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COMMENTS ON THE LAW ON THE ASSEMBLY AND THE RULES OF PROCEDURE OF THE ASSEMBLY FROM A GENDER AND DIVERSITY PERSPECTIVE

NORTH MACEDONIA

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Based on an unofficial English translation.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

1. These Comments build on fundamental principles and rules of international law, such as respect for human dignity, equal rights, and non-discrimination, as they affect the rights of every individual to participate in public and political life. States have a duty to respect internationally recognized human rights and the rule of law, which allow for the full development of all human beings in conditions of tolerance, peace, and prosperity.
2. These Comments look at the North Macedonia Law on Assembly and the Rules of Procedure from a gender, diversity and inclusion angle, especially through the specific perspectives of women and men, national and ethnic minorities (where appropriate referring to non-majority communities, as defined by the Constitution of North Macedonia), including Roma and Sinti, and persons with disabilities. Although these Comments highlight some positive aspects to the current composition of the Assembly and its staff as well as its procedures, the Law on the Assembly and Rules of Procedure of the Assembly could benefit from certain amendments and revisions. This would enhance its effectiveness, avoid ambiguity and ensure respect for the principles of equality and non-discrimination, but also guarantee its accountability and transparency.
3. Overall, while acknowledging genuine efforts and considerable achievements to ensure (both in law and practice) gender equality, rights of non-majority communities and persons with disabilities, the Rules of Procedure and the Law on Assembly may be further improved to enhance diversity and account for or reasonably accommodate differences. In particular, existing provisions could be expanded to enhance the legal basis for the promotion of diversity in the Assembly's work, in the Assembly as a workplace, in the legislation the Assembly adopts, and to support MPs on gender and diversity issues. New provisions pertaining to the Assembly's professional environment should be introduced to effectively prevent gender-based discrimination and harassment.
4. The work procedures of the Assembly should be enhanced to ensure that the specific perspectives of gender, national and ethnic minorities, persons with disabilities and other marginalized persons or groups are reflected in the legislative process. This would involve in particular introducing a gender and diversity impact assessment of draft legislation, improving the mechanisms to ensure inclusive public participation and where needed establish and resource existing bodies to assess legislation and other acts from a diversity perspective that is under their respective purview.
5. More specifically, and in addition to what was stated above, ODIHR makes the following recommendations, in light of international human rights standards and good practices, to further enhance the Law on the Assembly and the Rules of Procedure of the Assembly:
 - A. To consider further effective steps towards a more equal distribution of different genders, representatives of national and ethnic minorities, and also persons with disabilities across the field, both in leadership positions and in the respective working bodies and among staff composition;; [par 40];

- B. To consider measures for a better alignment of work-life balance, including family-friendly and flexible working hours and related entitlements, for Assembly members and parliamentary staff; [par 59]
- C. To review the facilities within the Assembly building to ensure accessibility for persons with disabilities, bearing in mind the principle of reasonable accommodation; [par 61]
- D. To take into account a gender and diversity perspective in the development of the annual budget for the Assembly, including its bodies; [par 62]
- E. To take effective measures through the adoption of legislation or policy that explicitly defines harassment and sets out procedures for filing complaints and sanctions for perpetrators to ensure an environment that is free from all forms of gender-based discrimination, harassment, including psychological and sexual harassment, and harassment and discrimination based on a member's or staff's national or ethnic minority status or disability; [pars 66, 69]
- F. To put into place processes to ensure that where legislation or other acts are reviewed that have a potential impact on rights of different genders, on persons of national and ethnic minorities or on persons with disabilities they will be defined, identified and assigned to the relevant body for review to ensure that a gender and diversity perspective has been taken; [pars 85-86]
- G. To ensure that legislation introduced to parliament has already undergone a prior regulatory impact assessment that looks into the impact of the law on different genders (which may differ at times), the impact of the law on national and ethnic minorities, and the impact of the law on persons with disabilities; [pars 94-95] and
- H. To ensure effective participation of a variety of stakeholders in the work of the Assembly, including by preparing and publishing a semi-annual or annual plan. [par 101]

Additional Recommendations, highlighted in bold, are also included in the text of the Comments.

As part of its mandate to assist OSCE participating States in implementing OSCE commitments, the OSCE/ODIHR reviews, upon request, draft and existing legislation to assess their compliance with international human

rights standards and OSCE commitments and provides concrete recommendations for improvement.

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Annex 1: Law on the Assembly of North Macedonia

Annex 2: Rules of Procedure of the Assembly of North Macedonia

I. INTRODUCTION

1. On 12 September 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) received a request from the OSCE Mission to Skopje requesting a legal review of the Law on Assembly and the Rules of Procedure of the Assembly of North Macedonia from a gender and diversity perspective. The purpose of the analysis is to support the Assembly of North Macedonia in its efforts to implement reforms aimed at strengthening parliamentary democracy and advancing gender equality.
2. On 4 October 2019, ODIHR responded to this request, confirming the Office's readiness to prepare a legal analysis of the Rules of Procedure and the Law on Assembly of North Macedonia from a gender and diversity perspective.
3. These Comments were prepared in response to the above request. The Comments have also been the subject of consultations with the OSCE High Commissioner on National Minorities. ODIHR conducted this assessment within its mandate as established by the OSCE Action Plan for the Promotion of Gender Equality, which states that "ODIHR, in co-operation with other international organizations and relevant national bodies and institutions, will assist OSCE participating States in complying with international instruments for the promotion of gender equality and women's rights, and in reviewing legislation to ensure appropriate legal guarantees for the promotion of gender equality in accordance with OSCE and other commitments". ODIHR has also been mandated "to assist participating States in developing effective measures to bring about the equal participation of women in democratic processes and assist in developing best practices for their implementation".

II. SCOPE OF REVIEW

4. The scope of these Comments focuses on the Law on the Assembly (hereafter: 'the Law'), and on the Rules of Procedure of the Assembly of North Macedonia (hereafter: 'Rules of Procedure'), submitted for review, from a gender and diversity and inclusion perspective, with a special focus on the rights of national and ethnic minorities,¹ where appropriate also referred to as non-majority communities, and the rights of persons with disabilities. Thus limited, the Comments do not constitute a full and comprehensive review of the entire legal and institutional framework governing the Assembly of North Macedonia. Further, these Comments do not address inclusiveness or specific measures for how MPs are elected as that is the subject of other legislation.
5. The Comments raise key issues and indicate areas of possible refinement. In the interest of conciseness, they focus more on areas that require amendments or improvements than on the positive aspects of the law or rules of procedure. The ensuing

¹ Whilst international standards use the terminology 'national minorities', in the context of North Macedonia the terminology used is 'community'. According to the Constitution of the Republic of North Macedonia all ethnic groups are communities, including the Macedonians. As the latter are the majority community, other communities are referred to as 'non-majority community'. Thus where in the current text reference is made to 'national and ethnic minorities', it must be read by the aforementioned categorization used in the context of North Macedonia specifically.

- recommendations are based on relevant OSCE commitments, and international standards, as well as international and domestic good practices.
6. These Comments are based on an unofficial English translation of the Law and of the Rules of Procedure provided by the OSCE Mission to Skopje. Thus, inaccuracies may occur in these Comments as a result of incorrect translations.
 7. In view of the above, ODIHR would like to make mention that these Comments do not prevent ODIHR from formulating additional written or oral recommendations or comments on the respective Law or Rules of Procedure or related legislation or bylaws of North Macedonia that ODIHR may wish to make in the future.

III. ANALYSIS

1. General Comments on “Diversity”

8. These Comments look at the Law on Assembly and the Rules of Procedure from a gender, diversity and inclusion angle. OSCE commitments refer to the promotion of “mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance” and of “tolerance of ethnic, religious, linguistic and cultural diversity”. The need for diversity and inclusion was also highlighted in Brussels in 2006, where OSCE participating States recognized “the positive contribution that all individuals can make to the harmonious pluralistic character of our societies by promoting policies focusing on equality of opportunity, rights, access to justice and public services, and on fostering dialogue and effective participation.” OSCE participating States also specifically committed to ensure equal opportunity for the participation of women in political and public life, respect for the right of persons belonging to national minorities to effective participation in public affairs, to take special measures to enhance the participation of Roma and Sinti, especially of Roma and Sinti women, in public and political life and to “take steps to ensure the equal opportunity of [persons with disabilities] to participate fully in the life of their society [and] to promote the appropriate participation of such persons in decision-making in fields concerning them”. The Ljubljana Guidelines on Integration of Diverse Societies (2012) of the OSCE High Commissioner on National Minorities (HCNM) note that “[d]iversity is a feature of all contemporary societies and of the groups that comprise them” and recommend that the legislative and policy framework should allow for the recognition that individual identities may be multiple, multi-layered, contextual and dynamic.
9. In the context of this legal analysis, while recognizing diversity of individual identities, ODIHR decided to focus especially on the specific perspectives of women and men, national and ethnic minorities, including Roma and Sinti, and persons with disabilities being attentive to the mandates and thematic focuses of ODIHR and other OSCE institutions. Hence, for the purpose of these Comments, a guiding definition of “diversity” encompasses both “workplace diversity” (i.e., fair representation in the Assembly bodies and staff of the aforementioned groups of society within a setting that recognizes, respects and reasonably accommodates differences, thereby promoting full realization of the potential of all its members and employees) as well as respect for and promotion of diversity in its procedures and practices, and in the outcomes of the

Assembly's work. This does not preclude other diversity considerations, as contextually appropriate and possible, to be taken into account by the Assembly when reforming its working environment and work procedures, and more generally when performing all its functions.

10. Accordingly, legislation pertaining to the parliament and its internal and external functioning and work should seek to prevent any discrimination based on distinction as to "race"², sex, language, religion, color, political or other opinion, national or social origin, property, birth or other status.³

2. International Standards and State Practice on Gender Equality and Diversity in Parliaments

11. These Comments analyze the Law on the Assembly (hereinafter "the Law") and the Rules of Procedure of the Assembly (hereinafter "the Rules of Procedure") of North Macedonia from a gender and diversity perspective, based on relevant international human rights obligations, standards and OSCE commitments.

