint
Within 90 days at latest from the moment of complaint submission, the Commission shall submit opinion about the alleged discrimination to me and the person against which the complaint was filed, and if discrimination is established, the Commission shall recommend the manner in which the violation of the right shall be eliminated. This shall be submitted to me and the one who discriminated me against.
- Procedure when discrimination is established by KPD

The person which is established to have discriminated against should eliminate the violation of the right within 30 days from the receipt of the recommendation as well as notify the Commission accordingly.

Annex 2: Template of a complaint to KPD (page 35)

10. RECOMMENDATIONS ABOUT THE REALIZATION OF THE COMMUNITY RIGHTS ON LOCAL LEVEL

Recommendations for ACRR regarding the cooperation with CRAC

1. Establishment and formalization of the channels for communication and cooperation among ACRR and municipal CRAC, in order to exchange information regarding the situation and the ways of more efficient realization and promotion of the community rights on local level, in accordance with the legal competencies of ACRR set forth in Article 16(2) of the Law on Promotion and Protection of the Community Rights which are less than 20% of the population in Republic of Macedonia.
2. Organization of promotional events and campaigns to enhance the visibility and learning about the place, role and competencies of ACRR aimed for the members of municipal councils and CRAC, citizen associations, citizens, media and other interested parties in different municipalities and regions in the country.
3. Organization of „open days of ACRR” whereby every interested citizen, members of communities, local institutions, representatives of civil sector, media and other interested entities can be brought closer to the work and activities of ACRR.
4. The members of the Participatory forum, which is established as part of ACRR, should make efforts and organize regular meetings and consultations with the respective members from their community in the municipality and CRAC for the purpose of mutual exchange of information and opinions regarding the realization and promotion of the community rights in the municipality.

Recommendations for ACRR regarding the cooperation with the municipalities

1. Proactive approach by ACRR regarding the initiation of direct meetings and discussions with mayors, presidents of councils and members of CRAC in the municipalities, in order to establish the challenges faced by the community members on local level and for respect and consistent implementation of the provisions defined in Article 41 and 55 of the Law on Local Self-Government.

2. ACRR should initiate discussion with the municipalities, in cooperation with the Association of local self-government units (ZELS), in order to establish a list of local regulations that should be adopted or changed with the special majority votes by the municipal council (so-called Badinter rule) in accordance with Article 41(3) of the Law on Local Self-Government.
3. ACRR should initiate a discussion, in cooperation with ZELS and the Ministry of local self-government, in connection with the allocation of funds from the municipal budgets about the smooth work of CRAC, and in particular for marking the cultural events and preservation of the cultural and linguistic identity of the communities in the municipality.
4. ACRR should prepare an analysis, initiate a discussion and propose models for public and transparent process for election of CRAC members by the municipal councils, as well as to which extent do municipal councils review and decide upon the given opinions and recommendations by CRAC.

Recommendations for ACRR regarding the cooperation with the citizen associations on local level

1. ACRR should establish direct cooperation and ensure support to the citizen associations of the communities which are represented on local level towards strengthening their capacities to represent and advocate for the interest of the communities before the local and central authorities for all matters of their interest.
2. In this context, ACRR should organize regular meetings on municipal/regional level with the associations of the communities in order to develop partnership relations with them, to learn the real problems and challenges that communities face on local level, as well as to inform about their competencies and activities and about the activities and programs of the Government regarding the protection and realization of the rights of all communities.

3. ACRR should establish and update a register of associations of the communities that work and strive towards the realization and improvement of the community rights and projects that they implement on local, regional or state level.

Recommendations for ACRR regarding the cooperation with media on local level

1. ACRR should establish regular communication and cooperation with the electronic and printed media which are active both on regional and local level, in order to provide information about the ongoing projects and activities and also in order to animate the media about the situation and challenges related to the realization of community rights.
2. ACRR should support and organize educational and other activities about the media representatives on local level which shall strengthen their role in the process of building multiculturalism in media and shall ensure the social inclusion, protection and promotion of the essential elements for preservation of the identity, language and culture of the communities on local level.
3. ACRR should organize special trainings for strengthening the capacities and skills of the managerial staff and the employees, as well as the representatives of the associations of the communities which are represented in the Participatory forum for communication with media and public relations.

