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MECHANISMS FOR THE TREATMENT OF HUMAN RIGHTS ISSUES IN THE ASSEMBLY OF THE REPUBLIC OF MACEDONIA

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**Mechanisms for the Treatment of Human Rights Issues
in the Assembly of the Republic of Macedonia**

The basic liberties and rights of the human beings and of the citizens represent one of the fundamental values of the constitutional order of the Republic of Macedonia.

Having in mind their importance, the civil and political liberties and the economic, social and cultural rights are set down in a special chapter of the Constitution of the Republic of Macedonia. The Constitution specially determines the rights of the members of the communities that do not constitute the majority in the Republic of Macedonia, the rights that refer to the use of languages, education, expression of the cultural, ethnic and religious identity. At the same time, the Constitution determines and guarantees the protection of the fundamental rights and liberties.

In the appropriate laws, depending on the character of the issue, the legislator elaborates these rights regarding their realization and protection.

During the procedure for scrutiny of the laws in the working bodies and on the plenary, when the laws deal with the civil rights and liberties special attention is always given to the fact whether they are in accordance with the constitutional rights. Particular consideration is given to the obligation deriving from the international agreements and to the need for harmonization of the domestic legislation with the EU legislation regarding the protection of the human rights and liberties.

With the latest amendments to the Constitution from 2001, a special procedure for adoption of the laws that refer to the culture, use of languages, education, personal documents and the use of symbols was determined. These laws must always be adopted with special majority that must include the majority of the votes of the members of the communities that do not constitute the majority in the country.

The protection of the civil rights and liberties is augmented by the Standing Inquiry Committee, which the Assembly has established as a constitutional obligation. This Committee is a permanent working body and its members are chosen from the composition of the Parliament. Within its competences, this Committee examines issues that refer to the respect of the provisions of the Constitution, the laws and the other regulations important for the realization of the civil rights and liberties. It also points to the need for adoption of laws and other regulations that contribute to the protection of the civil rights and liberties, and that fare in compliance with the implementation of the ratified international acts. The Committee also examines reports from the citizens, and it can cooperate with

relevant foreign and international bodies engaged in the field of protection of the civil rights and liberties. The Committee cannot enforce investigations and other judicial functions, however it can examine individual reports and complaints submitted by the citizens that refer to the work of the bearers of public functions, and the findings of the Committee are the foundation for initiation of the procedure for determining the responsibility of the bearers of public functions.

The Committee gives opinions and proposals, and informs the Assembly for the situation in the field of civil rights and freedoms with proposals for adoption of laws, other regulations and general acts in order to overcome, that is to bring them into line with the Constitution and the general standards of the international law. The Committee may, in carrying out of its competences, cooperate with other working bodies of the Assembly for review of some issues for importance of issues of its competence, may establish separate working groups. The Committee cooperates, as well, with the Government and the state institutions and asks for information and data that are necessary for its work. The Committee cooperates with the Ombudsman as well as with non-governmental organizations present in the Republic of Macedonia, among which is the Helsinki Human Rights Committee in the Republic of Macedonia.

Pursuant to the Amendments to the Constitution, the Assembly has established a Committee on Inter-Community Relations. This body follows the exercise of the rights of members of the communities, considers laws and points to the need for adoption of laws regulating inter-community relations. The Committee follows, in particular, the exercise of the rights of members of the communities to express their national identity and features in the field of culture, information, education etc. The Assembly has an obligation to consider the opinions and the proposals of the Committee and to adopt decisions upon them.

In addition to the Standing Inquiry Committee and the Committee on Inter-Community Relations, there are several standing working bodies in the Assembly that partly, but explicitly are competent for human rights issues, such as the Committee on Labor and Social Policy (protection of workers at their working place, the right to a strike, employment, protection of women at work and maternity); Committee on Political System and Inter-Ethnic Relations (freedom of *movement and freedom of choice of residence, right of the citizens to assemble and the right to political organization, the right to vote and the right to use the language and the alphabet of the communities*); Committee on Environment, Youth and Sports (social security of the young people, ensuring conditions for a healthy environment etc).

The courts have a special role in the protection of the human rights and freedoms, and they make decisions on particular cases. The Courts work in accordance with the Constitution, the laws and the ratified international agreements. In case of distribution of powers, the Assembly can not affect on court decisions. However, *if in the exercise of their responsibilities the courts see a need for amendment of some provisions in the law, they may raise an initiative for*

it. For example, the initiative of the Supreme Court of the Republic of Macedonia for amendments to the Constitution with regard to the limitation of the freedom of the citizens (detention)

The citizens individually, have mechanism for protection of their rights.

The Constitutional Court of the Republic of Macedonia as a supreme organ competent for protection of the constitutionality and legality protects the freedoms and rights of human beings and the citizens and its decision are final and executive.

The Ombudsman has a special role in the protection of constitutional and legal freedoms and rights of the citizens, in case when state institutions and other organs and organizations violate these rights. The Ombudsman, as an independent organ, is competent for protection of the principles of non-discrimination and appropriate and equal representation of the members of the minorities in the state administration organs, local self-government and public institutions.

In recent times, we have witnessed promotion of various non-governmental organizations that initiate issues related to the protection of human rights and freedoms.