

ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

Pursuant to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia issue this

DECREE ON PROMULGATION OF THE LAW ON THE RIGHTS OF THE COMMUNITIES THAT ARE LESS THAN 20% OF THE POPULATION OF THE REPUBLIC OF NORTH MACEDONIA

The Law on the rights of the communities that are less than 20% of the population of the Republic of North Macedonia, adopted by the Assembly of the Republic of North Macedonia, on its session held on 22 January 2020 is hereby promulgated.

No. 08-754/1
22 January 2020
Skopje

President of the Republic of
North Macedonia,
Stevo Pendarovski, signature

President of the Assembly of
the Republic of North
Macedonia,
Talat Xhaferi, MA, signature

LAW ON THE RIGHTS OF THE COMMUNITIES THAT ARE LESS THAN 20% OF THE POPULATION OF THE REPUBLIC OF NORTH MACEDONIA

I. GENERAL PROVISIONS

Scope of regulation

Article 1

This Law shall regulate the realisation, promotion and protection of the rights of the members of the communities that are less than 20% of the population of the Republic of North Macedonia, guaranteed by the Constitution of the Republic of North Macedonia, as well as the monitoring of the realisation of the provisions of this Law and the laws determining those rights.

Definition of the term “members of the communities”

Article 2

(1) Members of the communities, within the meaning of this Article, shall be the citizens that belong to the communities that are less than 20% of the population of the Republic of North Macedonia, in accordance with the latest census of the population on the territory of the Republic of North Macedonia (hereinafter: members of the communities).

(2) The term “community” within the meaning of this Article, shall mean portions of the peoples, as well as portions of the population that are citizens of the Republic of North Macedonia and traditionally live on the territory of the Republic of North Macedonia; however, their ethnic, cultural, language or religious characteristics make them different from the rest of the population.

Areas of application of this Law

Article 3

The realisation, promotion and protection of the rights of the members of the communities, according to this Law shall in particular refer to the areas of protection of the rights of the communities, their identity, use of language and alphabet, education (primary, secondary, tertiary), culture, media and employment, in line with the principle of adequate and equitable representation of the members of the communities, as well as other areas in which the rights of the members of the communities are regulated by law.

Prohibition of discrimination and assimilation

Article 4

- (1) Any form of direct or indirect discrimination based on ethnicity, language, religion, race or any other ground towards the communities or the members of the communities shall be prohibited.
- (2) Any activity or measure of forced assimilation of the members of the communities shall be prohibited.

Securing the acquired rights

Article 5

The acquired rights of the members of the communities determined by the Constitution of the Republic of North Macedonia, legislation and international agreements ratified according to the Constitution of the Republic of North Macedonia shall be secured, as well as the widely accepted rules of the international law.

Right to education

Article 6

The members of the communities shall have the right to education in their mother tongue and alphabet at all levels of educations, in accordance with the law.

Right to information

Article 7

The members of the communities shall have the right to receive and transfer information in their mother tongue and alphabet by means of electronic and print media, in accordance with the law.

Rights in the field of culture

Article 8

- (1) The members of the communities shall have the right to freely express, foster and develop their identity and community attributes, in accordance with the law.
- (2) The members of the communities shall be guaranteed the protection of their ethnic, cultural, language and religious identity.

Right to use the mother tongue and alphabet

Article 9

The members of the communities shall have the right to use their mother tongue and alphabet, in accordance with the law.

Right to establish institutions, associations and foundations

Article 10

The members of the communities shall have the right to establish cultural, art, and educational institutions, as well as scientific and other associations and foundations for the purposes of expression, fostering and development of their identity, in accordance with the law.

The right to use communities symbols

Article 11

The members of the communities shall have the right to use their community symbols, in accordance with the law.

Application of the principle of adequate and equitable representation in employment.

Article 12

The principle of adequate and fair representation shall be applied to the members of the communities during employment in the state government bodies and other public institutions at all levels, in accordance with the law.

II. AGENCY FOR COMMUNITY RIGHTS REALISATION

Agency for Community Rights Realisation

Article 13

(1) The Agency for Community Rights Realisation (hereinafter: the Agency) shall be in charge of the realisation, promotion and protection of the rights of the members of the communities that are less than 20% of the population of the Republic of North Macedonia, which are guaranteed by the Constitution of the Republic of North Macedonia, as well as of the monitoring over the implementation of the provisions of this Law and the laws determining those rights.

(2) The Agency shall be an independent body of the state administration with capacity of a legal person, with head office in Skopje.