Recommendations for ACRR regarding the Assembly of Republic of Macedonia

1. ACRR should initiate continuous exchange of opinions and views for more efficient realization and promotion of the community rights on local level among the members of the parliamentary Committee for relations among the communities and the presidents and members of CRAC and also take active part in them.
2. ACRR, in cooperation with ZELS and the Secretariat for implementation of the Ohrid Framework Agreement and other competent institutions, to initiate and organize a

professional discussion or consultations regarding the need to provide authentic interpretation of Article 41 and 55 of the Law on Local Self-Government.

3. AOPZ, in cooperation with the line ministry, other competent institutions and civil sector, should support an analysis and discussion regarding the changes and amendments of Article 41 and 55 of the Law on Local Self-Government.

11. Bibliography

1. Rights of the communities in Republic of Macedonia. Common values, 2005.
2. Application of the adequate and fair representation principle. IRZ and ZELS, 2014
3. Everything I want to know about the committees for relations among the communities. IRZ, 2011
4. Committee for protection against discrimination www.kzd.mk
5. Implementation of the community rights (OSCE 2012).

13. Useful websites

1. Community Development Institute www.irz.org.mk
2. Committees for relations among the communities – IRZ www.komz.mk
3. Association of the local self-government units www.zels.org.mk
4. Secretariat for implementation of the Ohrid Framework Agreement www.siofa.gov.mk
5. Organization for security and cooperation in Europe www.osce.org/skopje
6. Delegation of the European Commission
http://eeas.europa.eu/delegations/the_former_yugoslav_republic_of_macedonia/index_en.htm
7. Ministry of local self-government www.mls.gov.mk
8. Assembly of Republic of Macedonia www.sobranie.mk

Annex 1: List of laws that further regulate and specify the constitutional amendments

Constitutional amendments are further regulated and specified with changes and/or amendments to the following laws:

a) Laws that refer to the use of languages and which enter changes in all relevant laws from the aspect of the use of languages (Amendment V):

- Law on Election of MPs¹⁷ in the Assembly of Republic of Macedonia
- Law on Changes and Amendments to the Law on Election of President¹⁸ of Republic of Macedonia
- Law on Changes and Amendments to the Law on Census¹⁹ of Population, Households and Apartments in RM
- Law on Changes and Amendments to the Law on Civil Servants²⁰
- Law on Amendments to the Law on Publication²¹ of Laws and other Regulations and Acts in the “Official Gazette of Republic of Macedonia”
- Law on Changes and Amendments to the Law on Local Elections²²
- Law on Amendments to the Law on Executive²³ Procedure
- Law on Amendments to the Law on Administrative²⁴ Disputes
- Law on Changes and Amendments to the Law on Litigation²⁵ Procedure
- Law on Changes and Amendments to the Law on Criminal²⁶ Procedure
- Law on Changes and Amendments to the Law on General Administrative²⁷ Procedure

b) Laws that refer to personal documents (Amendment V):

- Law on Changes and Amendments to the Law on Identification Card²⁸
- Law on Changes and Amendments to the Law on Registry Certificates²⁹
- Law on Changes and Amendments to the Law on Internal³⁰ Affairs

¹⁷ Law on Election of MPs “Official gazette of Republic of Macedonia”, No. 42/02

¹⁸ Official gazette of Republic of Macedonia”, No. 11/04

¹⁹ Official gazette of Republic of Macedonia”, No. 43/02);

²⁰ Official gazette of RM”, No.17,40,85/03

²¹ Official gazette of Republic of Macedonia”, No.43/02

²² Official gazette of Republic of Macedonia”, No. 35/04);

²³ Official gazette of Republic of Macedonia”, No. 64/03

²⁴ Official gazette of Republic of Macedonia”, NO. 44/02

²⁵ Official gazette of Republic of Macedonia”, No. 44/02

²⁶ Official gazette of Republic of Macedonia”, No. 44/02

²⁷ Official Gazette of RM No. 44/02

²⁸ Official gazette of RM No. 38/02 and 16/04

²⁹ Official gazette of Republic of Macedonia”, No. 38/02

- Law on Changes and Amendments to the Law on Passports³¹ for the Citizens of Republic of Macedonia
- Law on Changes and Amendments to the Law on Road Traffic Safety³²

c) Laws related to education (Amendments V and VIII):

