

LAW ON PREVENTION OF AND PROTECTION AGAINST DISCRIMINATION

CONSOLIDATED TEXT

Law on Prevention of and Protection Against Discrimination (“Official Gazette of the Republic of Macedonia” nos. 50/2010, 44/2014, 150/2015, 31/2016 and 21/2018). Decision of the Constitutional Court of the Republic of Macedonia U. no 82/2010 dated 15 September 2010, published in the “Official Gazette of the Republic of Macedonia” no. 127/2010).

I. GENERAL PROVISIONS

Subject of the Law

Article 1

(1) This Law shall ensure prevention of, and protection against discrimination in the exercise of the rights guaranteed by the Constitution of the Republic of Macedonia, law and ratified international agreements.

(2) For the purpose of protecting against discrimination, a Commission for Protection Against Discrimination shall be formed.

(3) The Commission for Protection Against Discrimination shall have capacity of a legal entity.

Application of the Law

Article 2

The protection and prohibition against discrimination shall apply to all natural persons and legal entities in the process of exercising the rights and freedoms guaranteed by the Constitution and the laws of the Republic of Macedonia.

Grounds of discrimination

Article 3

Any direct or indirect discrimination, call for and incitement to discrimination, and assistance in discriminatory treatment on the basis of sex, race, color, gender, belonging to a marginalized group, ethnic origin, language, nationality, social background, religion or religious beliefs, other types of beliefs, education, political affiliation, personal or social status, mental and physical impediment, age, family or marital status, property status, health condition or any other basis anticipated by a law or ratified international agreement (hereinafter: discriminatory ground) shall be prohibited.

Application of the Law

Article 4

This Law shall be applied by all state bodies, bodies of the local self-government units, legal entities with public authorizations, and legal entities and natural persons in the field of:

- 1) labor and labor relations;
- 2) education, science and sport;
- 3) social security, including the area of social protection, pension and disability insurance, health

- insurance and health protection;
 4) judiciary and administration;
 5) housing;
 6) public information and media;
 7) access to goods and services;
 8) membership and activity in unions, political parties, citizens' associations and foundations or other membership-based organizations;
 9) culture, and
 10) other areas determined by law.

Meaning of the terms used in this Law

Article 5

The terms used in the Law shall have the following meaning:

1. **Affirmative measures** are activities of the competent state bodies aimed at prevention of, and protection against discrimination, i.e. reduction or elimination of the factual inequality having occurred as a result of a previous discrimination;

2. **Architectural environment** are all public use facilities that are available for people to use or are related to satisfying certain needs or acquiring certain services;

3. **Discrimination** is any unjustified legal or factual, direct or indirect, differentiation or unequal treatment, i.e. omission (exclusion, limitation or giving priority) with respect to persons or groups based on sex, race, color, gender, belonging to a marginalized group, ethnic origin, language, nationality, social background, religion or religious beliefs, education, political affiliation, personal or social status, mental and physical impediment, age, family or marital status, property status, health condition or any other ground;

4. **Discriminatory behavior and treatment** is any active or passive behavior of any person of the public authorities, as well as of legal entities and natural persons of the private and public sector in the public life, creating grounds for favoring or disfavoring a person in an unjustified manner, or exposing a person to an unjustified and degrading behavior compared to other persons in similar situation, based on any of the discriminatory grounds;

5. **Marriage** is a union exclusively between a man and a woman where the interests of the spouses, family and society are attained;

6. **Equality** is a principle according to which all people are equal, i.e. have equal obligations and rights. The equality includes diversity, i.e. includes existence of different persons who should be equally treated;

7. **Effective protection** is existence of a system of available and applicable mechanisms for initiation of a procedure in case of discrimination, existence of independent and objective structures acting upon the filed complaints on the basis of previously anticipated procedures and existence of previously determined sanctions for particular violations of the rights;

8. **Legitimate (objectively justified) aim** is an aim that is not contrary to the Constitution and the provisions of international agreements, that is compatible with the actual needs, and is precisely defined and in proportion to the effects which are to be achieved;

9. **Person** is any natural person that resides on the territory of the Republic of Macedonia and any legal entity that is registered, i.e. carries out an activity on the territory of the Republic of Macedonia;