Objectives of the Agency

Article 14

The objectives of the Agency shall be the realisation, protection and monitoring of the realisation of the rights of the members of the communities which are less than 20% of the population of the Republic of North Macedonia, promotion of mutual understanding and tolerance of all the communities for the purposes of maintaining, nurturing and strengthening the social cohesion in the Republic of North Macedonia.

Principles of operation of the Agency

Article 15

The Agency shall exercise its competence on the basis of constitutionality and legality, responsibility, transparency, equality, prohibition of discrimination, inclusiveness and equity.

Director of the Agency

Article 16

(1) The Agency shall be managed by a director appointed and dismissed by the Government of the Republic of North Macedonia (hereinafter: the Government), with a

mandate of four years and with the possibility for one subsequent appointment.

(2) The Director of the Agency shall have a deputy director appointed by the Government for a period of four years and with the possibility for one subsequent mandate.

(3) For the appointment of a director and a deputy director a public announcement shall be published in two daily newspapers issued on the entire territory of the Republic of North Macedonia, of which one is issued in the language spoken by at least 20% of the citizens that speak an official language other than Macedonian.

(4) The Deputy shall act in the name of the Director in their absence or when due to illness and other reasons they are incapacitated to perform their function, with all their authorisations and obligations in management activities.

(5) The Deputy, in cooperation with the Director, shall perform tasks under the authority of the Director, which he entrusts to him.

(6) The Director and the Deputy Director shall be accountable to the Government for their work.

(7) Any person that fulfills the following conditions may be appointed as a Director or a Deputy Director:

- 1) to be a citizen of the Republic of North Macedonia;
- 2) to have knowledge in the field of human rights;
- 3) at the time of appointment shall not have been sentenced with a sentence or misdemeanour sanction, prohibition to perform a profession, activity or duty, by a final court ruling;
- 4) to have acquired at least 240 credits according to the ECTS or VII/1 level of education in the field of social sciences;
- 5) to have at least five-year work experience in the field of human rights and
- 6) to have one of the following internationally recognised certificates for active knowledge of the English language, not older than 5 years:
 - TOEFL IBT at least 74 points,
 - IELTS at least 6 points,
 - ILEC (Cambridge English: Legal) at least at B2 level,
 - FCE (Cambridge English: First) - passed,
 - BULATS at least 60 points, or
 - APTIS at least at B2 level.

(8) The mandate of the Director or the Deputy shall be terminated in the following cases:

- on their request,
- if they have been convicted with a final court ruling for a criminal offence with a sentence in duration of at least six months without the possibility of parole,

- upon fulfilment of age retirement conditions,
- upon determination of permanent loss of ability to perform the function,
- upon electing or appointment for another function and
- death.

(9) The Director or the Deputy Director shall be dismissed before the expiration of their mandate for which they have been appointed due to reasons of incompetent, negligent and illegal performance of the function and the competences entrusted to them by law.

(10) The Government shall adopt a decision determining the termination of the mandate referred to in paragraphs (8) and (9) of this Article.

Competences of the Director of the Agency

Article 17

(1) The Director shall perform the following tasks:

- manage the operation of the Agency,
- represent the Agency,
- adopt Strategic Plan and Annual Programme of Work of the Agency, no later than December, for the previous year,
- submit a report for work of the Agency, to the Government, for the purposes of information, at least once a year, no later than 31 March in the current year for the previous year and
- perform other works in accordance with the law.

(2) The Strategic Plan, the Annual Work Programme and the Report for Work of the Agency referred to in paragraph (1) of this Article must be published on the website of the Agency.

Competences of the Agency

Article 18

The Agency shall be competent for the following:

- 1) compliance and coordination of its operations with the state administration bodies and with the Inter-Community Relations Committee, the Ombudsman, the Commission for Protection against Discrimination, the State Statistical Office and the Agency for Audio and Audio-Visual Media Services, for issues related to the realisation, promotion and protection of the rights of the members of the communities and the promotion of inter-ethnic relations and social cohesion;
- 2) providing expert support in the determination and realisation of the strategic priorities of the Government of the Republic of North Macedonia related to the obligations arising from the Constitution of the Republic of North Macedonia, the laws and international agreements ratified in accordance with the Constitution, and especially for the purpose of realisation, promotion and protection of the rights of the members of communities;
- 3) ensuring a uniform approach to increase the efficiency of the implementation process of the Annual Work Programme of the Agency;

