

Repeal of the Law on Prevention and Protection against Discrimination

Introductory notes

In May of 2019, after long and serious discussions, the Law on Prevention and Protection against Discrimination was passed in the Republic of North Macedonia¹ (RNM). The new Law introduced several novelties by expanding the grounds on which citizens can solicit protection against discrimination, including sexual orientation and gender identity for the first time, as well as professionalization of the Commission for protection against discrimination and its mandate.

In the frames of the prescribed procedure, the Assembly adopted the new Law on the session held on 11.3.2019. In this occasion, the President of the state Mr. Ivanov used his constitutional right and decided not to sign the decree for promulgation of the Law, in accordance with article 75 of the Constitution.

Article 75 of the Constitution of Republic of North Macedonia²

Laws are promulgated by a decree.

The decree for promulgation of laws is signed by the president of the Republic and the president of the Assembly.

The president of the Republic may decide not to sign the decree for promulgation of the law. The Assembly reconsiders the law and if it adopts the law by a majority vote of the total number of representatives, the president of the Republic is obliged to sign the decree.

The president is obliged to sign the decree if, in accordance with the Constitution, the law is adopted by a two-thirds majority vote of the total number of representatives.

Hence, by procedure, the Law returned to the Assembly for reassessment after which on 16.5.2019 it is adopted in its unchanged text. In the meantime, as a result of the presidential elections in the state and the election of a new President of the Republic, a situation was created in which the decree for promulgation of the Law was signed for the second time by the newly appointed President of the state Mr. Pendarovski.

Having direct access to the official Assembly notes (which are publicly available on www.sobranie.gov.mk), it is evident that the decision for the first adoption of the Law was made by the needed simple majority - with more than half of the present representatives at the session, that is 52 votes from 55 present representatives. After the decision of the President not to sign the decree for promulgation, the Law was returned to the Assembly and adopted for the second time again with simple majority, that is with 55 votes for from the 101 representatives present on the session.

After the decree for promulgation of the Law was signed by the President of the Republic and the Law was published in the Official Gazette of RNM, the former Commission for protection against discrimination

¹ Law on Prevention and Protection against Discrimination, Official Gazette Number: 101/2019, Date of Publishing: 22.5.19

² The Constitution of the Republic of Macedonia, Official Gazette no: 52/1991, Date of publication: 22.11.91, Date of proclamation: 17.11.91

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submitted an initiative to the Constitutional Court for initiating a procedure for assessment of the constitutionality of the Law.

Legal subjectivity of the submitter of the initiative

According to Blueprint Group for Judicial Reform, the Constitutional Court had made an omission because it did not check the process assumptions needed to carry out the procedure and due to that had let the Commission for protection against discrimination take the role of submitter of the initiative. In general, it is not disputable whether the Commission may submit the initiative. However, given that it is a collective body, the Constitutional Court was obliged to assert whether the Commission had the legitimacy to submit an initiative, that is, whether the Commission had made a decision to submit an initiative to the Constitutional Court. The second omission of the Constitutional Court is that it did not assert that there is no process assumption on legal subjectivity of the submitter of the initiative, that is, whether in the time of the procedure the submitter had legal subjectivity i.e. whether it existed in the legal area, which is an elementary process assumption in leading the procedure before any court or state body. Namely, the Law on Prevention and Protection against Discrimination (RNM's Official Gazette, no. 101 from 22.5.2019) in article 48 from the transitional and final provisions provides that "(1) From the day this law comes into force the mandate of members of the Commission for protection against discrimination ends, and they continue operating until the election of new members, however no longer than three months." Hence, given that with the Law on Prevention and Protection against Discrimination (RNM's Official Gazette, no. 101 from 22.5.2019) a new commission with different mandate is required by law, and there are no provisions that the Commission which is formed by the Law on Prevention and Protection against Discrimination ("Official Gazette of Republic of Macedonia" no.50/2010) continues with function and in accordance with the Law on Prevention and Protection against Discrimination (RNM's Official Gazette, no. 101 from 22.5.2019) it is considered that with the Law from 2019 a new commission with different mandate and sphere of competence than the former one is formed. This means that the Commission that was the submitter of the initiative stopped operating i.e. existing after the period of 3 months from the day the Law on Prevention and Protection against Discrimination came into force (RNM's Official Gazette, no. 101 from 22.5.2019), that is, on 21.08.2019 and with that the process assumption on legal subjectivity of the submitter of the initiative is not achieved, which carries out the conditions of ending the procedure specified in article 47 before the Constitutional Court, according to whom the Constitutional Court will end the procedure: - If during the procedure the process assumptions cease for its further guiding.