10. **Legitimate interest** is justification for the interest and active involvement of a particular person in taking particular activities due to being personally affected by the consequences of these activities, because of previously declared wider interest in certain social occurrences, i.e. because of anticipated authorization by law for engaging in certain activities;

11. **Marginalized group** is a group of individuals unified by a specific position in the society, subjected to prejudices, who have special characteristics that make them suitable for certain types of violence, who have less opportunity for exercising and protecting their own rights, or who are exposed to a greater chance of further victimization, and

12. **Adjustment of the infrastructure** and services is undertaking of appropriate measures necessary, in a certain case, in order to ensure a person with mental and physical impediment access, participation and improvement in the working process, unless such measures impose disproportional burdens on the employers.

II. FORMS OF DISCRIMINATION

Direct and indirect discrimination

Article 6

(1) Direct discrimination on discriminatory grounds shall be any unfavorable treatment, differentiation, exclusion or limitation which results or may result in deprivation, violation or limitation of the equal recognition or enjoyment of the human rights and fundamental freedoms, compared to the treatment another person gets or may get in the same or similar situation.

(2) Indirect discrimination on discriminatory grounds shall be placement of a person or a group in an unfavorable position compared to other persons by adopting apparently neutral provisions, criteria, or by accepting certain practices, unless such provisions, criteria or practices result from a justified aim, while the means for achievement of the referred aim are appropriate and necessary.

Harassment

Article 7

(1) Harassment and humiliating treatment shall be a violation of the dignity of a person or a group of persons that results from a discriminatory ground and is aimed at or results in violation of the dignity of a particular person or creation of intimidating, hostile, humiliating or offensive environment, approach or practice.

(2) Sexual harassment shall be unwanted behavior of sexual nature, manifested physically, verbally or in any other manner, aimed at or resulting in violation of the dignity of a person, especially when creating hostile, intimidating, degrading or humiliating environment.

Discrimination of persons with mental and physical impediment

Article 8

(1) Discrimination of persons with mental and physical impediment shall refer to intentional disabling or hindered access to health protection, i.e. restriction of the rights to health protection, regular medical treatment and medicinal products, rehabilitation means and measures in accordance with their needs, restriction of the right to marry and to create a family, and other marriage and family relations rights, restriction of the right to education, work and labor relation rights.

(2) Discrimination of persons with mental and physical impediment shall also occur in case of failure to undertake measures for removal of the obstacles, i.e. for adjustment of the infrastructure and the space, use of publicly available resources or participation in the public and social life.

Call for and incitement to discrimination

Article 9

Discrimination shall also be any activity on the basis of which a person directly or indirectly calls for, encourages, gives directions or incites another person to discriminate.

Victimization

Article 10

Discrimination shall also be the unfavorable behavior towards a person, bearing harmful consequences as a result of the activities it undertook in order to protect against discrimination (has reported discrimination, initiated a procedure due to discrimination and testified in the course of the procedure).

Discrimination in the provision of goods and services

Article 11

Hindering or limiting the use of goods and services by a person or group of persons on any of the grounds referred to in Article 5 point 3 of this Law shall be discrimination.

Severe forms of discrimination

Article 12

Severe form of discrimination, in terms of this Law, shall be considered the discrimination inflicted on a certain person on multiple discriminatory grounds (multiple discrimination), discrimination inflicted several times (repeated discrimination), discrimination being inflicted for a longer period (extended discrimination) or discrimination the consequences of which severely affect the discriminated person.

III. EXCEPTIONS TO DISCRIMINATION

Affirmative measures

Article 13

The affirmative measures undertaken by state administration bodies, bodies of the local self-government units, other bodies and organizations exercising public authorizations, public institutions, or by natural persons or legal entities shall not be deemed discrimination if they are established as justified in the past, in the present, or in the future and may be undertaken until the complete factual equality is achieved:

1) for the benefit of a person, group of persons or community, in order to eliminate or reduce the factual inequalities, if the differentiation is justified and proportional to the aim, and in order to ensure their natural development and effective achievement of their right to equal opportunities compared to other persons, groups of persons or communities, and
2) the affirmative measures aimed at protection of marginalized groups, in order to eliminate or reduce the factual inequalities, if the differentiation is justified and proportional to the aim, and in order to ensure their natural development and effective achievement of their right to equal opportunities compared to other persons, groups of persons or communities.