2.1. General Anti-Discrimination Obligations

12. Relevant international anti-discrimination obligations are extensive; primarily, the Universal Declaration of Human Rights (hereinafter "UDHR", Article 7)⁴ and the International Covenant on Civil and Political Rights (hereinafter "ICCPR", Article 26),⁵ contain references to the general principles of equality and non-discrimination, including with respect to a person's "race", colour, sex and language, among others.
13. Other more specific anti-discrimination conventions ratified by North Macedonia also include United Nations (UN) Convention on the Elimination of All Forms of Racial Discrimination (hereinafter "CERD"),⁶ the UN Convention on the Elimination of All

² While recognizing that the term "race" is a purely social construct that has no basis as a scientific concept, for the purpose of the opinion, the term "race" or "racial" may be used in reference to international instruments using such a term to ensure that all discriminatory actions based on a person's (perceived or actual) alleged "race", ancestry, ethnicity, colour or nationality are covered - while generally preferring the use of alternative terms such as "ancestry" or "national or ethnic origin" (see e.g., ODIHR, [Hate Crime Laws: A Practical Guide](#) (2009) pages 41-42; see also the footnote under the first paragraph of Council of Europe's Commission on Intolerance and Racism (ECRI), [General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination](#), adopted on 13 December 2002, where it is stated that "[s]ince all human beings belong to the same species, ECRI rejects theories based on the existence of different 'races'. However, in this Recommendation ECRI uses this term in order to ensure that those persons who are generally and erroneously perceived as belonging to 'another race' are not excluded from the protection provided for by the legislation"). Except when part of a citation from a legal instrument or case law, the word "race" or "racial" is placed in quotation marks in this Opinion to indicate that underlying theories based on the alleged existence of different "races" are not accepted.

³ 1990 Copenhagen Document, par 5.9; see also 1990 Copenhagen Document, pars 25.3 and 25.4: "measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation" and "will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority"; and *OSCE Decision no. 10/05 Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding*, MC.DEC/10/05, adopted at the Ministerial Council in Ljubljana, 6 December 2005, pars 4, 5 and 5.1.

⁴ *Universal Declaration of Human Rights*, adopted by UN General Assembly Resolution 217 A (III) on 10 December 1948.

⁵ *UN International Covenant on Civil and Political Rights (ICCPR)*, adopted by UN General Assembly Resolution 2200A (XXI) of 16 December 1966. The Republic of North Macedonia succeeded to the ICCPR on 18 January 1994.

⁶ [International Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#), adopted by the General Assembly of the United Nations in resolution 2106 (XX) of 21 December 1965 [and signed on 7 March 1966](#). The Republic of North Macedonia succeeded to CERD on 18 January 1994.

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Forms of Discrimination Against Women (hereinafter “CEDAW”),⁷ and the UN Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”).⁸

14. All three of these contain general prohibitions of and obligations to combat “racial”⁹ and gender discrimination,¹⁰ and discrimination of persons with disabilities,¹¹ respectively, and oblige state parties to ensure that all public authorities and institutions act in conformity with the obligations set out in the conventions.¹² The above conventions also contain provisions stressing the need to have non-discriminatory legislation,¹³ and the equality of all persons before the law, with no distinction, notably in the enjoyment of, among others, political rights and in the participation in public affairs.¹⁴
15. At the Council of Europe level, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),¹⁵ in its Article 14, Article 14 of the ECHR foresees that “the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language¹⁶, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status” and its Protocol 12,¹⁷ provides for a general prohibition of discrimination,. It is worth noting that the Committee of Ministers of the Council of Europe (hereinafter “CoE”), in its Recommendation (2003)3 on Balanced Participation of Women and Men in Political and Public Decision-making, calls upon Member States to “consider possible constitutional and/or legislative changes, including positive action measures, which would facilitate a more balanced participation of women and men in political and public decision-making”.¹⁸ The Framework Convention for the Protection of National Minorities¹⁹ (hereinafter “Framework Convention”, Article 4), also prohibits discrimination and guarantees equality before the law.
16. In addition, as a candidate country to join the European Union (hereinafter “EU”), North Macedonia has undertaken steps to make its legislation compliant with the EU acquis.²⁰ Under EU law, the [*Charter of Fundamental Rights of the European Union*](#)

⁷ *UN Convention on the Elimination of All Forms of Discrimination against Women* (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979. The Republic of North Macedonia succeeded to this Convention on 18 January 1994.

⁸ *UN Convention on the Rights of Persons with Disabilities*, adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/106. The Republic of North Macedonia ratified the CRPD on 29 December 2011.

⁹ See Article 5 of the CERD.

¹⁰ See Article 2 of the CEDAW

¹¹ See Article 3 par b), Article 4 and Article 5 par 2 of the CRPD

¹² See Article 2, par 1 a) of the CERD, Article 2 par c) of the CEDAW, and Article 4 par 1 d) of the CRPD

¹³ See Article 2, par 1 c) of the CERD, Article 2 pars a), b) and f) and Article 4 par 1 a) and b) of the CRPD

¹⁴ See Article 5 par c) of the CERD, Article 2 par c), Article 7 par b) and Article 15 of the CEDAW, and Article 5 par 1 and Article 29 of the CRPD. Article 27 par 1 g) also includes an obligation for states to employ persons with disabilities in the public sector.

¹⁵ *The Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms*, signed on 4 November 1950, entered into force on 3 September 1953. The Republic of North Macedonia ratified the ECHR on 10 April 1997.

¹⁶ With respect to those who hold e.g. public office language requirements may be applied by states, however such requirements must not be of such nature that minorities are excluded from public and political life. According to OHCHR, *Language Rights of Linguistic Minorities, A Practical Guide for Implementation*, p.36, ‘Using minority languages reduces minorities’ exclusion from political and public participation; it also increases the presence of members of such minorities in the institutions of the state that use these languages’. See: https://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf.

¹⁷ [Protocol No. 12](#) was ratified by the Republic of North Macedonia on 13 July 2004.

¹⁸ [CoE Recommendation \(2003\)3 on Balanced Participation of Women and Men in Political and Public Decision-making, adopted on 30 April 2002 \(hereinafter “CoE Recommendation Rec \(2003\)3”\)](#).

¹⁹ Council of Europe, *Framework Convention for the Protection of National Minorities*, adopted on 1 February 1995. The Republic of North Macedonia ratified the Framework Convention on 10 April 1997.

²⁰ After having been awarded candidate status in 2005, North Macedonia and the EU entered into a revised Accession Partnership on 18 February 2008. The enlargement and the stabilisation and association process with the EU is currently ongoing.

prohibits discrimination based on grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Moreover, EU directives have reflected the commitment of EU countries to protecting equal treatment of all persons, in particular those directives specifically protecting equal treatment of men and women²¹ and equal treatment irrespective of ethnic or racial origin.²² In 2018, the EU Parliament also adopted minimum standards for minorities in the EU, in which it, among others, encouraged EU Member States to guarantee equal opportunities for national and ethnic minorities to participate in political and social life and called upon the EU Commission to draw up a common framework of EU minimum standards for the protection of minorities.²³ In 2017, the EU Parliament also passed a resolution on implementing a European Disability Strategy.²⁴

2.2. OSCE Commitments to gender equality and non-discrimination

17. At the OSCE level, key commitments relate to gender equality, non-discrimination and equal rights. Specifically, OSCE participating States have committed to respect human rights and fundamental freedoms for all without distinction as to, among others, “race”, sex, language and colour.²⁵ OSCE participating States have further committed to ensure “*equal protection of the law*” and “*equal and effective protection against discrimination on any ground*”.²⁶
18. With respect to gender equality in particular, OSCE participating States have stressed the importance of ensuring equal rights of men and women and have agreed to take all actions necessary to promote equally effective participation of men and women in political, economic, social and cultural life,²⁷ including legislative measures.²⁸ In particular, OSCE participating States agreed to encourage and promote the full political participation of women in all aspects of political and public life, in decision-making processes and in international co-operation in general.²⁹ Building on the recommendations of the abovementioned Gender Action Plan, the OSCE Athens Ministerial Council Decision on Women’s Participation in Political and Public Life called on participating States to “consider providing for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies”.

²¹ [Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006](#) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; and Council Directive 2004/113/EC of 13 December 2004 on the principle of equal treatment between men and women in the access to and supply of goods and services.

²² See [Council Directive 2000/43/EC of 29 June 2000](#) implementing the principle of equal treatment between persons irrespective of racial and ethnic origin.

²³ European Parliament, [Minimum standards for minorities in the EU](#), resolution of 13 November 2018, pars 36 and 78.

²⁴ European Parliament, [resolution of 30 November 2017 on implementation of the European Disability Strategy](#).

²⁵ Conference on Security and Co-operation in Europe (CSCE), Final Act, Questions Relating to Security in Europe: 1(a) “[Declaration on Principles Guiding Relations between Participating States – Principle VII](#)”, Helsinki, 1975; and [OSCE Concluding Document of Vienna – Third Follow-up Meeting](#), Questions Relating to Security in Europe: Principles, Vienna, 1989, par 13.7.

²⁶ CSCE/OSCE, [1990 Copenhagen Document](#), par 5.9; see also, pars 25.3 and 25.4: “measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation” and “will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority”; and [OSCE Decision no. 10/05 Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding](#), MC.DEC/10/05, adopted at the Ministerial Council in Ljubljana, 6 December 2005, pars 4, 5 and 5.1.

²⁷ CSCE/OSCE, [1983 Madrid Document](#), Questions Relating to Security in Europe: Principles.

²⁸ [CSCE/OSCE, Concluding Document of Vienna – Third Follow-up Meeting](#), Questions Relating to Security in Europe: Principles, Vienna, 1989, par 15.

²⁹ OSCE, [1991 Moscow Document](#), par 40.8. See also OSCE [Ministerial Council Decision no. 7/09 on Women’s Participation in Political and Public Life](#), adopted in Athens on 2 December 2009.

19. OSCE participating States have also committed to respect the rights of people belonging to national minorities to equality before the law.³⁰ They have further recognized that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, which guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, [and] political pluralism.³¹ OSCE participating States have committed to respect the right of persons belonging to national minorities to effective participation in public affairs.³² The OSCE High Commissioner on National Minorities has also issued the [Lund Recommendations on the Effective Participation of National Minorities in Public Life](#),³³ and the [Ljubljana Guidelines on Integration of Diverse Societies](#).³⁴
20. Additionally, in the 1991 Moscow Document, OSCE participating States decided to ensure protection of the human rights of persons with disabilities and to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society.³⁵ In 2019, ODIHR issued the [Guidelines on Promoting the Political Participation of Persons with Disabilities](#). These Guidelines provide recommendations for as to ensure that persons with disabilities have the same access and opportunities to participate in political life as any other empowered citizen. In this respect, and with regard to diversity and inclusion, it notes inclusive and representative environment in parliaments are crucial to ensuring just laws and a healthy democracy and as key democratic institutions, parliaments have a particular responsibility to serve as role models for society and to lead the way in creating a disability-responsive government at the national and local levels, including by having trained parliamentary administrative staff to support an equal working environment and promoting a representative and disability-inclusive legislative processes. The Guidelines provide a checklist for parliaments to identify opportunities to support persons with disabilities in their internal work.³⁶

2.3. International good practices on gender- and diversity-sensitiveness

21. A number of documents of a non-binding nature elaborated in various international and regional *fora* are useful as they provide more practical guidance and examples of practices to enhance the gender- and diversity-sensitiveness of the Assembly of North Macedonia.³⁷ For example, the Inter-Parliamentary Union (IPU) defines a gender-sensitive parliament as follows:

³⁰ CSCE, Final Act, Questions Relating to Security in Europe: 1(a) "[Declaration on Principles Guiding Relations between Participating States – Principle VII](#)", Helsinki, 1975. See also the CSCE/OSCE, [1990 Copenhagen Document](#), where States added a commitment to refrain from discriminating persons based on their belonging to a minority (par 25.4).