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Initiative for assessment of the constitutionality of the Law on Prevention and Protection against Discrimination

In the initiative, the Commission as the submitter states that the Law was adopted without the required constitutional majority and said law could not come into force, for its adoption at least 61 votes, that is, absolute majority was needed.

In the frames of the initiative, the submitter gave a proposal for application of article 27 from the Rules of Procedure of the Constitutional Court of RNM which provides that the Constitutional Court during the procedure up until the delivery of a final decision may pass a decision to end the execution of individual acts or actions taken under the law, other regulations or a general act whose constitutionality i.e. legality that it evaluates.

Acting according to the Rules of Procedure, on the meeting held on 28.1.2020 the Constitutional Court was considering the initiative for assessment of the constitutionality of the Law on Prevention and Protection against Discrimination.

In the meeting, the majority of judges held the opinion that there is a necessity to increase the legitimacy of the Law after the President denied to sign the promulgation and that the required increased legitimacy can be achieved only with more votes, that is, absolute majority. During the discussion, the President's contrasting opinion was evident, who stated that he is against the proposal to initiate a procedure for assessing the constitutionality of this law, emphasizing the President's duty to sign the promulgation if the law is adopted with absolute majority which does not constitute a prohibition for the President to sign the promulgation that is adopted with simple majority.

Ultimately, during this meeting the Court, with the majority of votes of the constitutional judges, decided to initiate a procedure of assessing the constitutionality of the Law on Prevention and Protection against Discrimination for which Decision U.no.115/19³ was prepared.

In the constitutional and judicial analysis stated in the Decision, the explanations on article 75 of the Constitution and the assessment of the Court are elucidated, which state that in this specific case the accordance of the disputed law with the Constitution of the Republic of North Macedonia may be well founded on suspicion, more specifically with article 75 paragraph 3 of the Constitution, due to the reason that according to the Court the law is adopted without the necessary majority required by law in the stated article 75 paragraph 3 of the Constitution, that is, it did not receive 61 votes as it is exclusively required by the stated article of the Constitution. In addition, in the decision it is emphasized that the Court at the same time reviewed the proposal of the submitter's initiative for application of article 27 from the Rules of Procedure of the Constitutional Court of Republic of North Macedonia, however assessed that in this case the conditions in terms of Article 27 of the Rules of Procedure for adoption of a decision to stop the execution of the actions taken on the basis of the disputed law have not been met, due to the reason that with its execution there would be no consequences that would be difficult to withdraw.

³ Decision of the Constitutional Court of RNM, available on <http://ustavensud.mk/?p=18839>

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After the Court's decision to act upon the initiative on assessment of the constitutionality of the Law on Prevention and Protection against Discrimination, Blueprint Group for Judicial Reform announced a kind of reaction and request.⁴

The reaction stated that given the importance of the issue regarding the initiated procedure for assessment of the constitutionality of the Law on Prevention and Protection against Discrimination and the importance of an authoritative interpretation of Article 75 of the Constitution, taking into consideration the different interpretations of this article, without going into the authority of the Constitutional Court, we consider it necessary to convene a preparatory session or a public hearing in the Constitutional Court in which the expert public would have the opportunity to give its own legal argumentation.

Despite the request, the Constitutional court did not convene neither a preparatory session nor a public hearing regarding this issue which is of great interest for all citizens in this state but it is of particular importance to the citizens' associations that are part of this Blueprint Group, and are providers of prior legal aid and free legal aid and/or are implementing projects that have marginalized and discriminated groups of citizens as their main focus.

Legal effect of the decisions of the Constitutional Court of RNM

According to Article 112 of the Constitution of RNM, the Constitutional court will revoke or repeal a law if it does not comply with the constitution. The decisions of the Constitutional Court are final and enforceable.