Unequal treatment

Article 14

The following shall not be deemed discrimination:
1) the different treatment of persons that are not nationals of the Republic of Macedonia, pertaining to the freedoms and rights provided for by the Constitution, the laws and the international agreements accessed by the Republic of Macedonia, which directly derive from the nationality of the

Republic of Macedonia;

2) the different treatment of persons on the basis of characteristics referring to any of the discriminatory grounds, in case when those characteristics, due to the nature of the occupation or the activity, or due to the conditions under which that occupation is carried out, represent an essential and decisive requirement, the aim is legitimate, and the requirement does not exceed the necessary level for its accomplishment;

3) the different treatment of persons on the basis of religion, belief, sex or other characteristics related to an occupation carried out in religious institutions or organizations when, according to the nature of the relevant occupation or activity, or due to the requirements under which the religion is exercised, the belief, sex or other characteristics represent an essential and decisive requirement from a point of view of the institution or the organization, when the aim is legitimate, and the requirement does not exceed the necessary level for its accomplishment;

4) the different treatment of persons on the basis of religion, belief, sex or other characteristics in regard to education and training for the aims of the occupation related to the relevant religion;

5) if the members and bodies of churches and religious communities, citizens' organizations, political parties, unions and other organizations entered in a register in accordance with the Constitution and the laws, act in accordance with their doctrine, convictions or beliefs and/or the aims determined in their statutes, programs and/or regulations;

6) the regulation of marriage, unwed partnership and family exclusively as a union of different sexes, i.e. a man and a woman;

7) the exercise of the constitutionally guaranteed principle of freedom of speech, public appearance, opinion and public information;

8) the establishment of a requirement for minimum age, professional experience or length of service in the processes of selection or granting certain privileges in regard to the operation, provided it is objectively justified for achieving the legitimate aim, while the extent of this differentiation does not exceed the level necessary for achievement of the aim, and

9) the establishment of a requirement for maximum age in the process of employment related to the need for training or due to the needs of rational time limitations related to retirement anticipated by law, when it is objectively justified for achievement of the legitimate aim, and the extent of this differentiation does not exceed the objective level necessary for achievement of the aim.

Protective mechanisms for particular categories of persons

Article 15

The following shall not be deemed discrimination:

1) the special protection of the pregnant woman and mother, anticipated by law, except when the pregnant woman or mother does not want to exercise this protection and notifies the employer thereof in a written form;

2) the measures anticipated by law for employment encouragement;

3) the different treatment of persons with impediment in the participation in training and receiving education in order to meet the special educational needs for the purpose of evening the chances;

4) the anticipation of minimum and maximum age for access to certain levels of training and education, provided that it is objectively justified for achievement of the legitimate aim, and the extent of this differentiation does not exceed the one necessary related to the nature of the training or education, or the conditions in which they are delivered and the extent of this differentiation does not exceed the level necessary for achievement of the aim;

5) the measures aimed at securing balance in the participation of the men and women, until those measures are necessary;

6) the special measures beneficial for the persons or groups which are placed in an unfavorable position occurred as a result of any of the discriminatory grounds, for the purpose of evening their opportunities, as long as those measures are necessary;

7) the special protection, anticipated by law, for children without parents, juveniles, single parents and people with disability;

8) the measures for protection of the specifics and identity of the persons belonging to ethnical, religious or linguistic minorities and their right to cherish and develop their own identity individually or in a community with the other members of their group as well as stimulate conditions for promotion of that identity, and

9) the measures in the field of education and training which should ensure participation of the persons of the ethnical minorities, until those measures are necessary.

IV. COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

Commission for Protection Against Discrimination

Article 16

(1) The Commission for Protection Against Discrimination shall be an autonomous and independent body operating in accordance with the competences determined by this Law (hereinafter: the Commission).

(2) The Commission shall have capacity of a legal entity with a head office in Skopje.

(3) The funds for operation of the Commission shall be provided from the Budget of the Republic of Macedonia. The Commission may also provide funds from other sources.

Composition of the Commission

Article 17

(1) The Commission shall be composed of seven members.