- 4) provision and implementation of financial means necessary for the successful implementation of the obligations arising from the Annual Work Programme of the Agency within the Budget of the Republic of North Macedonia and from donors;
- 5) maintaining communication with the public and other target groups through the media and updating the Agency's website;
- 6) preparation of information, expert-analytical materials, opinions, initiatives and proposed conclusions on issues under the competence of the Agency;
- 7) giving expert opinions on the materials that are being reviewed by the Government and serve for the realisation, promotion and protection of the rights of the members of the communities and promotion of inter-ethnic relations and social cohesion;
- 8) participation in the preparation of the reports that the Republic of North Macedonia submits to the international and regional organisations in accordance with the undertaken international obligations, and which refer to the rights of the members of the communities;
- 9) collection, processing, analysis and preservation of data that refer to or are related to the realisation, promotion and protection of the rights of the members of the communities;
- 10) undertaking activities to raise awareness, inform and educate about the rights of the members of the communities, the manner of their realisation and protection and respect for diversity, as well as activities for the promotion of mutual understanding and tolerance and the promotion of inter-ethnic relations, intercultural dialogue and social cohesion and
- 11) submitting initiatives to the Government for the establishment of inter-departmental working bodies or groups in the areas that fall under its competence, with the aim of ongoing provision and exchange of data, coordinating activities and ensuring a coherent approach to the realisation, promotion and protection of the rights of community members and strengthening of social cohesion.

Employees in the Agency

Article 19

The employees of the Agency shall have the status of administrative officers.

Monitoring and analysis of the situations related to the rights of the members of the communities

Article 20

- (1) The Agency shall monitor and analyse the situations and the implementation of activities related to the rights, position, obligations and development opportunities of the members of the communities established by this and other laws and shall inform the Government and the public on this at least twice a year.
- (2) At the request of the Agency, the competent authorities of the state administration referred to in Article 21 of this Law shall be obliged to submit data and information relating to the realisation, promotion and protection of the rights of the members of the communities, at the latest within seven days from the day of receipt of the request.
- (3) As an exception from paragraph (2) of this Article, if a longer period of time is needed to provide the data and information referred to in paragraph (2) of this Article,

in that case they shall be submitted to the Agency within 15 days from the day of receipt of the request.

(4) If the requested data and information from paragraph (2) of this Article are not submitted to the Agency within the time frames established in paragraphs (2) and (3) of this Article, it shall immediately inform the higher authority, the official in charge of the authority referred to in paragraph (2) of this Article or the Government.

(5) The Agency shall collect and analyse data that is publicly available and shall conduct field research in order to monitor the application of the laws that determine the rights of the members of the communities.

Compliance and coordination of the work of the Agency with the state administration bodies

Article 21

In the exercise of the competences established by this Law, the Agency shall coordinate its work with the work of the Ministry of Political System and Inter-Community Relations (the Administration for the Development and Promotion of Education in the Languages of Community Members, the Administration for Affirming and Promoting the Culture of Community Members), the Ministry of Education and Science, the Ministry of Culture, the Ministry of Labour and Social Policy, the Ministry of Information Society and Administration and the Ministry of Local Self-Government.

Cooperation of the Agency with other authorities, bodies, associations and foundations

Article 22

1) For the purposes of the exercise of the competences established by this Law, the Agency shall cooperate with the Inter-Community Relations Committee, the Ombudsman, the Commission for Protection against Discrimination, the State Statistical Office and the Agency for Audio and Audio-Visual Media Services, and with the local self-government and the City of Skopje for issues related to the realisation, promotion and protection of the rights of the members of the communities and the promotion of inter-ethnic relations and social cohesion;

(2) The Agency, within the framework of cooperation with local self-government units, shall in particular cooperate with the inter-community relations committee at the local level.

(3) Within its competences, the Agency shall cooperate with the Macedonian Academy of Sciences and Arts, with state and private universities and institutes, as well as with experts in the field of human rights and the rights of the communities.

(4) In accordance with the principles of transparency and inclusiveness, the Agency shall cooperate with associations and foundations that represent the communities and that work towards the realisation, promotion and protection of the rights of the members of the communities and the promotion of inter-ethnic relations and social cohesion.

Participatory Forum

Article 23

(1) The Participatory Forum is an informal, advisory and consultative body independent from the Agency, which shall be made up of representatives of the

associations that represent the communities and that work towards the realisation, promotion and protection of the rights of the communities and promotion of inter-ethnic relations and social integration, with the aim of active participation in the policy-making processes and the decision-making on issues of their special interest.

(2) Representatives of the state administration bodies and institutions that are competent to act in the areas of importance for the realisation, advancement and protection of the rights of the communities referred to in Articles 21 and 22 of this Law shall participate in the work of the Participatory Forum.