When deciding whether a law, regulation or general act will be revoked or repealed by the Constitutional Court, it will take into consideration all circumstances that are of importance for the protection, constitutionality and legality, especially the severity of the violation and its nature and importance for the realization of the freedoms and rights of the citizens or for the relations established on the basis of those acts, the legal certainty and other circumstances relevant to the decision.⁵ A common characteristic of the decisions for revoking or repealing normative acts or declaring unconstitutionality or illegality during their duration is their *erga omnes* effect.

The decision of the Constitutional Court of Republic of Macedonia with which a law, regulation or other general act is revoked or repealed produces legal effect from the day of publication in the "Official Gazette of Republic of Macedonia".

With the repeal, the legal effect of the decision is *ex nunc* which means that the law will only be eliminated by the legal system. This decision of the Court does not provide grounds for intervention in individual acts arising from the application of the Law before its annulment.

⁴ Blueprint Group for Judicial Reform's reaction available on <http://ihr.org.mk/p.php?pid=599>

⁵ Article 73 of the Rules of Procedure of the Constitutional Court of RNM

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However, implementation of individual acts based on the Law that was revoked by a Court decision will not be allowed, and if the implementation has already begun, it will be terminated. Accordingly, according to Article 80 of the Rules of Procedure of the Constitutional Court of RNM, the execution of the effective individual acts adopted on the basis of a law, regulation or other general act that is repealed with a Court decision cannot be allowed, nor implemented, and if the execution has begun, it will stop.

With a revoke, the effect of the decision of *ex tunc* and not only does it eliminate the normative act from the legal system, it also has a retroactive effect and allows individual acts arising from the repealed law to be changed, at any time after the day the law came into force. The effect of the decision which revoked the law is conditioned by the representation of the public interest of changing individual acts within six months after the day of the announcement of the court decision and the body which issued it is obligated to change it. Thus, according to Article 81 of the Rules of Procedure of the Constitutional Court of RNM, anyone, whose right has been violated by a final or effective act adopted on the basis of a law, regulation or other general act that has been revoked by a decision of the Constitutional Court has the right to request the competent authority to annul that individual act within 6 months from the day of announcement of the decisions of the Court in the “Official Gazette of Republic of Macedonia”. If by changing the individual act, the consequences of the law, regulation or general act enforcement that is annulled with a decision of the Constitutional Court cannot be revoked, the Court may order that the consequences be remedied by restitution, compensation or otherwise. The execution of effective individual acts, adopted on the basis of a law, regulation or other general act, that is annulled with a decision of the Constitutional Court, cannot be allowed, nor be implemented, and if the execution has begun it will stop.

Decision to repeal the Law on Prevention and Protection against Discrimination

After almost four months since the of the initiative for assessment of constitutionality and legality of the Law on Prevention and Protection against Discrimination, the Constitutional Court decided on the case on its 14th meeting held on 14.5.2020, by which a decision was adopted to repeal the Law on Prevention and Protection against Discrimination.

The decision with the announced separate opinion of the President of the Constitutional Court, Judge Sali Murati, was publicly published on the website of the Constitutional Court on 27.5.2020.⁶

In the explanation of the decision, the Court focused on the arguments and explanations that were presented in the decision for initiating a procedure for assessing the constitutionality of this law.

In the decision, it is stated that the interpretation of the majority of constitutional judges, who consider that from the cited constitutional norm it is clearly stated that the state’s president may decide not to sign the promulgation for declaration of the law, while the president of the Assembly does not have that possibility to choose and must sign it. If the President of the Republic decides not to sign the law, as in

⁶ The decision of the Constitutional Court of RNM on case 155/19 is available on <http://ustavensud.mk/?p=19246>

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this specific case, the law is returned to the Assembly for reconsideration, and if it is adopted by a majority vote of the total number of Members of Parliament (absolute majority), the President of the Republic is obliged to sign the promulgation. Hence, it is clear that the basic condition for the adoption of the returned law is the achievement of an absolute majority for its adoption, that is, it is necessary for it to receive a majority of votes of the total number of MPs, which means that it is necessary for 61 MPs to vote for such a law in order for it to be adopted in full force and after which the President of the Republic is obliged to sign the decree. The President of the Republic does not have veto power over the laws that according to the Constitution, are adopted with two-thirds majority from the total number of MPs (qualified majority).