(2) The members of the Commission shall be appointed by the Assembly of the Republic of Macedonia, with five-year term of office, with the right to one re-appointment.

(3) The Commission shall elect a president from among the appointed members referred to in paragraph (2) of this Article, with a one year term of office.

Appointment of members of the Commission

Article 18

A person who meets the following requirements may be appointed as a member of the Commission:

- 1) to be a citizen of the Republic of Macedonia;
- 2) at the moment of appointment, not to be issued an effective injunction banning him/her from exercising a profession, business or office;
- 3) to have at least 240 credits under ECTS or completed VII/1 degree in the field of human rights or social sciences;
- 4) to have at least five years of work experience;
- 5) to hold one of the following internationally recognized certificates for active knowledge of English Language which is not older than five years:
 - TOEFL IBT - at least 74 points,
 - IELTS - at least 6 points,
 - ILEC (Cambridge English: Legal) - at least B2 level,
 - FCE (Cambridge English: First) - passed, or
 - BULATS - at least 60 points,
- 6) to have passed a psychological test and an integrity test.

Article 19

(1) A public announcement for appointment of members of the Commission shall be published in at least three daily newspapers that are printed on the whole territory of the Republic of Macedonia one of which is a newspaper printed in a language spoken by at least 20% of the citizens who speak an official language other than the Macedonian.

(2) The announcement referred to in paragraph (1) of this Article shall be open for 15 days as of the day of its publication in the "Official Gazette of the Republic of Macedonia".

(3) The principle of equitable representation shall be taken into consideration in the election of the members of the Commission.

(4) The Commission on Election and Appointment Issues of the Assembly of the Republic of Macedonia shall prepare a list of candidates and propose it to the Assembly of the Republic of Macedonia.

Article 20

(1) The president of the Commission may be dismissed upon personal request before the expiry of the term of office.

(2) If the president is dismissed in accordance with paragraph (1) of this Article, the Commission shall elect a president for the remaining period of the term of office of the dismissed president.

Article 21

(1) The members of the Commission shall have status of appointed persons.

(2) The members of the Commission shall be entitled to a monthly remuneration in the amount of two average monthly net salaries paid per employee in the Republic of Macedonia.

Dismissal of a member of the Commission

Article 22

(1) The Assembly of the Republic of Macedonia, on a proposal of the Commission on Election and Appointment Issues, shall dismiss the member of the Commission before the expiry of the term of office,

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| | upon: |
| 1) personal | request; |
| 2) | death; |
| 3) legally valid decision imposing prohibition to perform profession, activity or duty; | |
| 4) legally valid court decision convicting to imprisonment of more than six months; | |
| 5) permanent loss of the psycho-physical ability to perform the function, and | |
| 6) incompetent, bias and negligent performance of the function. | |

(2) The fulfillment of the conditions for dismissal referred to in paragraph (1) of this Article shall be determined by the Commission with majority votes of the total number of members, and it shall initiate dismissal of a member of the Commission with the Assembly of the Republic of Macedonia.

Article 23

When a member of the Commission is dismissed in accordance with the provisions referred to in Article 17 of this Law, the Assembly of the Republic of Macedonia shall publish an announcement for appointment of a member of the Commission with a term of office following the expiry of the term of office of the dismissed member.

Competences of the Commission

Article 24

Competences of the Commission:

- 1) to act upon complaints, to give opinion and recommendations concerning particular cases of discrimination;
- 2) to give information to the submitter of the complaint regarding the personal rights and opportunities for initiation of a court or other procedure for protection;
- 3) to raise an initiative for initiation of a procedure with the competent bodies due to violations of this Law;

- 4) to submit an annual report to the Assembly of the Republic of Macedonia;
- 5) to inform the public about discrimination cases and to undertake activities for promotion and education regarding to equality, human rights and non-discrimination;
- 6) to monitor the implementation of this Law, to initiate amendments to the regulations aimed at implementation and promotion of protection against discrimination;
- 7) to establish cooperation with the bodies responsible for attaining equality and protection of human rights in the local self-government;
- 8) to give recommendations to the state bodies for undertaking measures for attainment of equality;
- 9) to give opinions on draft laws of importance for protection against discrimination;
- 10) to collect statistical and other data, to set up databases, to conduct studies, researches and training in the field of discrimination;
- 11) to cooperate with corresponding national bodies of other states, as well as with international organizations in the field of protection against discrimination, and
- 12) to adopt Rules of Procedure for operation and other acts about the internal work organization.