³¹ CSCE/OSCE, [1990 Copenhagen Document](#), par 30. See also [Report of the CSCE Meeting of Experts on National Minorities](#), Geneva, 19 July 1991, Chapters III and 2 IV.

³² CSCE/OSCE, [1990 Copenhagen Document](#), par 35.

³³ OSCE High Commissioner on National Minorities, [Lund Recommendations on the Effective Participation of National Minorities in Public Life](#), September 1999.

³⁴ OSCE High Commissioner on National Minorities, [Ljubljana Guidelines on Integration of Diverse Societies](#), November 2012.

³⁵ OSCE, [1991 Moscow Document](#), pars 41.1-41.3.

³⁶ ODIHR, [Guidelines on Promoting the Political Participation of Persons with Disabilities](#), 2019.

³⁷ See for example ODIHR, [Guidelines on Promoting the Political Participation of Persons with Disabilities](#), 2019, including a checklist with further detailed guidance on pp. 110-117, the IPU, [Parliament and Democracy in the Twenty-First Century: a Guide to Good Practice](#), 2006, IPU and UNDP, [Diversity In Parliament: Listening To The Voices Of Minorities And Indigenous Peoples](#), 2010. See for further reading, e.g., regarding the diversity-sensitiveness of the UK House of Commons, Professor Sarah Childs, [Report – The Good Parliament](#) (2015). See also, Inter-Parliamentary Union, [Plan of Action for Gender-sensitive Parliaments](#) (2012 & 2017)

*“... a parliament that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women’s full participation and offer a positive example or model to society at large. They ensure that their operations and resources are used effectively towards promoting gender equality. [...] A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate”.*³⁸

22. The overall principles for a gender-sensitive Parliament as laid out by the IPU’s 2017 Plan of Action for Gender-sensitive Parliaments are as follows:
1. Promoting and achieving equality in numbers of women and men across all of its bodies and internal structures;
 2. Developing a gender equality policy framework suited to its own national parliamentary context;
 3. Mainstreaming gender equality throughout its processes as well as its outputs;
 4. Fostering an internal culture that respects women’s rights, promotes gender equality, and responds both to the realities of parliamentarians’ lives – those of men and women – and to their need to balance work and family responsibilities;
 5. Acknowledging and building on the contribution made by its men members who pursue and advocate for gender equality;
 6. Encouraging political parties to take a proactive role in the promotion and achievement of gender equality; and
 7. Equipping the parliamentary staff with the capacity and resources to promote gender equality, actively encourages the recruitment and retention of women to senior positions, and ensures that gender equality is mainstreamed throughout the work of the parliamentary administration.³⁹
23. Similar principles do apply when seeking to achieve a more diversity-sensitive parliament⁴⁰ and it is from the viewpoint of the above-mentioned principles that these Comments have been prepared.

3. BACKGROUND ON THE CURRENT STATUS OF GENDER EQUALITY AND DIVERSITY IN THE ASSEMBLY

24. The Law on the Assembly and the Rules of Procedure of the Assembly regulate the organization and functioning of the Assembly of North Macedonia, based on Article 61 of the Constitution of North Macedonia. According to Article 62 of the Constitution, the Assembly is composed of 120 to 140 representatives, elected for a four-year period (Article 63 of the Constitution). The Assembly sets up permanent or temporary working bodies (Article 76 of the Constitution) i.e. to review draft laws and regulations and other acts passed by the Assembly, among others.

³⁸ Inter-Parliamentary Union, [Plan of Action for Gender-sensitive Parliaments](#) (2012), page 8-9.

³⁹ Inter-Parliamentary Union, [Plan of Action for Gender-sensitive Parliaments](#) (2017), page 7.

⁴⁰ See for example ODIHR, [Guidelines on Promoting the Political Participation of Persons with Disabilities](#), 2019, including a checklist with further detailed guidance on pp. 110-117, the IPU, *Parliament and Democracy in the Twenty-First Century: a Guide to Good Practice*, 2006, IPU and UNDP, *Diversity In Parliament: Listening To The Voices Of Minorities And Indigenous Peoples*, 2010. See also, e.g., regarding the diversity-sensitiveness of the UK House of Commons, Professor Sarah Childs, [Report – The Good Parliament](#) (2015).

3.1. Gender equality

25. With respect to ensuring gender equality, North Macedonia has ratified all the human rights treaties and undertook all the human rights commitments mentioned in Section 2.1 and 2.2 above and has joined all major gender-related international policy networks and conventions.⁴¹ In 2012, the Assembly passed a new Law on Equal Opportunities for Women and Men. Also, the institutions of North Macedonia are currently implementing the National Action Plan for Gender Equality for 2018-2020, which includes operative plans for a number of institutions, including references to the Assembly.⁴² The Assembly has likewise adopted a Code of Ethics for Deputies of the Assembly which in Article 4 states that “an MP shall perform his/her function without any prejudice and discrimination in terms of gender, race, skin colour, national and social origin, political and religious beliefs, welfare and social position, while respecting the freedoms and rights of humans and citizens”. In addition, it adopted a Plan of Activities on Gender Sensitivity for 2020-2021 on 15 January 2020. The Assembly has a parliamentary Committee on Equal Opportunities for Women and Men, which is the central working body of the Assembly with respect to gender-sensitive oversight and oversight of gender equality. The Assembly further has an informal body, the Women Parliamentarian’s Club, which is composed of all women MPs regardless of their political affiliation. The Club advocates for gender equality and women’s participation in public life and has put forward the initiative for introducing a 50% quota in the electoral code. Moreover, the Club has proved to be a very good forum for cross-party cooperation.⁴³
26. Prior to the July 2020 elections, 39% of all members of the Assembly were women, which places North Macedonia in 20th place of women’s representation globally, and in 10th place within the OSCE region⁴⁴ and one of the three Vice Presidents of the Assembly was a woman. At the same time, not all committees were gender-balanced in terms of membership: as demonstrated by a report issued by the OSCE Mission to Skopje⁴⁵ on the gender-sensitivity of the Assembly in June 2019, of 14 members of the Committee on Defence and Security, only 3 were women. At the same time, of the 12 members of the Equal Opportunities Committee, only one was male. As far as the Assembly staff is concerned, women made up two-thirds of all employees, including the majority of supervisors and managers (59%).
27. Following the July 2020 elections, women make up 34,96% of the Assembly, holding 46 out of 130 seats and chair 5 out of 21 parliamentary committees, including the Legislative Committee, the Committee on Political System and Inter-Community Relations, the Committee on Education, the Committee on Local Self Government,

⁴¹ In addition to those mentioned in Section 1 of these Comments, these include the Istanbul Convention and the UN Women, Peace and Security Agenda.

⁴² These include: Organizing continuous thematic public debates on gender responsive budgeting in the Assembly of the Republic of Macedonia (by Committee for Equal Opportunities between Women and Men in the Assembly of the Republic of Macedonia); Adoption of draft amendments and supplements to the Budget Law of the Government of the Republic of Macedonia (Assembly of the Republic of Macedonia); Organizing trainings for strengthening the capacities of the members of the Assembly of the Republic of Macedonia on gender equality issues (MLSP Assembly of the Republic of Macedonia); Organizing public debates to increase quotas to 50% of under-represented gender in the MLSP executive and legislative branch (Government of RM Assembly of the Republic of Macedonia CSOs); Keeping statistics on turnout, candidate lists and seats at the national and local SEC level (MLSP, General Secretariat Assembly of the Republic of Macedonia).

⁴³ <https://sobranie.mk/za-klubot.nsp>

⁴⁴ OSCE Mission to Skopje, Gender-Sensitivity of the Assembly of the Republic of North Macedonia, June 2019, p. 8.

⁴⁵ OSCE Mission to Skopje, Gender-Sensitivity of the Assembly of the Republic of North Macedonia, June 2019, p. 10.

Committee on Equal Opportunities of Women and Men.⁴⁶ The Assembly Service is, for the second time and following the July elections, run by a female Secretary-General.⁴⁷

3.2. Non-majority Communities in North Macedonia

28. To ensure protection and equal treatment of non-majority communities, North Macedonia has ratified the CERD, as well as the Council of Europe Framework Convention on National Minorities. The Preamble of the Constitution, following Amendment XXXIV, explicitly mentions six communities (or “people”), namely the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people, and also refers to “others”.
29. Following further amendments to the Constitution, Article 7 now states that next to Macedonian, any language spoken by more than 20% of the population shall also be an official language, and may, among others, be used in the organs of North Macedonia, in accordance with the law. The “[e]quitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life” is a fundamental value of the constitutional order of the country (Article 8 of the Constitution).
30. Based on Article 78 of the Constitution, a Committee for Inter-Community Relations had been created within the Assembly (this is different from the working bodies of the Assembly), consisting of 19 members, composed of 7 Macedonian and 7 Albanian members, and a member each from among the Turkish, Vlach, Romani, Serb and Bosniak communities, elected by the Assembly. The Committee considers issues of inter-community relations and makes appraisals and proposals for their solution, which the Assembly is obliged to take into consideration. This approach is in line with the recommendations made in the OSCE Ljubljana Guidelines, proposing special arrangements for the representation and participation of non-majority communities in elected assemblies.⁴⁸ An inter-parliamentary group for the rights of the Roma was also formed.⁴⁹
31. When debating laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a qualified majority vote of members attending, within which there must be a majority of the votes of members attending who belong to non-majority communities (Article 69).⁵⁰
32. Currently, the Assembly President is from the Albanian community in North Macedonia, and thus from a non-majority community. One of the Vice Presidents of the previous Assembly was from the Bosniak community. Of the 18 parties sitting in the Assembly, there were five ethnic Albanian parties, one ethnic Serbian parties, two ethnic Turk parties, and one independent member who belongs to the Bosniak community. In the previous Assembly composition, members of communities chaired 6

⁴⁶ https://data.ipu.org/node/171/basic-information?chamber_id=13391 and <https://sobranie.mk/working-bodies.nspx>

⁴⁷ OSCE Mission to Skopje, Gender-Sensitivity of the Assembly of the Republic of North Macedonia, June 2019, p. 10.

⁴⁸ *Op. cit.* footnote 34, IV Key Policy Areas, p. 46. According to the Guidelines, these may include reserved seats in one or both chambers of parliament or in parliamentary committees and other forms of guaranteed participation in the legislative process.