- Law on Changes and Amendments to the Law on Primary³³ Education
- Law on Changes and Amendments to the Law on Secondary³⁴ Education

d) Laws related to the competencies of the local self-government units and the financing thereof (Amendment XII):

- Law on Local Self-Government³⁵
- Law on Property Taxes³⁶
- Law on Changes and Amendments to the Law on Administrative Fees³⁷
- Law on Changes and Amendments to the Law on Internal Affairs³⁸
- Law on Territorial³⁹ Organization of the Local Self-Government in the Republic of Macedonia
- Law on Financing the Units of Local Self-Government⁴⁰
- Law on the City of Skopje⁴¹
- Law on Communal Fees⁴²

Other valid acts for application of the constitutional amendments from 2001:

Rules of Procedure⁴³ of the Assembly of RM for implementation of the Amendments V, X, XIV, XVI and XVIII

³⁰ Official gazette of RM", No. /02

³¹ Official gazette of Republic of Macedonia", No. 20/03 and 46/04

³² Official gazette of Republic of Macedonia", No. 38/02 and 38/04

³³ Official gazette of RM No. 63/04

³⁴ Official gazette of RM No. 67/04

³⁵ Official gazette of RM No. 5/02

³⁶ Official gazette of RM No. 61/04

³⁷ Official gazette of RM No. 61/04

³⁸ Official gazette of RM No. 38/02

³⁹ Official gazette of RM No. 55/04

⁴⁰ Official gazette of RM No. 61/04 and 96/04

⁴¹ Official gazette of RM No. 55/04

⁴² Official gazette of RM No. 61/04

⁴³ Official gazette of RM No. 60/02

Annex 2: Proposal for authentic interpretation of Article 41 and 55 of LLG

Article 41 Law on Local Self-Government (existing wording)		Questions for authentic interpretation
Paragraph 1	The Council can work only if the session is attended by the majority of the total number of members of the Council.	No questions
Paragraph 2	The Council decides with majority votes from the present members, unless otherwise specified by law and statute.	No questions
Paragraph 3	Regulations that refer to culture, use of languages and alphabet used by less than 20% of the citizens in the municipality, establishment and use of the coat of arms and flag of the municipality, are adopted with majority votes from the present members in the council, whereby there must be majority votes from the present members that belong to the communities which are not majority population in the municipality.	<p>Questions about Paragraph 3 from Article 41:</p> <ol style="list-style-type: none"> 1. Which are the regulations regarding the culture and what does it include? 2. Whether the budget of the municipality should be adopted with special majority, if the item for culture is also foreseen, and at the moment of voting, the item about culture represents an integral part of the overall municipal budget? 3. Whether during the voting at the municipal council, about matters related to Paragraph 3 of Article 41, the president must raise the question of voting once again whereby only the members of the smaller communities who are represented in the municipal council shall express their opinion?
Paragraph 4	By rule, the voting at the council session is public.	No questions
Paragraph 5	Minutes are kept for each session of the council.	No questions

- Table 2 -

Article 55		Questions for authentic interpretation
Law on Local Self-Government (clarified wording)		
Paragraph 1	In the municipality in which at least 20% of the total number of citizens in the municipality according to the last census of the population are members of certain community, a committee for relations among the communities is established.	No question
Paragraph 2	The Commission from Paragraph 1 of this Article is comprised of equal number of representatives from each of the communities represented in the municipality.	<p>Questions for Paragraph 2 from Article 55:</p> <ol style="list-style-type: none"> 1. If a particular ethnic community in a municipality which according to the last census is established in the municipality, and when a decision of the council is formulated the respective community is not represented with a member in the Committee for relations in the community: <ol style="list-style-type: none"> a) whether the established committee, without representatives from all communities which live in the municipality according to the census, is considered as established in accordance with the law? b) whether such established committee has legal grounds to function and give opinions to the council?
Paragraph 3	The manner of election of the members is established by statute.	No questions
Paragraph 4	The Committee reviews the questions that refer to the relations among the communities represented in the municipality and gives opinion and proposals for resolution.	<p>Questions for Paragraph 4 of Article 55:</p> <ol style="list-style-type: none"> 1. Who can request opinion from the Committee on relations among the communities and who can refer proposals for topics to be considered by the committee for relations among the communities? 2. In which form (written or verbal) are the proposals and opinions requested from the committee for relations among the communities, and in which format does the committee provide its opinions to the municipal council? 3. Who precisely determines which questions refer to the relations among the communities? 4. Which are the questions that refer to the relations among the communities which the committee on relations among the communities can review?