V. PROCEDURE FOR PREVENTION OF AND PROTECTION AGAINST DISCRIMINATION WITH THE COMMISSION

Activities of the Commission

Article 25

(1) The person who deems to have suffered discrimination shall submit a complaint to the Commission, in writing or orally to the minutes, without an obligation to pay a fee or any other compensation.

(2) Together with the complaint, the person shall provide proofs and facts whereby the act or the action of discrimination may be determined.

(3) The persons living in the local self-government units where official language other than the Macedonian language is spoken by at least 20% of the citizens may use any of the official languages and its letter in the procedure with the Commission. The Commission shall translate such submissions in Macedonian language and in its Cyrillic letter, and shall act upon them.

(4) The Commission shall reply in Macedonian language and its Cyrillic letter upon the submitted complaints, as well as in the official language and letter used by the citizen.

(5) The complaint may be submitted within three months as of the day the violation has been committed at the latest, or within a year as of acknowledging the act of discrimination at the latest.

(6) The Commission may also initiate a procedure even after expiry of the time period, provided that it assesses that the case is of such importance so it would be necessary and purposeful to conduct the procedure.

(7) The Commission shall deliver the complaint to the person against whom it has been submitted within a time period of 15 days as of the day of its receipt.

Article 26

(1) The Commission shall act upon the complaint, provided that a procedure with the court for the same matter has not been already initiated or completed in a legally valid manner.

(2) The Commission shall not act upon the complaint if it is obvious that no violation of the right invoked by the submitter exists, if it has already acted in the same matter and new proofs have not been offered, and if it is determined that it is impossible to achieve the aim of the procedure because of expiry of the period after violation of the right.

Determination of the factual situation

Article 27

(1) Upon receipt of the complaint, the Commission shall determine the factual situation by inspecting the documents and taking statements from the submitter of the complaint, the person against whom the complaint has been submitted, as well as from other persons.

(2) The person against whom the complaint has been submitted may plead to the allegations of the complaint within a time period of 15 days as of the day of its receipt.

Opinion and recommendations

Article 28

(1) The Commission shall give an opinion regarding the alleged discrimination within a time period of 90 days as of the day of submitting the complaint and shall notify the submitter and the person against whom the complaint has been submitted.

(2) Upon determined discrimination, and by a written opinion, the Commission shall recommend a manner of elimination of the violations of the right.

(3) The person to whom the recommendation is directed shall be obliged to act upon the recommendation and to eliminate the violation of the right within a time period of 30 days as of the day of receipt of the recommendation, as well as notify the Commission thereof.

Article 29

If the person, to whom the recommendation is directed fails to act upon the recommendation, i.e. fails to eliminate the violation of the right, the Commission may raise an initiative for initiation of a procedure with a competent body for the purpose of determining its liability.

Professional-administrative and technical activities of the Commission

Article 30

The professional-administrative and technical activities of the Commission shall be carried out by the Commission.

Cooperation with other bodies

Article 31

All natural persons and legal entities, state bodies, bodies of the self-government units, other bodies and organizations exercising public authorizations, as well as public institutions and services, shall be obliged to provide data about particular cases of discrimination upon request of the Commission.

Carrying out documentation inspection

Article 32

When carrying out the activities within its competence, the Commission may carry out direct inspection in the documentation of the state bodies, the bodies of the local self-government units, the other bodies and organizations exercising public authorizations as well as of public institutions and services having at disposal data and information on cases of discrimination.

Cooperation with the Ombudsman

Article 33

When carrying out activities within its competence, the Commission shall cooperate with the Ombudsman in particular cases of discrimination.

VI. COURT PROTECTION

Court competence and procedure

Article 34

(1) A person shall be authorized to file a lawsuit with a competent court should it consider that some of its rights has been violated due to discrimination.

(2) The provisions of the Law on Litigation Procedure shall accordingly apply to the procedure.

(3) The procedure shall be urgent.