According to the Court, in this case it is clear and unequivocal that the impugned law is contrary to Article 75 paragraph 3 of the Constitution.

In the decision, Amendment X of the Constitution is taken into consideration, which replaces Article 69, which stipulates that the Assembly may decide if a majority of the total number of MPs are present. The Assembly decides by a majority vote of the MPs present, and by at least one third of the total number of MPs, unless a special majority is required for in the Constitution. Laws that directly affect the culture, the use of languages, education, personal documents and the use of symbols, the Assembly decides by a majority of votes from the MPs present that are affiliated to the communities that are not a majority in the Republic of Macedonia. The dispute over the application of this provision is resolved by the Committee on Inter-Community Relations.

Explaining the factual situation arising from the insight in the minutes of the Assembly in the Decision, the Court finds that in the first adoption the Law on Prevention and Protection against Discrimination was adopted by the prescribed simple majority, that is by a majority of votes from the MPs present and there must be a majority vote of MPs present that are affiliated to the communities that are not a majority in the Republic of North Macedonia.

In addition, during the previous procedure, the Court determined that at the meeting at which the disputed law was adopted for the second time, after it was not signed by the President, 101 MPs out of a total of 120 MPs were present at the meeting, and 55 MPs voted for the law, which means that in order to adopt it in terms of Article 75 paragraph 3 of the Constitution, it is necessary for at least 61 MPs to vote for the law, that is, it is an absolute majority is necessary, which in this case no such consensus has been reached.

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From the stated constitutional-judicial analysis, the Court assessed that in this specific case the disputed law is contrary to the Constitution of the Republic of North Macedonia, that is with Article 75 paragraph 3 of the Constitution, with the reason that according to the Court it is adopted without the necessary

majority required by law in the stated Article 75 paragraph 3 of the Constitution of the Republic of North Macedonia, that is, 61 MPs did not vote as required by the said article of the Constitution.⁷

Namely, due to the reason that this law was put to a vote again after the previous veto by the President of the Republic, the Court assessed that in that case the law receives more legitimacy and said law must be adopted by an absolute majority vote as required by law in Article 75 paragraph 3 of the Constitution, a norm which according to the Court's assessment is an imperative legal norm. Furthermore, since Amendment X paragraph 1 of the Constitution stipulates that the Assembly decides by a majority vote of the MPs present, and by at least one third of the total number of MPs, however only if the Constitution does not require special majority. In this case the Constitution requires a special majority, and this, in the legal situation required for in Article 75 of the Constitution is the absolute majority, that is, a consensus of 61 MPs, only then could the law be considered valid. However, how is the law at hand adopted without the necessary majority in terms of Article 75 paragraph 3 from the Constitution, the Court found that the impugned law is not in agreement with the Constitution of the Republic of North Macedonia.⁸

Separate opinion on the case

Regarding this case, as it was announced, the President of the Constitutional Court of RNM, Judge Sali Murati, announced his separate opinion.

In the separate opinion, the President, not disputing the factual state on which the submitter is called on as a reason for the, considers that in deciding to initiate a procedure for assessing the constitutionality of the disputed law and its later revoke, the majority of judges misinterpreted the second sentence of paragraph 3 Article 75 of the Constitution.⁹

Namely, the President of the Republic decided not to sign the promulgation for declaration of the Law on Prevention and Protection against Discrimination, adopted at the session of the Assembly held on March 11, 2019. The Assembly, on the session held on 16 May, 2019, reconsidered the same law and adopted it with 55 votes in favor, after which the President of the Republic and the President of the Assembly signed the promulgation declaring the same law.

In this context, the majority of judges in the Constitutional Court consider that upon reconsideration, "The law was adopted without the required majority specified in the stated Article 75 paragraph 3 of the Constitution of the Republic of North Macedonia, that is, 61 MPs did not vote for it as exclusively required by the stated article of the Constitution."

⁷ Ibid

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⁸ Decision of the Constitutional Court of RNM on case 155/19, available on <http://ustavensud.mk/?p=19246>

⁹ Separate opinion on case 155/19, available on <http://ustavensud.mk/?p=19247>

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The attitude of the President of the Constitutional Court, as opposed to that of the majority, is that this constitutional provision has another subject of regulation and significance. He further explains that paragraph 3 Article 75 of the Constitution consists of two sentences that regulate two different situations.