		<p>5. Whether during the voting and adoption of the municipal budget by the council of the municipality, there must be previously obtained opinion from the committee on relations among the communities, if the budget stipulates an item for the costs in the field of culture, and that item is an integral part of the budget?</p>
<p>Paragraph 5</p>	<p>The municipal council is obligated to review the opinions from Paragraphor 4 of this Article and make decisions respectively.</p>	<p>Questions about Paragraph 5 from Article 55:</p> <ol style="list-style-type: none"> 1. In which procedure and manner does the committee on relations among the communities submit the opinions to the council of the municipality? 2. Whether the council of the municipality, about matters related to Paragraph 4 of Article 55 of the Law on local self-government, before decision is made about those matters, must request opinion from the committee on relations among the communities? 3. In which timeframe is the municipal council obligated to review the opinions of the committee on relations among the communities, and in which time framework should it make the respective decision?

- Table 3-

Annex 3: Possible template for a complaint to the Ombudsman

To:

OMBUDSMAN



Република Македонија
НАРОДЕН ПРАВОБРАНИТЕЛ
O M B U D S M A N
Republic of Macedonia

UL. "Dimitrie Cupovski" No. 2

1000 Skopje

COMPLAINT

1. DATA ABOUT THE COMPLAINANT:

NAME AND SURNAME _____ PLACE OF RESIDENCE _____

ADDRESS _____ TELEPHONE _____

MEMBER OF COMMUNITY _____

2. SEX: M F _____ 3. AGE _____

4. OCCUPATION _____ 5. NATIONALITY _____

6. BODY OR ORGANIZATION TO WHICH THE COMPLAINT REFERS

7. NAME, SURNAME AND FUNCTION OF THE OFFICIAL THAT VIOLATED THE RIGHT OF THE COMPLAINANT

8. PLEASE STATE THE DATA ABOUT THE ACT BELOW (DECISION, CONCLUSION, ETC.) WHICH VIOLATES YOUR RIGHT AND PLEASE DESCRIBE THE ACTION BY WHICH YOUR RIGHT WAS VIOLATED

9. PLEASE STATE THE LEGAL REMEDIES YOU HAVE USED (TO WHICH BODY AND WHEN)

10. ANNEX (EVIDENCE):

11. AT THE OMBUDSMAN OFFICE YOU WERE RECEIVED BY (NAME AND SURNAME OF THE OFFICER)

DATE

SIGNATURE OF THE COMPLAINANT

Annex 4: Format of the complaint to the KPD



REPUBLIC OF MACEDONIA

Commission for protection against discrimination

bul. Goce Delcev bb (MRTV building), floor 20, Skopje

tel. 02/3232-242

COMPLAINT

IMPORTANT: Copy of the complaint that you are submitting will be also submitted to the natural person/legal entity, i.e. body against which you submit the complaint.

PERSONAL DATA ABOUT THE COMPLAINANT

1. **NAME:** _____
2. **SURNAME:** _____
3. **NAME:** _____
4. (if the complainant is a legal entity)
5. **ADDRESS/SEAT:** _____

(if the complainant is a legal entity)
6. **SEX:** _____
7. **DATE OF BIRTH:** _____
8. **TELEPHONE:** _____ **E-MAIL:** _____
9. **ETHNICITY:** _____ (not mandatory)
10. **DO YOU SUBMIT THE COMPLAINT ON BEHALF OF ANOTHER PERSON:** _____
(answer Yes or No)
11. **IF THE ANSWER TO THE PREVIOUS QUESTION IS AFFIRMATIVE, PLEASE STATE IN WHOSE BEHALF YOU SUBMIT THE COMPLAINT:**