Local competence

Article 35

In addition to the court of general local competence, the court within the area of which the head office, i.e. the place of residence of the plaintiff is located shall have local competence in the procedure for protection against discrimination.

Lawsuit

Article 36

(1) The following may be requested by the lawsuit referred to in Article 34 paragraph (1) of this Law:

- 1) to determine that the defendant has violated the right to equal treatment of the plaintiff, i.e. the action that he/she undertook or omitted to undertake may directly cause violation of the rights to equal treatment;
- 2) to prohibit the undertaking of activities which violate or may violate the right of the plaintiff to equal treatment, i.e. to carry out activities that eliminate the discrimination or its consequences;
- 3) to compensate the material and non-material damage caused by violation of the rights protected by this Law, and
- 4) to announce in the media the verdict whereby violation of the right to equal treatment is determined, at the expense of the defendant.

(2) The requests referred to in paragraph (1) of this Article may be raised together with the requests for protection of other rights resolved in litigation procedure if all requests are mutually related and if the same court has actual competence, regardless whether decision in general or separate litigation has been prescribed for such requests.

Measures for securing

Article 37

(1) The court may determine measures for securing, on a proposal of the party, prior to the initiation or during the procedure upon the petition referred to in Article 36 paragraph (1) of this Law.

(2) The following shall also be required when submitting the proposal for measures for securing:
- the submitter of the request to render probable that his/her right to equal treatment has been violated, and

- determination of the measure being necessary for the purpose of eliminating the risk of irreparable damage, particularly extremely severe violation of the rights to equal treatment or for prevention of violence.

(3) The court which is competent for the petitions shall decide on the measures referred to in paragraph (1) of this Law in a manner and procedure determined by law.

Burden of proof

Article 38

(1) If the party in the court procedure claims that, in accordance with the provisions of this Law, its right to equal treatment has been violated, it shall be obliged to provide all facts and proofs justifying the claim. The opposite party shall bear the obligation to substantiate that discrimination has not occurred.

(2) The provision referred to in paragraph (1) of this Article shall not apply to a misdemeanor and penalty procedure.

Participation of third parties

Article 39

(1) A body, organization, institution, association or another party that, within the framework of its activity, deals with protection of the rights to equal treatment that are subject to decision of the procedure, may as an intervenor join the party that claims to be discriminated in the lawsuit referred to in Article 34 of this Law. The court shall decide for the participation of the intervenor by applying the provisions of the Law on Litigation Procedure.

(2) The court shall allow participation of an intervenor referred to in paragraph (1) of this Article only by an approval of the party to whom the intervenor wants to join.

(3) The intervenor referred to in paragraph (1) of this Article may undertake activities in the procedure and shall have all the rights belonging to the intervenor in the procedure.

(4) Regardless of the outcome of the lawsuit, the intervenor referred to in paragraph (1) of this Article shall bear the costs for its participation in the lawsuit.

Public announcement of the verdict

Article 40

(1) The request for announcement of the verdict referred to in Article 36 paragraph (1) point 4 of this Article shall be adopted by the court should the following be determined:
1) the right to equal treatment has been violated through the media, or
2) the information on the treatment that violates the right to equal treatment has been announced in the media, and such announcement of the verdict is necessary due to full compensation of the caused damage or prevention of unequal treatment in future cases.

(2) If the court adopts the request for announcement of the verdict, for the purpose of protecting personal data, it shall order full or partial announcement of the verdict.

(3) The verdict that orders announcement in the media, shall be binding for the publisher of the media where the verdict is to be announced, regardless whether it has been a party in the procedure.

Joint lawsuit for protection against discrimination

Article 41

(1) Associations and foundations, institutions or other organizations from the civil society which have justified interest in the protection of the collective interests of a certain group or within the framework of their activity deal with protection of the rights to equal treatment, may file a lawsuit and act as co-litigants against the person who has violated the right to equal treatment in the procedure with the court, provided that they render probable that the right to equal treatment of greater number of persons has been violated by the treatment of the defendant.

(2) In the scope of the lawsuit referred to in paragraph (1) of this Article a request may be raised:

- 1) to determine that the treatment of the defendant has violated the equal treatment in respect to the members of the group;
- 2) to prohibit the undertaking of activities which violate or may violate the equal treatment, i.e. to carry out activities that eliminate the discrimination or its consequences in respect to the members of the group, and
- 3) to announce in the media the verdict whereby violation of the right to equal treatment is determined, at the expense of the defendant.