⁴⁹ https://www.sobranie.mk/agenda-2019-ns_article-working-meeting-of-the-inter-party-parliamentary-group-for-the-rights-of-the-roma-in-the-republic-of.nspx

⁵⁰ *Op cit* footnotes **Error! Bookmark not defined.** and 34, referring to the OSCE High Commissioner for National Minorities and the 2012 Ljubljana Guidelines on Integration of Diverse Societies, suggesting similar types of special arrangements for parliamentarians from national or ethnic minority communities. This is regulated with the Law on the Committee for Inter-Community Relations. A comprehensive list of laws that require 2/3 majority and majority of votes of the communities is provided in this law.

out of 21 parliamentary committees, including the Committee on Constitutional Issues, the Standing Inquiry Committee for Protection of Human Rights and Freedoms, and the Committee on European Affairs. A European Commission report notes in this respect that ‘the ethnic representation of members of Parliament largely reflects the ethnic composition of the population’.⁵¹

3.3. Persons with Disabilities

33. As regards the protection and promotion of persons with disabilities, North Macedonia has ratified the CRPD. Article 35 of the Constitution guarantees the right of assistance to citizens who are “infirm or unfit for work”, and provides particular protection for invalid persons, as well as “conditions for their involvement in the life of the society”. The Law on Prevention and Protection against Discrimination (as adopted in 2019) contained, among others, provisions defining disability, and regulating reasonable accommodation, and access to infrastructure and goods and services for persons with disabilities, though it is currently being reviewed by the Assembly following a ruling by the Constitutional Court that it had been adopted without the required Assembly majority.
34. The State has issued a National Strategy on Equalization of the Opportunities for Persons with disabilities. The Government is also planning to implement an Action Plan for Improving the Accessibility to State and Public Institutions.⁵²
35. Within the Assembly, an inter-party parliamentary group was formed composed of representatives of all political parties in the Assembly regarding the rights of persons with disabilities in order to promote their rights.⁵³ This is in line with recommendations made in the 2019 ODIHR Guidelines on Promoting the Political Participation of Persons with Disabilities,⁵⁴ that note that the creation of a working group or similar group within a parliament helps promote ownership of disability-inclusion efforts in parliament.
36. In 2005, the Assembly building underwent some changes to ensure the unimpeded movement of persons with special needs, which included ramps, elevators and elevator ramps, and a special entrance.⁵⁵ The Law on building (Article 11) emphasizes that all public, business and residential buildings must be projected and constructed to provide the persons with disabilities unobstructed access, movement, stay and work in and to the building.

⁵¹ Commission Staff Working Document, North Macedonia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2019 Communication on EU Enlargement Policy. COM(2019) 260 final, 29 May 2019, p. 9.

⁵² Replies of the former Yugoslav Republic of Macedonia to the list of issues prepared by the UN Committee on the Rights of Persons with Disabilities, received on 13 July 2018, par 38.

⁵³ Replies of the former Yugoslav Republic of Macedonia to the list of issues prepared by the UN Committee on the Rights of Persons with Disabilities, received on 13 July 2018, par 134.

⁵⁴ *Op. cit.* footnote **Error! Bookmark not defined.**, p. 80.

⁵⁵ See the website of the Assembly of North Macedonia at <<https://www.sobranie.mk/assembly-palace.nspx>>. OGP Action Plan 2018-2020 which under its Parliamentary component has two specific commitments on “2.1 Better access to information”, https://www.opengovpartnership.org/wp-content/uploads/2018/09/Macedonia_Action-Plan_2018-2020_EN.pdf

4. GENDER EQUALITY AND DIVERSITY WITHIN THE ASSEMBLY

4.1. Rationale and objectives

37. As to the Law on Assembly and the Rules of Procedure themselves, a preliminary analysis reveals that they are overall gender neutral — lack any specific provisions related to gender and diversity in general.
- i. First, this lack of codified rules may inhibit the full participation in parliamentary work and the ability to represent their constituencies of female Members of Parliament (MPs) or MPs from a non-majority community,⁵⁶ or with disabilities.
 - ii. Second, there is no requirement to review draft legislation from gender and diversity perspective, and thus the resulting legislation may not take into account the distinct gender impacts of new legislative proposals on men and women, and more generally on persons belonging to minority groups.
 - iii. Third, MPs are not provided with due technical support on gender and diversity issues.
38. To prevent this, these Comments provide recommendations on how the gender-sensitivity of the Parliament of North Macedonia can be enhanced in three areas: (1) gender-sensitive approach in Parliamentary work; (2) gender-sensitive approach of the Parliament as a workplace; (3) gender-sensitive legislation. In addition, for each of these areas the following sections will also provide recommendations to further diversity with respect to persons with disabilities as well as various non-majority communities of North Macedonia.

4.2. Gender Equality and Diversity in the Organs, Bodies and Staff Composition of the Assembly

39. Under the Rules of Procedure, decisions on the composition of committees within the Assembly shall be taken in accordance with Law on Equal Opportunities between Women and Men (Article 118 paragraph 5). However, there appears to be no further guidance how to ensure diversity in leadership positions of the Assembly, and of committees.
40. While North Macedonia demonstrates a relatively good track record in terms of representation of women in Parliament (see par 27), it is important to also seek diversity in the Assembly, including by addressing equality of participation, the infrastructure of the Assembly's building and the culture within the broader Assembly. It may be useful **to introduce more guiding principles with respect to equal distribution of different genders, representatives of minorities, and also persons with disabilities, both in leadership positions and in the respective working bodies (see par 43 and further below for more specific recommendations).**
41. The Assembly could further consider initiatives, such as organizing outreach campaigns towards under-represented groups,⁵⁷ in particular those belonging to non-majority communities, such as Roma.

⁵⁷ See, as a comparison, recommendations made by ODIHR to pursue greater gender and diversity in the judiciary, in ODIHR, [Gender, Diversity and Justice](#) (2019), Recommendation 3.1.

4.2.1 Gender and diversity requirements for the election of the President and Vice Presidents of the Assembly

42. According to Article 22 of the Rules of Procedure, candidates for the position of President of the Assembly shall be proposed by the Committee on Elections and Appointments, or by at least 20 Deputies. Article 17 of the Law further regulates the election of the President and Vice Presidents of the Assembly, which the Assembly shall elect from among its members. According to par 2 of this provision, the President of the Assembly shall propose the number of Vice Presidents, which shall be Deputies from different political parties represented in the Assembly (with one of them from the largest opposition party in the Assembly (par 3)). This procedure is also described in Article 21 of the Rules of Procedure. Practice of the Assembly over the last decade shows that in their composition at least one female Vice-President was appointed. **In order to ensure openness and inclusive nature of the process, the Rules of Procedure could provide guidance regarding criteria for selecting candidates, such as gender and diversity** (always assuming that these persons have also agreed to take on such an important task).⁵⁸

4.2.2 Gender and diversity considerations in leadership and membership in committees (working bodies)

43. Chairpersons, their deputies, and members of the Committees are elected from among the Deputies of the Assembly, based on a proposal submitted by the Committee for Election and Appointment Issues, which in turn is based on a list proposed by all parliamentary groups (Article 108 par 1). Article 108 par 2 stipulates that the Committee shall ensure, in its proposal, an appropriate representation of Assembly members from parliamentary groups, and of members that are not part of such groups. Otherwise, the Rules of Procedure are neutral on the gender and diversity representation of MPs among chairpersons and members of parliamentary working bodies.
44. **In order to ensure openness and inclusive nature of the process, the Rules of Procedure could in Article 108 provide guidance to political parties regarding criteria, such as gender and diversity, for selecting members for committees and working bodies.**
45. It is important to emphasize that to ensure the effectiveness of gender and diversity requirements that may be introduced in the Law and Rules of Procedure, it is necessary to provide for the consequences of non-compliance.⁵⁹ For instance, where a clear requirement is made to reflect a gender balance or promote diversity in the relevant legislation, a proposed list that does not reflect a gender balance could be referred back for revision by the relevant parliamentary group.⁶⁰

⁵⁸ More specifically on gender balance, based on good practices from other countries, some modalities, which have proved effective, may also be introduced in the Rules of Procedures (or other relevant legislation or policies), for instance, when proposing candidates, an obligation to always propose two candidates, of different genders, could be introduced. See e.g. ODIHR, [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](#) (2013), par 27. See also e.g., the example of Denmark in Appendix IV to the [Explanatory Memorandum on CoE Recommendation Rec \(2003\)3](#).

⁵⁹ See e.g., ODIHR, [Opinion on the Draft Rules of Procedure of the National Assembly of Armenia](#) (2016), pars 125-130.

⁶⁰ See e.g., ODIHR, [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](#) (2013), pars 32-35. See e.g., the French [Law n° 2014-873 of 4 August 2014 for real equality between women and men](#), Articles 66 and 75, which provide that said appointments shall be annulled if gender balance is not respected (except for appointments of members from the under-represented gender), though this will not render null and void the decisions that may have already been adopted by said body in the meantime.

46. To enhance the diversity of the process of selecting candidates for the above elections, Article 20 of the Rules of Procedure on the process of electing members to the Committee on Elections and Appointments could be amended to ensure that the membership of this Committee is itself more gender balanced and diverse.⁶¹ Currently, Article 20 par 2 states that members of the Assembly should, when electing the Committee members, ensure that there is an adequate representation in the Committee of members belonging to the political parties presented in the Assembly. **A provision could be added here, specifying that when the candidates for the Committee are nominated, persons from gender minorities, members of a national minority or ethnicity, and members with disabilities should be given special consideration.**
47. Article 117 of the Rules of Procedure refers to permanent and temporary working bodies, responsible for reviewing draft laws and regulations and other acts passed by the Assembly, among others. The Assembly decides on its permanent working bodies and may decide to establish temporary bodies as well for particular duties, or inquiry committees for public interest matters (Article 118).
48. When deciding on working bodies, the Assembly shall at the same time also decide on their fields of competence, and the number of members (Article 118 par 4), as well as the composition of the committees, depending on the number of members in parliamentary groups and the number of members not organized in parliamentary groups, and in accordance with the Law on Equal Opportunities Between Men and Women (Article 118 par 5).
49. The aforementioned would help give proper meaning to the reference to the Law on Equal Opportunities of Men and Women found in Article 118 par 5, which is welcome in itself, but so far, appears to not really have impacted the composition of working bodies in practice in terms of gender balance (see par 27).
50. As regards the Council of the Parliamentary TV Channel (Article 33(1) of the Law of Assembly), **it is similarly suggested to make reference to the Law on Equal Opportunities Between Men and Women and amend Article 33(1) accordingly.**

RECOMMENDATION A

To consider further effective steps towards a more equal distribution of different genders, representatives of national and ethnic minorities, and also persons with disabilities across the field, both in leadership positions and in the respective working bodies.