(3) The Agency shall support the work of the Participatory Forum by organizing sessions at which it shall discuss and give opinions, proposals, initiatives and recommendations on issues related to the realisation, promotion and protection of the rights of the members of the communities and strengthening of social cohesion.

(4) Every six months, the Agency shall prepare conclusions and recommendations from the work of the Participatory Forum and shall submit them to the Government, the competent ministries and the relevant bodies of the state administration referred to in Articles 21 and 22 of this Law.

Funding of the Agency

Article 24

The Agency shall be funded with financial means from the Budget of the Republic of North Macedonia, donations and other sources of funding.

Fund of financial means

Article 25

(1) Funds shall be planned within the Agency (hereinafter: the fund) for the implementation of special programmes and projects for the realisation and promotion of the rights of the members of the communities and the promotion of inter-ethnic relations and social cohesion.

(2) The funds referred to in paragraph (1) of this Article shall be provided by:

- The Budget of the Republic of North Macedonia, donations and
- other sources of financing.

Allocation of the Fund's financial means

Article 26

The means from the Fund can be used by associations and foundations established in accordance with the Law, if in accordance with the statute of the association or foundation, the purpose and tasks are defined as carrying out activities related to the realisation, promotion and protection of the rights of the members of the communities and the promotion of inter-ethnic relations. and social cohesion.

Announcement for the use of the Fund's financial means

Article 27

(1) For the use of financial means referred to in Article 25 of this Law, the Agency shall publish an announcement once a year in the first quarter of the year, based on the decision of the Agency's Director.

(2) If at least three associations and foundations do not apply for the announcement, or the registered associations and foundations do not meet the conditions for awarding funds referred to in Article 28 of this Law, a new announcement shall be made within 30 days from the end of the procedure following the previous announcement.

(3) The announcement referred to in paragraph (1) of this Article shall be published in at least two daily newspapers, one of which is in the language spoken by at least 20% of the citizens of the Republic of North Macedonia and on the website of the Agency.

Terms of allocation of financial means from the Fund

Article 28

(1) The financial means from the Fund shall be allocated on the basis of:

1. Organisational conditions that associations and foundations should meet shall be:

- to be registered in accordance with the Law on Associations and Foundations,
- to carry out activities in the field of human rights and the rights of community members, inter-ethnic relations and social cohesion for a period of at least two years and
- not to have received funds or submitted an application from/to another state authority or from other sources for the same purpose, which would mean double funding of the same activities from other sources.

2. Assessment of the quality of the projects submitted by the associations and foundations that meet the requirements of this Article will be carried out based on the following special programme conditions:

Areas	Maximum points
1. Organisational structure and resources	30.
1.1. Does the association or the foundation need special organisational structure and human resources for the implementation of the project (employees, active volunteers, persons hired on a freelance basis)	10.
1.2. Does the association or the foundation has premisses (if necessary) and technical equipment for project implementation	10.
1.3. Does the annual budget of the association or the foundation exceeds the amounts of the funds that have been requested for the last calendar year	10.
2. Networking and cooperation	10.
2.1. Has the association or the foundation realised projects in cooperation with other civil organisations or state administration bodies in the last two years	10
3. Quality of the project	60
3.1. In what extent the general objective of the project will benefit the realisation of the given priority objective	10
3.2. Is the objective of the project clearly stated	10

3.3. Has the target group been accordingly determined	10
3.4. Does the realisation of the activities contribute to the realisation of the planned results in the project	10
3.5. Is the realisation plan of the activities clear and achievable	10
3.6. Is the proposed financial plan realistic (the description of costs by categories and positions corresponds to market prices)	10

(2) Each area of the special programme conditions from paragraph (1) of this Article shall be valued with 1.5 or 10 points, and shall mean the following: 1 - no; 5 - partial и 10 -yes.

(3) In order to register the announcement from Article 27 of this Law, the associations and foundations must submit the following documents:

- Application for financial support,
- Proposal - project,
- Statute and decision on registration of the association or foundation,
- proof of the realised activities in the field of human rights and the rights of community members and inter-ethnic relations for a period of at least two years and

- Programme for the implementation, promotion and protection of the rights of the members of the communities in the field of education, science, culture, information activity, employment, as well as for the promotion of inter-ethnic relations and social cohesion,
 - An action plan and budget that will require the realisation of the activities planned by the project,
 - Reporting to the Fund on the received financial means in the past fiscal year and on the method of their realisation,
 - Annual report and final balance of the association or foundation for the previous year and
 - Certificate for paid tax issued by tax authorities.
- (4) The associations and foundations cannot submit more than one application for financial support in the current year.
- (5) The method of allocation of the funds from Article 25 of this Law shall be prescribed by the director of the Agency.