(3) Other provisions of this Law referring to the lawsuits referred to in Article 36 paragraph (1) of this Law, shall accordingly apply to the lawsuit referred to in paragraph (1) of this Article.

(4) The lawsuit referred to in paragraph (1) of this Article shall be allowed, provided that the person claiming to be discriminated concurs.

VII. MISDEMEANOR PROVISIONS

Article 42

(1) Fine in the amount of Euro 1.000 in Denar counter value shall be imposed for the misdemeanor on the legal entity, that is, sole proprietor which calls for or incites discrimination or helps in discriminatory treatment on discriminatory grounds (Article 3).

(2) Fine in the amount of 30% of the determined fine for the legal entity, that is, sole proprietor shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the responsible person in the legal entity, that is, on the responsible person in the sole proprietor.

(3) Fine in the amount of Euro 80 to 120 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the functionary in a state body, body of the self-government unit or on an authorized person in the legal entity entrusted with public powers.

(4) Fine in the amount of Euro 70 to 110 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on a natural person.

Article 43

(1) Fine in the amount of Euro 1.000 in Denar counter value shall be imposed for the misdemeanor on the legal entity, that is, sole proprietor which violates the dignity of a particular person or creates intimidating, hostile, humiliating or offensive environment, approach or practice (Article 7).

(2) Fine in the amount of 30% of the determined fine for the legal entity, that is, sole proprietor shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the responsible person in the legal entity, that is, on the responsible person in the sole proprietor.

(3) Fine in the amount of Euro 80 to 120 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the functionary in a state body, body of the self-government unit or on an authorized person in the legal entity entrusted with public powers.

(3) Fine in the amount of Euro 70 to 110 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the legal entity

Article 44

(1) Fine in the amount of Euro 1.000 in Denar counter value shall be imposed for the misdemeanor on a legal entity, that is, sole proprietor which places in an unfavorable position the person who has reported discrimination or in any other manner has participated in the discrimination procedure (Article 10).

(2) Fine in the amount of 30% of the determined fine for the legal entity, that is, sole proprietor shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the responsible person in the legal entity, that is, on the responsible person in the sole proprietor.

(3) Fine in the amount of Euro 80 to 120 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the functionary in a state body, body of the self-government unit or on an authorized person in the legal entity entrusted with public powers.

(3) Fine in the amount of Euro 70 to 110 in Denar counter value shall be imposed for the misdemeanor referred to in paragraph (1) of this Article on the legal entity

Article 45

Fine in the amount of Euro 70 to 110 in Denar counter value shall be imposed on the official person in the legal entity, a state body or a body of the local self-government unit if, on a request of the Commission, the person fails to submit data on the discrimination or does not allow inspection in a document within a time period of 30 days (Article 31 and 32).

Article 45-a

The amount of the fine for the legal entity, that is, sole proprietor shall be determined in accordance with the Law on Misdemeanors.

Article 45-b

With regard to the misdemeanors determined by this Law, a misdemeanor procedure shall be conducted and a misdemeanor sanction shall be imposed by the competent court.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 46

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall apply as of 1 January 2011.

PROVISIONS	OF	OTHER	LAWS
Law Amending the Law on Prevention of and Protection Against Discrimination ("Official Gazette of the Republic of Macedonia" no. 44/2014): Article			3
The members of the Commission who have been appointed before the beginning of application of Article 1 of this Law, shall continue to exercise the office until the expiry of the term of office for which they have been appointed.			
Law Amending the Law on Prevention of and Protection Against Discrimination ("Official Gazette of the Republic of Macedonia" no. 44/2014): Article			4

The provisions of Article 1 of this Law that refer to the requirement for knowledge of a foreign language shall start to apply two years as of the day of entry into force of this Law.

Article 5

This Law shall enter into force on the eight day as of the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall start to apply one year as of the day of entry into force of this Law.

Law Amending the Law on Prevention of and Protection Against Discrimination ("Official Gazette of the Republic of Macedonia" no. 150/2015):

Article 7

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