4.2.3 Parliamentary staff

51. Gender balance and overall diversity should be achieved not only with respect to the members of the Assembly and the composition of its bodies, but also with respect to its staff. In this respect, Article 40 par 2 of the Law and Article 235 par 2 of the Rules of Procedure state that the organization, duties and functioning of the staff shall be determined by an act adopted by the Assembly in compliance with the law and the Rules of Procedure. The staff of the Assembly is managed by the Secretary-General (Article 41 par 1 of the Law).

⁶¹ Currently, 2 out of 12 committee members are women, while at least three committee members are of a minority community.

52. Article 41 par 3 of the Law stipulates that when employing staff, the Secretary-General shall, among others, ensure fair and equitable representation at all levels. Women currently make more than 2/3 of employees of the Assembly, including a majority on supervisory and managerial positions (59% are female).
53. **It is nonetheless recommended to include in this provision that the Secretary General shall aim at ensuring gender equality and the representation of persons with disabilities among the staff of the Assembly.** Regarding the latter in particular, Article 27 of the CRPD prescribes their right to work, on an equal basis with others, which includes the right to gain a living by “work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities” and states should take appropriate steps, including via legislation to “employ persons with disabilities in the public sector” (Article 27 (1) (g) of the CRPD). This implies not only that selection and employment criteria must be non-discriminatory, but also that positive measures should be taken to create an enabling environment for the realization of full and equal participation of persons with disabilities,⁶² meaning that reasonable accommodation should be provided to persons with disabilities in the workplace.

4.3. Gender Equality and Diversity Aspects in the Working Conditions at the Assembly

54. One aspect of ensuring gender and other forms of diversity within a parliament is to see that the general working conditions and processes also take into consideration the special interests and needs of all members of parliament and parliamentary staff working there. Parliament should foster a culture that is both gender sensitive and recognizes the role of men and women in parenting.
55. The challenge of balancing working in Parliament with family life is a fundamental issue in advancing the gender-sensitivity of the Parliament.⁶³ It affects MPs who are parents, and many within the Parliament’s administration whose working hours are connected to sittings of the Parliament. In that respect, [*CoE Recommendation \(2003\)3 on Balanced Participation of Women and Men in Political and Public Decision-making in its Appendix*](#) states that parliaments should take measures to ensure that their time tables and working methods enable elected representatives of different genders to reconcile their work and family life.⁶⁴
56. Drawing from the principles, standards and good practices as reflected in the abovementioned sources, **it is recommended for the Parliament of North Macedonia to adopt a series of measures to ensure that MPs can harmoniously be political advocates and balance care-taking responsibilities.** There are four key areas that need to be addressed:
- i. Regulating working hours and agendas;
 - ii. parental and care leave;
 - iii. sexual harassment policy.

⁶² See recommended standards for judicial selection and training set forth in Part II of 2010 Kyiv Recommendations.

⁶³ See e.g., ODIHR, [*Compendium of Good Practices for Advancing Women’s Political Participation in the OSCE Region*](#) (2016), pages 86-91 and 97-98; and IPU, [*Gender-sensitive Parliaments - A Global Review of Good Practices*](#) (2011), Chapter 9.

⁶⁴ CoE, [*Recommendation \(2003\)3 on Balanced Participation of Women and Men in Political and Public Decision-making*](#), par 8 and the [Explanatory Memorandum](https://rm.coe.int/1680519084), <https://rm.coe.int/1680519084>.

57. It is important that the Rules of Procedure or other relevant national legislation directly address these issues.

4.3.1 Working Conditions

58. When seeking a gender-diverse parliament, the special needs of men and women need to be taken into consideration. This implies, among others, certain flexibility so that parents are able to, as best as possible, combine their work with their duties as parents. Similarly, the organization of work should allow men and women parliamentarians to spend sufficient time with their families and should allow both parents to take maternity or paternity leave under the same conditions, unless there is a reasonable and objective justification.⁶⁵

59. As stated in the OSCE Mission to Skopje's 2019 report, the Assembly of North Macedonia has only partly addressed gender considerations in its internal work environment.⁶⁶ As stated in the report, **family-friendly and flexible working hours, or family-related entitlements (shared parental leave or obligatory parental leave for fathers) are issues that should be further explored.**

- *Parental leave and care*

60. While Chapter III of the Rules of Procedure deals with the rights and obligations of members of Assembly members, it does not mention matters such as special leave. Whilst general annual leave is already provided for in Article 5 of the Rules of Procedure, it could include references to legislation and/or policies⁶⁷ that regulate maternity and paternity leaves, and other care-taking leave. A good international practice, in that respect, is the one introduced by the newly adopted *Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers*, to be transposed by 2 August 2022, which provides that “each worker has an individual right to parental leave of four months”, irrespective of their gender.⁶⁸

- *Accessibility*

61. It may be considered to simplify and clarify parliamentary language, including procedural terms as well as online and printed communications, and more generally facilitate the wider use of aids for persons with disabilities.⁶⁹ In this respect, it would be helpful if signs on doors and in corridors, and materials in general were available in accessible formats, such as in Braille, easy read and audio or if the Assembly has certain programmes to facilitate work for deaf members of the Assembly, **always bearing in mind the principle of reasonable accommodation. The legislation could accordingly be supplemented to ensure access within the Assembly building, with respect to the principle of reasonable accommodation.** Similar accessibility measures are also important for parliamentary staff and should be implemented to

⁶⁵ See, in this context, ECtHR, *Konstantin Markin v. Russia* [GC] (Application no. 30078/06, judgment of 22 March 2012), and *Hulea v. Romania* (Application no. 33411/05, judgment of 2 October 2012), both of which found violations of the Convention because of the authorities' failure to provide both parents with the right to parental leave. See also e.g., IPU, *Gender-sensitive Parliaments - A Global Review of Good Practices* (2011), pages 92-94.

⁶⁶ OSCE Mission to Skopje, Gender-Sensitivity of the Assembly of the Republic of North Macedonia, June 2019, p. 11.

⁶⁷ The labour conditions for members of the Assembly are covered by the Constitution, and other legislation including, the Law on Members of Parliament, the Law on Assembly and the Law on Labour Relations.

⁶⁸ See *Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers*, Article 5. See also, regarding parental leave of EU officials, Article 42a of the *Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union*.

further foster an inclusive working environment within the Assembly. Additionally, information and communication tools of the Assembly should be accessible to the wider community, including to persons with disabilities, in line with Article 9 of the CRPD⁷⁰ according to which persons with disabilities have the right “to live independently and participate fully in all aspects of life”.⁷¹

62. **The annual budget should take into consideration objects and materials that will allow for the reasonable accommodation of MPs with disabilities.** Funds should be allocated to facilitating the daily work of deaf and blind members of the Assembly, and to allowing them to participate in discussions and votes. Moreover, the budget should also contain the necessary funds to ensure that MPs with disabilities of the Assembly will have access to the plenary hall and other rooms and facilities, as needed, and more generally that all information and communication tools and materials produced by the Assembly are accessible to the public, including persons with disabilities.

RECOMMENDATION B

To consider measures for a better alignment of work-life balance, including family-friendly and flexible working hours and related entitlements, with parliamentary commitments of both Assembly members and parliamentary staff.

RECOMMENDATION C

To review the facilities within the Assembly building to ensure accessibility for persons with disabilities, bearing in mind the principle of reasonable accommodation.

RECOMMENDATION D

To take into account a gender and diversity perspective in the development of the annual budget for the Assembly, including its bodies.

4.3.2 Combating all Forms of Harassment

63. Aside from these matters, which relate to the daily work of members of the Assembly and its staff, it is also important to create, as much as possible, an environment that is free from all forms of harassment, including psychological and sexual harassment. Indeed, sexual harassment and gender-based violence constitute a fundamental breach of rights, including the rights to bodily integrity, personal security, privacy and equality. In that respect, the recent [*IPU Guidelines for the Elimination of Sexism, Harassment and Violence against Women in Parliament*](#) (2019) can serve as a useful resource to the Assembly. A diverse parliament represents an environment in which

⁷⁰ UN Convention on the Rights of Persons with Disabilities, adopted by General Assembly resolution 61/106 on 13 December 2006. Mongolia acceded to the Convention on 13 May 2009.

⁷¹ Article 9 of the CRPD calls on States to take measures to ensure to such persons access not only to facilities and services open to the public, but also information and communication. It is also worth mentioning that the States parties to the CRPD are obliged to ensure that persons with disabilities have access to the existing (not only the new) public services and accordingly adequate resources should also be allocated to ensure the removal of existing barriers.

members' gender and sexual orientation, their national or ethnic background or possible disabilities do not negatively impact their capability to work and take part in parliamentary discussions.

64. In order to prevent and protect against psychological and sexual harassment at the workplace, and provide a healthy working environment, the Parliament of North Macedonia adopted in 2013 the Law on Protection against Harassment at the Workplace.⁷² This law regulates the rights, obligations and responsibilities of the employers and employees in connection to the psychological and sexual harassment at the workplace, the measures and procedures for protection against harassment at the workplace. Pursuant to the Law on Protection against Harassment at the Workplace, the employer shall be obliged to introduce their employees to the provisions prohibiting harassment at the workplace, the obligations about the prohibition for harassment at the workplace, and the manner of recognition and the possibilities for protection.
65. The Rules of Procedure currently lack any reference to harassment, including sexual harassment. The Assembly's Code of Conduct, in its Articles 13 and 14, only defines 'breaches of duty', providing that a light breach of duty is, inter alia, "*a treatment of an MP that violates the dignity of the Assembly*" while a heavy breach of the duty is a behaviour of an MP that "*disrespects the dignity of persons*" and the usage of terms that "*incite hate, intolerance and violence*".
66. The Law and the Rules of Procedure also do not contain any reference to specific forms of harassment, neither to the norms of the above mentioned laws. In this sense, it is recommended that either the Rules of Procedure and/or the Code of Conduct of the Assembly **be amended, or a separate policy or action plan be developed making explicit that sexist and other exclusionary language is intolerable,⁷³ and harassment and violence based on gender and other identities, such as ethnic origin, disability or sexuality is also illegal, in parliament and affirming the Assembly's commitment to prevent and eliminate such behaviours.⁷⁴ This should clearly identify and define the behaviours and acts that are prohibited towards both the MPs and the staff of the Assembly as well as the penalties and consequences for such breaches.⁷⁵ It is also key that the Law, Rules of Procedure or other policy of the Assembly provides for an effective complaints-handling mechanism that is confidential, responsive to the complainants, fair to all parties, based on a thorough, impartial and comprehensive investigation and timely.⁷⁶**
67. **Adequate remedies and reparations should be provided**, along the lines of the 2019 [*ILO Convention concerning the Elimination of Violence and Harassment in the World of Work*](#) (even if not ratified by North Macedonia) and its 2019 [*Recommendation \(R206\)*](#) specifying the remedies that could be provided for victims. **Adequate sanctions should also be provided.⁷⁷**
68. Finally, measures should also be put in place to ensure the implementation of the policy, especially budgetary resources, awareness-raising, training, support and counselling services, as well as proper monitoring and evaluation mechanism, among

⁷² Official Gazette No. 79 dated 3.5.2013.