Committee on allocation of financial means from the Fund

Article 29

- (1) For the allocation of financial resources from Article 25 of this Law, the Director of the Agency shall form committees consisting of three members, of which two members shall be from among the employees of the Agency and one member shall be appointed by the state administration body in accordance with its legally established competence, depending on which area the programme (project) is submitted.
- (2) The members of the committee shall be elected for a period of one year, without the right to be elected in the following year.
- (3) The president of the Committee shall be elected from among the members of the Committee for a period of one year.
- (4) The Committee shall submit a proposal for the allocation of financial resources to

the Director of the Agency, no later than within 30 days of the deadline for registering the announcement.

(5) The proposal for the allocation of financial resources referred to in paragraph (4) of this Article shall be determined by a majority vote of the total number of members of the Commission.

(6) The Director of the Agency, no later than within seven days from the day of submission of the proposal referred to in paragraph (4) of this Article, shall make a decision on the allocation of financial resources from Article 25 of this Law.

Decision on allocation of financial means from the Fund

Article 30

(1) The Director shall make a decision on the allocation of financial resources referred to in Article 25 of this Law, no later than within seven days from the day of submission of the proposal from the Committee from Article 29, paragraph (4) of this Law.

(2) Against the decision from paragraph (1) of this Article, an administrative dispute may be initiated within 15 days from the day of receipt of the decision.

Report on the realisation of the activities and spent financial means from the Fund

Article 31

After the end of the time frame determined for the implementation of the programme (project), the user of the financial means shall be obliged to submit a report to the Agency on the implementation of the activities and the spent financial means within 30 days.

III. MONITORING AND MISDEMEANOR PROVISIONS

Monitoring of the realisation of the provisions of this Law

Article 32

The Agency shall monitor the realisation of the provisions of this Law.

Article 33

(1) A fine in the amount of 250 to 500 EUR in Denar equivalent shall be imposed on an association or foundation that is a beneficiary of financial means from the Fund for an offence if it fails to submit a report on the realisation of activities and spent financial means within 30 days, in accordance with Article 31 of this Law.

(2) A fine in the amount of 100 to 200 EUR in Denar equivalent for the misdemeanour referred to in paragraph (1) of this Article will be imposed on the responsible person in the association or foundation that is the beneficiary of financial means from the Fund.

Article 34

(1) A fine in the amount of 1,000 to 2,000 EUR in Denar equivalent shall be imposed on an association or foundation that is a beneficiary of financial means from the Fund for an offence if it inappropriately spends the allocated financial means from the Fund.

(2) A fine in the amount of 200 to 400 EUR in Denar equivalent for the misdemeanour referred to in paragraph (1) of this Article will be imposed on the

responsible person in the association or foundation that is the beneficiary of financial means from the Fund.

Article 35

(1) For the misdemeanours provided for in this Law, a misdemeanour procedure shall be conducted and a misdemeanour sanction shall be imposed by a competent court.

(2) The amount of the fine for the associations or foundations that use financial means from the Fund shall be determined in accordance with the Law on Misdemeanours.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 36

The Director and Deputy Director of the Agency shall continue to perform their duties until the end of the mandate for which they have been elected.

Article 37

The provision of Article 16 paragraph (7) point 6) of this Law, which refers to the requirement for knowledge of a foreign language, shall begin to be applicable two years after the date of entry into force of this Law.

Article 38

The by-laws provided for by this Law and the acts for internal organisation and systematisation of job posts shall be adopted by the Director of the Agency within 60 days from the date of entry into force of this Law.

Article 39

The Agency for the Realisation of the Rights of Communities established by the Law on the promotion and protection of the rights of the members of communities which are less than 20% of the population in the Republic of Macedonia (Official Gazette of the Republic of Macedonia, numbers 92/2008, 42/14 and 64/18), shall continue to operate as an Agency for the Realisation of the Rights of Communities, in accordance with the competences determined by this Law.

Article 40

With the entry into force of this Law, the Law on the promotion and protection of the rights of the members of communities that are less than 20% of the population of the Republic of Macedonia shall cease to be valid (Official Gazette of the Republic of Macedonia, numbers 92/2008, 42/14 and 64/18).

Article 41

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of the Republic of North Macedonia.