12. **DO YOU HAVE THE CONSENT FROM THE PERSON ON WHOSE BAHALF YOU SUBMIT THE COMPLAINT:** _____ (answer Yes or No; if Yes, please submit)

DATA ABOUT THE NATURAL PERSON/LEGAL ENTITY, I.E. BODY AGAINST WHICH YOU SUBMIT THE COMPLAINT

1. IF THE COMPLAINT REFERS TO A LEGAL ENTITY/BODY:

- **NAME:** _____
- **SEAT:** _____
- **TELEPHONE:** _____
- **ARE YOU EMPLOYED BY THAT LEGAL ENTITY/BODY:** _____
(answer Yes or No)

2. IF THE COMPLAINT REFERS TO A NATURAL PERSON:

- **NAME AND SURNAME:**

- **ADDRESS:** _____
- **TELEPHONE:** _____
- **DID THE PERSON THAT YOU CLAIM DISCRIMINATED YOU AGAINST, DID THAT AT THE WORKPLACE/WHILE PERFORMING THE TASKS AT WORK:** _____
(answer Yes or No)
- **IF THE PREVIOUS ANSWER IS AFFIRMATIVE, PLEASE STATE WHERE IS THE PERSON EMPLOYED:** _____

(name of the enterprise/institution/organization, address, telephone, position/post of the respective person)

IMPORTANT: If there are several natural persons and/or legal entities, i.e. bodies against which you submit complaints, please fill out separate complaint for each of them.

GROUND/S FOR DISCRIMINATION

Please encircle one or several grounds of discrimination, on basis of which you believe that you have been discriminated against.

- | | |
|---------------------------------|-----------------------------------|
| 1. Sex | 11. Other types of beliefs |
| 2. Race | 12. Education |
| 3. Skin color | 13. Political affiliation |
| 4. Gender | 14. Personal or social status |
| 5. Member of marginalized group | 15. Mental or physical disability |
| 6. Ethnic background | 16. Age |
| 7. Language | 17. Family or marital status |

8. **Citizenship**

9. **Social origin**

10. **Religion or creed**

18. **Property status**

19. **Health status**

20. **Any other grounds:** (please state) _____

WHERE DID THIS EVENT HAPPEN FOR WHICH YOU SUBMIT THE COMPLAINT

1. **LABOR AND LABOR RELATIONS**

2. **EDUCATION, SCIENCE AND SPORT**

3. **SOCIAL SECURITY, INCLUDING THE AREA OF SOCIAL PROTECTION, PENSION AND DISABILITY INSURANCE, HEALTH INSURANCE AND HEALTH CARE**

4. **JUDICIARY AND ADMINISTRATION**

5. **HOUSING**

6. **PUBLIC OUTREACH AND MEDIA**

7. **ACCESS TO GOODS AND SERVICES**

8. **MEMBERSHIP AND ACTION IN TRADE UNIONS, POLITICAL PARTIES, CITIZEN ASSOCIATIONS, FOUNDATIONS AND OTHER MEMBERSHIP BASED ORGANIZATIONS**

9. **CULTURE**

10. **OTHER AREAS SPECIFIED BY LAW** _____
_____ (please state)

DESCRIPTION OF THE EVENT (please describe the event in details for which you submit the complaint, including the time, place, persons who were present, etc.)

IMPORTANT: If you need more space for writing, please use another piece of paper.

EVIDENCE (please list the evidence that you submit as attachment to the complaint)

1. _____
2. _____
3. _____
4. _____
5. _____

1. **DO YOU HAVE INITIATED A COURT PROCEDURE** _____ (answer Yes or No)

2. **IF SO, IN FRONT OF WHICH COURT AND WHEN**

(please submit a copy of the complaint)

3. **DID YOU APPROACH ANOTHER INSTITUTION** _____ (answer Yes or No)

4. **IF SO, WHICH INSTITUTION AND WHEN** _____

(please submit copy of the correspondence)

PLACE AND DATE

SIGNATURE