⁷³ See e.g., [*IPU Guidelines for the Elimination of Sexism, Harassment and Violence against Women in Parliament*](#) (2019), page 35 and ODIHR, [*Compendium of Good Practices for Advancing Women's Political Participation in the OSCE Region*](#) (2016), pages 86 and 97.

⁷⁴ See e.g., [*IPU Guidelines for the Elimination of Sexism, Harassment and Violence against Women in Parliament*](#) (2019), page 35.

⁷⁵ *ibid.* pages 37-38 (2019 [*IPU Guidelines*](#)).

⁷⁶ *ibid.* pages 42-43 (2019 [*IPU Guidelines*](#)).

⁷⁷ *ibid.* page 49 (2019 [*IPU Guidelines*](#)).

others.⁷⁸ The United Nations and the European Union institutions,⁷⁹ as well as domestic institutions,⁸⁰ have for instance issued guidelines or codes of conduct providing guidance that includes not only definitions but also grievance procedures to be followed in such cases.

69. **The same measures and mechanisms should be envisaged for harassment based on a member's or staff's community background, or their disability.**
70. The Law currently makes no reference to the Code of Conduct but should at least include a provision stating the duty of members of the Assembly to abide by the Code. **It is recommended to supplement Article 3 of the Law, containing references to other pieces of legislation regulating the rights and obligations of members of the Assembly, accordingly.**

RECOMMENDATION E

To take effective measures through the adoption of legislation or policy that explicitly defines harassment and sets out procedures for filing complaints and sanctions for perpetrators to ensure an environment that is free from all forms of gender-based discrimination, harassment, including psychological and sexual harassment, and discrimination based on a member's or staff's national or ethnic minority status or disability.

5. GENDER AND DIVERSITY IN THE WORK OF THE ASSEMBLY AND ITS BODIES

71. In addition to the structure and working conditions of the members and staff of the Assembly, the daily work of the Assembly in the performance of its key functions of law-making, representation and oversight needs to be done in a way that takes into consideration the potential discriminatory impact of its work. Especially, gender equality aspects, as well as the interests of communities, and persons with disabilities in general should be analyzed more systematically.

5.1. Strengthening Access to Information

72. Given the tight deadlines to review new law proposals and prepare for committee work, it is important to ensure that MPs have full access to gender-related information. Article 42 of the Law of Assembly outlines the operational requirements for the Parliamentary

⁷⁸ *ibid.* Steph 3 (2019 [IPU Guidelines](#)).

⁷⁹ See e.g., United Nations System Chief Executives Board for Coordination, [UN System Model Policy on Sexual Harassment](#); and European Parliament, [Policy Department for Citizens' Rights and Constitutional Affairs. 2018. Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU.](#)

⁸⁰ Some of the international good practices in addressing sexual harassment in parliaments include the following: In Finland, for instance, the Guidelines of the Bureau of Parliament for the prevention of conduct and harassment (2017) are applicable to parliamentarians and parliamentary staff. They provide for a confidential procedure for making complaints, followed up by mediation and an internal investigation. The Swiss and the Austrian Parliament have set up independent consultative body /experts specializing in cases of intimidation and sexual harassment, which parliamentarians may contact on a confidential basis. In France, a poster campaign at the Assembly and the Senate displayed the Criminal Code provisions on sexual harassment and information on existing victim services. In 2017, the US House of Representatives adopted a resolution requiring anti-harassment training for all members, officers and employees, during each congressional session. The US Senate similarly passed a resolution requiring Senators, Senate officers and Senate managers to periodically complete training that addresses workplace harassment, including sexual harassment and related intimidation and reprisal prohibited under the Congressional Accountability Act of 1995. In the region of Western Balkans, the Code of Conduct of Stari Grad municipality in Bosnia and Herzegovina is the first to define sexual harassment as 'any unwanted act of verbal, non-verbal or physical behaviour of sexual nature aimed at hurting the dignity of a person or a group of persons, in particular when such behaviour creates intimidating, hostile, degrading, humiliating or offensive surrounding.' See also e.g., United States Department of State, Office of Civil Rights, [Sexual Harassment Policy](#).

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Institute, whose function is to provide research services to MPs, and Article 34 of the Rules of Procedure provide MPs with the right to “request and receive information and expert assistance from the staff of the Assembly on issues related to the work of the Assembly and the working bodies.” Still, two important additions could be made to the Rules of Procedure (Article 34) as follows.

73. First, timelines could be defined for the processing of information requests, taking into account the *Guidelines for using the research services of the Parliamentary Institute*. To ensure that the staff of the Assembly would have sufficient time to respond to the different requests from MPs on the one hand, and provide sufficient time for MPs to analyze information on the other hand, there is a need to set out specific deadlines for information requests.
74. Secondly, data on multiple gender-related indicators and information on gender conditions and impacts have been gathered in North Macedonia by distinct governmental and non-governmental entities. With a view to make this data more accessible it could be consolidated and centralized by generating an information database that would compile such available data.
75. Some other measures to provide MPs with support on gender issues could also be considered such as:
 - Adding to Article 63 of the Rules of Procedure, which outlines the functions of the Assembly’s Vice-Presidents, that the President of the Assembly, together with the Vice-Presidents and coordinators of parliamentary groups, shall support the integration of gender and diversity aspects into parliamentary work in order to promote diversity and gender equality, both within the Parliament and in legislative acts enacted by the Parliament;
 - Consider, as reflected in the Action Plan for Gender Sensitive Assembly 2020-2021, either appointing a coordinator/gender-diversity focal point in charge for leading overall gender- and diversity-mainstreaming co-ordination efforts, or introducing an internal gender and diversity working group, with representation from all Parliament Service sections. In addition, consideration could be given to employing a full-time Gender Adviser in the Secretary General Section, in charge of supporting day-to-day gender mainstreaming efforts, and a dedicated provision could be added in the Rules of Procedure to create such a more formal gender and diversity mainstreaming mechanism.

5.2. The Distribution of and Review of Laws within the Assembly

76. Matters such as gender equality, but also the rights of national and ethnic minorities, and the rights of persons with disabilities are of a cross-cutting nature, meaning that in public institutions such as the Assembly, there will not be only one body or one organ dealing with them. Rather, it is the role of the entire Assembly to preserve and uphold North Macedonia’s commitments in the fields of gender and diversity.
77. Thus, for example, according to Article 3 of the Law on Equal Opportunities for Men and Women, “*the bodies of the legislature*” are, among others, responsible for establishing equal opportunities and equal treatment of women and men. Moreover, Article 9 of the Law on Equal Opportunities states that the Assembly shall integrate the principle of equal possibilities of women and men in legislative initiatives, policies and programmes, and analyse and give opinions on the influence of legal provisions on the status of women and men.

78. At the same time, Article 9 par 5 provides that the Committee on Equal Opportunities for Women and Men shall, among others, consider “*proposals to laws and other regulations adopted by the Assembly in the area of [equal opportunities for men and women], the Budget of the Republic of Macedonia, as well as other law proposals, and other proposals to laws and regulations in view of inclusion of gender concept in them*”. The decision establishing the Committee is more specific, and states that the Committee shall consider “*legislative proposals and other acts that the Assembly passes in the field of work and social policy, education and health, family and care for infants as well as other acts with regards to gender mainstreaming*”.⁸¹ This means that most draft laws pending in the Assembly should at some point or other be reviewed for their gender sensitivity by this Committee.
79. Moreover, the same decision establishing the Committee for Equal Opportunities lists specific documents that the Committee shall “consider”, namely the National Action Plan for Equal Opportunities for Women and Men, but does not mention others, e.g. the Action Plan for Implementation of the Istanbul Convention. In this respect, the decision could list international conventions to which North Macedonia is a signatory to, as well as other policies and related action plans, on equality issues.
80. Finally, according to Article 60 of the Rules of Procedure, the President determines which committee shall review an issue submitted to the Assembly. Whether or not a certain draft law or regulation is also submitted to the Equal Opportunities Committee, in addition to the relevant committee thus hinges on the opinion of the President, possibly assisted by the Vice Presidents. This, in turn, leads to the question of which criteria the President applies in such situations, and how gender sensitive legislation, or legislation affecting persons of national and ethnic minorities or persons with disabilities will be defined and later identified. Many pieces of legislation that might impact opportunities for gender equality may therefore be deliberated and passed or rejected without proper parliamentary involvement from a gender standpoint.
81. In this context, it is noted that in some cases, the Rules of Procedure preclude the Assembly from deciding on certain matters before a certain competent committee has taken a stance on the matter. For gender-related issues, Article 12 of the Law on Equal Opportunities states that the Ministry of Labour and Social Policy shall co-operate with the Committee on Equal Opportunities in the preparation of laws, strategic documents or reports. Moreover, as stated above under pars 32 *supra*, Article 69 par 2 of the Constitution states that laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the majority by which the Assembly makes decisions will need to include a majority of the votes of those members of the Assembly belonging to national and ethnic minorities. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute. Article 202 of the Rules of Procedure reflects the majority rules set out in Article 69 par 2 of the Constitution.
82. Generally, if the special relevance of certain draft laws or regulations is not identified properly at the level of the President or Vice Presidents of the Assembly, the Committee on Equal Opportunities may not even be aware of the draft law or regulation before plenary discussions, at which point it may be difficult to introduce any real changes. The same point may be raised with draft laws or regulations affecting national and ethnic minorities, where possible repercussions for these minorities are not

⁸¹ Based on an unofficial translation of the list of the competences of the CEOWM originally in Macedonian available in Official Gazette of the Republic of North Macedonia 64/17 at <http://www.slvesnik.com.mk/Issues/cdd14095a93240c78ea5167d1320542d.pdf>

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recognized, or where the draft laws/regulations do not touch on the topics mentioned in Article 69 par 2 of the Constitution.

83. The current Rules of Procedure aim to resolve these problems in Article 125 by introducing the concepts of “relevant” and “interested” bodies (committees). Relevant bodies are those committees that deliberate on a legislative proposal and that have the right to organize parliamentary oversight events concerning its introduction, changes, implementation, monitoring and evaluation. Interested bodies are other committees that may intervene in the work of the competent committee; they may submit proposals and are invited to committee sessions of the relevant committee, or both committees may decide to organize joint sessions.
84. While this form of collaboration between committees is welcome, any real involvement of interested committees in discussions on draft laws or regulations depends very much on the willingness of the chairperson and members of the relevant committees to accept and facilitate this and on the informal balance of power within the Assembly.
85. A potentially more sustainable solution to the above conundrum would be **to provide committees with a possibility to intervene in the manner in which laws and other matters are assigned to committees**. Such a solution already exists for legislation that is a part of the EU acquis and is under the competence of the finance committee and/or the authorized committee dealing with economic issues (see Articles 171A – 171E of the Rules of Procedure). These provisions were inserted for a specific reason, namely to assist North Macedonia to respond to the challenges of adopting legislation that needs to be harmonized with the EU acquis. Consideration may be given to including in the Rules of Procedure similar specific provisions that would allow for better control of gender- and diversity-sensitive legislation. More specifically, **a good way to ensure parliamentary oversight and gender mainstreaming may be to enhance Article 125 of the Rules of Procedure by stating that legislation that may be understood as addressing gender issues or potentially affecting different genders differently is, following review by the relevant (thematic) committee as provided by the Rules of Procedure, also assigned to the Committee on Equal Opportunities or that it has a possibility to intervene where such legislation is submitted to the Assembly.**⁸²
86. A similar approach could be envisaged for legislative proposals pertaining to or affecting national and ethnic minorities, which should in all cases be reviewed by the Committee on Inter-Community Relations, or, in its current form, by the Committee on the Political System and Inter-Ethnic Relations. Based on its mandate, this Committee shall “consider issues of inter-community relations in the Republic and make appraisals and proposals for their solution” (Article 78 of the Constitution). Here, it is noted positively that the Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them. **A comparable approach could also be envisaged for matters pertaining to gender equality with respect to appraisals and proposals made by the Committee on Equal Opportunities for Women and Men.**
87. With respect to matters pertaining to and affecting persons with disabilities, a similar provision could be introduced stating that the Standing Inquiry Committee for Protection of Civil Freedoms and Rights **or that the inter-parliamentary group created to deal with such issues should be involved in discussions on these types of**

⁸² Comparatively speaking, it is not unheard of to involve some but not all issues pertaining to the work of certain committees in rules of procedure of parliaments the Bulgarian Parliament, for example, does this with regard to certain subcommittees. See for example Article 25 of the Rules of Procedure of the National Assembly of Bulgaria. <https://www.parliament.bg/en/rulesoftheorganisations>

- draft laws and regulations.** This would, however, depend on the nature of this group and whether it will eventually grow into something more permanent and more formal.
88. **Another option may be to include in the Rules of Procedure a requirement for the President to circulate a monthly list of all submitted legislative proposals, based on which individual committees may express their interest and ask to be involved.**
89. The above proposals could also help to resolve the problem of a possible overlap of competences between committees exercising gender-focused oversight. Namely, being a cross-cutting theme, gender-based parliamentary oversight cannot be restricted to legislation and acts from a specific ministry (in the case of North Macedonia, Ministry of Labour and Social Policy) or the work of a particular body or to the specific documents and reports (i.e. the National Gender Equality Plan). Therefore, the competences of committees under whose purview issues of gender equality and diversity fall, should be both specific and at the same time sufficiently wide in order to capture the complexity of gender and diversity issues. Also, the body that determines the assignation of legislation and other acts that ‘enter’ the Assembly to the committees – in this case the President of the Assembly as per Article 60 of the Rules of Procedure – must be in a position to assign legislation taking this into account. **Similar considerations apply with respect to the rights of national and ethnic minorities, and the rights of persons with disabilities.**

RECOMMENDATION F

To put into place processes to ensure that where legislation or other acts are reviewed that have a potential impact on rights of different genders, on persons of national and ethnic minorities or on persons with disabilities they will be defined, identified and assigned to the relevant body for review to ensure that a gender and diversity perspective has been taken.

5.3. Gender-Sensitive Legislation and Legislation that Takes into Account the Rights and Needs of National and Ethnic Minorities, and Persons with Disabilities

90. The mainstreaming of gender considerations into legislation is essential for securing human rights and social justice for women as well as men. Such mainstreaming can reveal a need for changes in goals, strategies and actions to ensure that both women and men can influence, participate in and benefit from development processes. This may lead to changes in organizations – structures, procedures and cultures – to create organizational environments which are conducive to the promotion of gender equality.
91. Legislation, when debated within parliament, usually undergoes several stages, some of which are devoted to reviewing a draft law or draft regulation, to ensure its compliance with other legislation and international treaties that the respective country has entered into. Thus, legislation introduced into the Assembly of North Macedonia also needs to be evaluated for its compliance with domestic legislation, notably the Constitution and other specific laws, such as the Law on Equal Opportunities, as well as with international legal instruments, such as the ICCPR, the ECHR, and more specific treaties such as the CERD, the CEDAW, the CRPD, and the Council of Europe Framework Convention on National Minorities.

5.3.1 Integrating gender considerations in legislation through Regulatory Impact Assessments

92. The integration of gender considerations in all new law proposals can be undertaken through Regulatory Impact Assessments (RIAs). Each piece of legislation in North Macedonia needs to be accompanied by a RIA, which outlines its projected impacts. RIAs are typically undertaken by government agencies that initiate new bills or amendments, and follow a specific methodology. These RIAs are often unavailable to MPs, and in practice gender-analysis is currently not part of them.⁸³
93. Until now, the Government of the Republic of North Macedonia, as the main law drafter, did not prepare ex-ante gender impact assessments, which would be the basis for any further assessment by the Assembly, its staff and working bodies. Although formally the Regulatory Impact Assessment (RIA) process includes the gender assessment, in practice, the last 10 published RIA reports⁸⁴ did not include a gender assessment. Moreover, the lack of cooperation and coordination in the law-making process often leads to situations where the laws are submitted by the Government to the Assembly without a RIA report, thus disabling the MPs from the opportunity to acquaint themselves with the background and the envisaged impact of the law, including the gender perspective. There are neither clear procedures and practices nor tools within the Assembly which would allow the legislature to conduct gender impact assessment or any other gender-sensitivity assessment during law adoption. In short, currently law-making is usually gender blind.
94. **It is recommended to amend the Rules of Procedure and other relevant legislation so that RIAs would include gender impact assessments and would be distributed to all MPs as part of the information package that accompanies all new legislative proposals. This requirement shall be reflected in Article 135 of the Rules of Procedure.** Specifically, the Rules of Procedure should require in Article 135 par 6 of the Rules of Procedure that the explanatory notes that accompany new law proposals shall include the RIAs for each law and an analysis of the current gender conditions in the field of the law; the impacts of the law on resources, entitlements, rights, and obligations of men and women; and the gender-focused activities that are integrated into the law.
95. **The RIAs should also include an analysis of the impact of laws on national and ethnic minorities, and the impact of laws on persons with disabilities. While this process should usually be done by the drafter(s) of legislation, and set out in a report that is then attached to the draft law or regulation submitted to the Assembly, the Assembly itself also needs to verify this impact assessment in all directions, with the help of its specialized committees.**

RECOMMENDATION G

To ensure that legislation introduced to parliament has already undergone a prior regulatory impact assessment that looks into the impact of the law on different genders (which may differ at times), the impact of the law on national and ethnic minorities, and the impact of the law on persons with

⁸³ OSCE Mission to Skopje, Gender-Sensitivity of the Assembly of the Republic of North Macedonia, June 2019, 13.

⁸⁴ Idem.

disabilities.

5.3.2 Strengthening the Parliamentary Institute

96. As far as regulatory impact assessment is concerned, it is noted that, as early as 2010, the Parliamentary Institute, a special internal organizational unit created under Article 42 of the Law to help the Assembly improve its legislative, oversight and analytical-research capacities, was meant to be tasked with either conducting its own impact assessments for the Assembly, or analyzing the implementation of legislation to complement the impact assessments made by the Government.⁸⁵ Even though this idea never materialized, the Institute has still become a focus of research activities conducted in the Assembly and remains, according to the surveys, one of the most productive institutions in this regard among parliaments in Europe.⁸⁶
97. It may be worthwhile for the Assembly **to consider further strengthening the Institute in order to allow it to assist committees or parliamentary groups, in conducting their own impact assessment analyses of draft laws and regulations submitted to the Assembly, particularly in the area of gender equality, and in the interests of the rights and needs of national and ethnic minorities, and persons with disabilities. This would require either changes to Article 42 par 2 of the Law, or to the bylaw that regulates the internal organization of the Institute.** The analyses prepared by the Institute would be available to all members of the Assembly, and not only to select committees.

5.3.3 Enhancing the Capacity of the Committee on Equal Opportunities

98. As a part of the overall gender mainstreaming process, the Assembly should be able to review incoming and existing legislation from a standpoint of its potential different impact on different genders, and also more broadly on other persons and groups. Article 9 par 5 of the Law on Equal Opportunities, as well as the current decision governing the competences of the Committee on Equal Opportunities for Women and Men envisage this. At the same time, a gender and diversity checklist would be helpful in conducting this type of assessment. The *ODIHR Practical Guide to Gender-Sensitive Legislation* (2017)⁸⁷ and the *ODIHR Disability Inclusion Checklist for Parliaments* (2019)⁸⁸ may be of use in this context or could at least help the Committee prepare its own checklist. Additionally, the Committee's cooperation with the Ombudsperson and the parliamentary Standing Inquiry Committee for Protection of Civil Freedoms and Rights could allow it to be informed about gender-related complaints that have been brought before these organs. **Such co-operation could be added to the competences of the Committee,** as set out in the decision on establishing the Committee.

⁸⁵ Risteska M. 2011. Regulatory Impact Assessment in Macedonia and Estonia: Lessons (to be) Learned. *Uprava* (Ljubljana), 9:3, pp. 141-165

⁸⁶ 300 Analysis and Research Prepared For MP's Needs. The Parliamentary Institute, Apr 11, 2018 https://sobranie.mk/activities-of-parliamentary-institute-1-ns_article-300-analysis-and-research-prepared-for-mp-s-needs.nspix

⁸⁷ *ODIHR Practical Guide to Gender-Sensitive Legislation* (2017). See also UN Women, *A Handbook for CEDAW-Based Legal Reviews* (2012), especially the Annex.

⁸⁸ See *ODIHR Guidelines on Promoting the Political Participation of Persons with Disabilities* (2019), pages 103-117.

99. With regard to legislation pertaining to and affecting national and ethnic minorities, the Committee on Inter-Community Relations should also be supported in its “appraisals and proposals” for resolving issues of inter-community relations. The Committee could create its own checklist to assist in this endeavour, if needed with the help of outside experts.
100. The above considerations also have budget repercussions that need to be taken into account. The budget of the Assembly already has a separate budget line dedicated to the parliamentary oversight activities and an orientation plan of these activities is made at the beginning of each year. **It would, however, be even better to have separate budget lines that would determine the amount of funding dedicated to the parliamentary oversight activities organized by each separate committee.** This would guarantee that for example the Committee on Equal Opportunities or the Committee for Inter-Community Relations is able to invite experts, pay for external consultants, conduct field visits and perform other tasks that are a part of proper parliamentary oversight. Moreover, **special experts on matters pertaining to gender equality, national and ethnic minorities and persons with disabilities could also be hired for specific legislative proposals by other committees (as well as the inter-party parliamentary group) and could also help them enhance their work in these areas. These changes should be reflected in amendments to the Law, which should also regulate the allocation of funds for committees.**

5.4. Public Participation in the Work of the Assembly and Its Bodies

101. To ensure effective participation of a variety of stakeholders in the work of the Assembly, it is important that the executive, in co-operation with the Assembly, prepare and publish a semi-annual or annual plan setting out which laws will be enacted and which other regulations and acts will be adopted within this time period.⁸⁹ This plan should be widely circulated among different stakeholders, including civil society/non-governmental organizations working on gender issues and defending the rights of national and ethnic minorities and rights of persons with disabilities, and allow them to plan effectively how to best use their financial and human resources to contribute efficiently to discussions on the various topics.⁹⁰ Such an approach involving planning early in the policy cycle is widely supported by international standards.⁹¹ **It is therefore recommended to introduce a provision requiring the Assembly to share with all the interested stakeholders an annual or semi-annual plan for the enactment of laws and adoption of other regulations and acts.**
102. In addition, the following measures should be undertaken:

⁸⁹ In some countries, for example in Croatia, such plan is provided at the beginning of each calendar year. . The Background Document to the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts reads that: *“The interested public should be informed in good time about the plan to enact laws and adopt other regulations and acts through the publication of a single list of laws and other regulations which are being drafted and proposed for enactment and adoption in the calendar year, with a statement of the authorities competent for the drafting and the tentative time limit for the drafting and enactment of the law or adoption of other regulation or act.”* Depending on the calendar of parliamentary works and on timing of the parliamentary session, such annual calendar does not need to overlap with the beginning of the calendar year and could begin in the period when the parliament starts its work after a summer or winter break.

⁹⁰ See e.g., ODIHR, *Opinion on the Draft Law of Ukraine “On Public Consultations”* (1 September 2016), par 34.

⁹¹ See Citizens as Partners – OECD Handbook on Information, Consultation and Public Participation in Policy-Making, 2001, p. 85 and OECD, Guidelines for online Public Consultations.

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- information held by the Assembly, including draft legislation and decisions, should be proactively disclosed to the public in a timely manner via online and other tools;⁹²
 - transcripts of the public sessions of the Committees should be made public;
 - public hearings/meetings should seek to include open and online consultation processes, to which adequate time should be allocated to ensure that the resulting input can be meaningfully incorporated into the decision-making process;
 - online access to all related information and documents should be guaranteed;
 - consider using a variety of dissemination methods to inform about public hearings and more generally the work of the Assembly (and related documents and draft laws).⁹³
103. More generally, unless this is provided by separate legislation, the Assembly should develop binding and unified standards on effective public participation/consultation in law-making processes providing for:
- Scope: participation/consultation in a public discussion of the legislative initiative having potential to impact members of national and ethnic minorities and persons with disabilities, whether it is initiated by parliament, individual MPs, or other public entities;
 - Access to information: free and timely access of the public to any document/draft law/legislation under development and related background information; and responsiveness on the side of relevant authorities to any request for additional information;
 - Allocation of appropriate funding of public consultations by the States to ensure the inclusiveness of participation, including by members of national and ethnic minorities and persons with disabilities, and that it does not impose an undue financial burden on the participants;
 - Timeliness: setting out a clear and reasonable minimum timeline for public participation/consultation that will involve participants as early as possible in the process and provide associations with sufficient time to prepare, discuss and submit recommendations on draft policies and draft legislative acts;
 - Feedback mechanism: effective mechanism to ensure that decision-makers report back to those involved in consultations, including the public, by providing, in due time, meaningful and qualitative feedback on the outcome of every public consultation, including clear justifications for including or not including certain comments/proposals;
 - Consequences (legal or other) for the failure to comply with laws requiring the organization of public consultations on drafts of policies, legislation, or other decisions; and
 - The obligation of public authorities to conduct a self-assessment on compliance with such binding standards on effective public participation/consultation and to report on the results to the public on a regular basis.⁹⁴

⁹² See e.g., ODIHR, [Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes](#) (2015), par 25.

⁹³ See e.g., ODIHR, [Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes](#) (2015), pars 25-26.

⁹⁴ See e.g., CoE Committee of Ministers, [Guidelines for Civil Participation in Political Decision Making](#), 27 September 2017. See also [Recommendations on Enhancing the Participation of Associations in Public Decision-Making Processes](#) (from the participants to the

104. In that respect, [ODIHR Guidelines on Public Consultations on Draft Legislation](#) (2018, paras. 28 and further) can also serve as a useful resource document to the Assembly. See in this respect also the ODIHR [Guidelines on Promoting the Political Participation of Persons with Disabilities](#) which provide for specific recommendations for parliaments to engage with persons with disabilities in the context of public debates.

RECOMMENDATION H

To ensure effective participation of a variety of stakeholders in the work of the Assembly, including by preparing and publishing a semi-annual or annual plan.

5.5. Language and Awareness-raising

105. Neither the Law, nor the Rules of Procedure contain a provision on the usage of gender sensitive language. The language used in parliaments should thus reflect the principle of gender equality and non-discrimination on gender grounds. Gender inclusive language is thus more than a matter of political correctness, as language “powerfully reflects and influences attitudes, behaviour and perceptions”.⁹⁵
106. The 2019 European Parliament Resolution on Gender Mainstreaming endorsed these guidelines as a gender-mainstreaming tool. It is also noted that already in 2007, the Council of Europe’s Committee of Ministers specified that sexism should be eliminated from language and that language should be promoted that reflects the principle of gender equality, particularly in the public sector.⁹⁶ A gender sensitive Parliament should recognize that the use of language can reinforce the invisibility of women. Most recently, the EU guidelines⁹⁷ recommend three changes: (i) avoiding subsuming the female gender within the male; (ii) avoiding the generic use of ‘he’ and encouraging the use of ‘they’ to include those who do not conform to the gender binary; and (iii) avoiding the use of titles for women which refer to marital status.
107. A provision concerning the use of gender-sensitive language could be inserted in Article 3 of the Rules of Procedure, which regulates the usage of the official language. The usage of gender-sensitive language represents a trend towards establishing gender sensitive parliaments.⁹⁸ Nevertheless, due to the specific nature of each language, the actual development of gender sensitive language guidelines, such as those, for example, used by the European Parliament, should be developed by a special parliamentary or government body established for this purpose, but should be overseen by the Committee on Equal Opportunities for Women and Men. In that respect, the European

Civil Society Forum organized by ODIHR on the margins of the 2015 Supplementary Human Dimension Meeting on Freedoms of Peaceful Assembly and Association), 21 September 2015, paras 16-21.

⁹⁵ Gender-Neutral Language in the European Parliament’ (2018) http://www.europarl.europa.eu/cmsdata/151780/GNL_Guidelines_EN.pdf

⁹⁶ Council of Europe, [Recommendation CM/Rec\(2007\)17 of the Committee of Ministers to member states on gender equality standards and mechanisms](#) (adopted by the Committee of Ministers on 21 November 2007 at the 1011th meeting of the Ministers’ Deputies), paras 16-18.

⁹⁷ Council of the European Union, ‘General Secretariat, Inclusive Communication in the GSC’ (2018) https://www.consilium.europa.eu/media/35446/en_brochure-inclusivecommunication-in-the-gsc.pdf

⁹⁸ See for example a good practice example from Bosnia and Herzegovina, where the Parliament had adopted a guide book for the use of gender-sensitive language: <https://www.parlament.ba/Publication/Read/3588?title=upotreba-rodno-osjetljivog-jezika-u-parlamentarnoj-skupstini-bosne-i-hercegovine&pageId=239>.

Institute for Gender Equality's [Toolkit on Gender-sensitive Communication](#) (2019) can serve as a useful reference document.⁹⁹

108. Finally, the Parliament of North Macedonia operates a Parliamentary TV Channel. Article 32(3) of the Law of Assembly stipulates that “*The Parliamentary TV Channel shall broadcast programmes of interest for social cohesion, interethnic coexistence, the cultural differences and the fight against all forms of discrimination, and shall offer programmes that will reflect the diversity in the Macedonian society.*” **It is recommended to add to this clause an explicit reference to the advancement of gender equality and non-discrimination throughout the TV Channel’s programs and agendas.**¹⁰⁰

6. FINAL COMMENTS

109. It is worth recalling that OSCE commitments require legislation to be adopted “*as the result of an open process reflecting the will of the people, either directly or through their elected representatives*” (Moscow Document of 1991, par 18.1).¹⁰¹ Particularly legislation that may have an impact on human rights and fundamental freedoms, as is the case here, should undergo extensive consultation processes throughout the drafting and adoption process, to ensure that human rights organizations and the general public, including marginalized groups, are fully informed and able to submit their views prior to the adoption or amendments to legislation.
110. While the Law and the Rules of Procedure concern the inner workings and mechanisms of the Assembly, the need to include appropriate provisions and references to matters pertaining to gender equality, the rights of national and ethnic minorities, including Roma and Sinti, and the rights of persons with disabilities, may mean that possible changes to this effect to the Law and the Rules of Procedure should be discussed not only internally within the Assembly, but also be part of a wider public consultation process. This should involve women’s organizations and experts, representatives of national and ethnic minorities, and persons with disabilities, as well as groups advocating for and supporting the rights of persons with disabilities and other relevant civil society organizations. To properly engage with persons with disability, it may be useful to take special measures to ensure accessibility of relevant rooms, and oral or written translations for blind or deaf people. Consultations should also take place in different languages to ensure the effective participation of persons of national and ethnic minorities.
111. Public discussions and an open and inclusive debate will increase all stakeholders’ understanding of the various factors involved and ensure that any future amended legislation will reflect more key principles of gender and other forms of diversity. Should the legislator of North Macedonia decide to amend the Law and the Rules of Procedure, it is encouraged to ensure that both documents are consulted extensively up until their adoption.

[END OF TEXT]

⁹⁹ European Institute for Gender Equality’s [Toolkit on Gender-sensitive Communication](#) (2019), <https://eige.europa.eu/publications/toolkit-gender-sensitive-communication>.

¹⁰⁰ See e.g., IPU, *Gender-sensitive Parliaments - A Global Review of Good Practices* (2011), pages 70-71 on Parliaments’ Communication Policies. See also e.g., Council of Europe, *Study on Media Coverage of Elections with a Specific Focus on Gender Equality*, DGI(2017)10, especially pages 29-30. See also Beckmann, *Portraying Politics- a toolkit on gender and television*, ARD, 10.01.05

¹⁰¹ Available at <<http://www.osce.org/fr/odhr/elections/14310>>.

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