The first gives the President of the Republic constitutional authority to decide not to sign a promulgation declaring a law. Accordingly, in this specific case, the President of the Republic, the first time, decided not to sign the promulgation that declares the Law on Prevention and Protection against Discrimination. With the second, an obligation is prescribed for the President of the Republic – to sign a promulgation declaring a particular law, which arises if the two simultaneously prescribed conditions are met cumulatively: the Assembly to reconsider the law; and if it is adopted by a majority vote out of the total number of MPs.

According to the President of the Constitutional Court, the term "if" is used in relation to the Assembly, which is a nomotechnical expression for predicting a condition that should occur in order for a certain legal consequence to occur, unlike the term used in relation to the President of the Republic, which clearly states that it refers to the prescription of an obligation. Accordingly, the second sentence of paragraph 3 Article 75 of the Constitution is a constitutional norm that establishes an obligation for the President of the Republic, **which arises under the condition that the Assembly take actions that are specified by the same norm.** This determines its subject of regulation - certain situations in the procedure for declaration of laws, not their adoption.

In his separate opinion, the President points out that Article 75 of the Constitution fully refers to the declaration of laws as the last stage of the legislative procedure. Its consequence is that the provision can only be considered in cases when the Court has to assess whether the President of the Republic has fulfilled, that is respected, his constitutional obligation to sign the promulgation declaring the law which was reconsidered by the Assembly and adopted by a majority vote from the total number of MPs, and not whether a law is passed, that is, is adopted in accordance with this provision. That means that the majority of votes from the total number of MPs specified by the same provision, do not represent a necessary number of votes from MPs to adopt a law, but a majority that is one of the conditions for the obligation of the President of the Republic to sign a promulgation declaring a law. It should be borne taken into consideration that the term "adopt" is used in the provision, instead of the term "pass" which the Constitution uses for majorities necessary to pass laws, which is an essential difference (for example, Article 5 paragraph 2, Article 62 paragraph 5 of the Constitution etc.).¹⁰

In the separate opinion it is also pointed out that if during interpreting of the second sentence of paragraph 3 Article 75 of the Constitution, the method *argumentum a contrario* is used, the President of the Republic is not obliged to sign a promulgation declaring a law that was reconsidered by the Assembly, but was adopted with a simple majority, as with the case of the disputed law.

In the specific case, although the constitutional preconditions for the obligation to sign a promulgation declaring a law were not met, it was signed by the President of the Republic, and from this point of view,

¹⁰ Ibid

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such a decision cannot be disputed, as it is not contrary to the specific provision of the Constitution. The fact that the Law on Prevention and Protection against Discrimination was adopted by a smaller majority does not mean that it is unconstitutional from the point of view of Article 75 paragraph 3 of the Constitution, but that the constitutional conditions have not been met for the President of the Republic to be constitutionally and legally obliged to sign the promulgation declaring the same law. Of course, the latter does not apply to a situation where the Assembly needs to reconsider and adopt a law which, according to the Constitution, is passed by a majority vote of the total number of MPs, which does not include the repealed law, which is adopted by a simple majority. In such a case, at the time of reconsideration the law must be adopted by an absolute majority, as specified for.¹¹

Opinion of Blueprint Group for Judicial Reform

The attitude of the Blueprint Group regarding this legal issue, as emphasized in the already published reaction¹², is in line with the separate opinion of the President of the Constitutional Court of RNM.

Our opinion is that in accordance with Article 75, the Constitution does not prescribe a mechanism for prohibition or obstacle for the President to sign promulgation. Article 75 of the Constitution does not regulate the issue of the required majority for the adoption of a law, but the issue of proclamation, that is, promulgation of laws.

The required majority to pass laws is determined by the Constitution of RNM, that is, by the residual norm of Amendment X of the Constitution and of the separate articles of the Constitution which prescribe a special majority. In accordance with paragraph 1 of Amendment X, the Assembly may decide if a majority of the total number of MPs (quorum) is present at the session. The Assembly decides by a majority vote of the present MPs (simple or relative majority), and by at least one third of the total number of MPs, unless the Constitution provides for a special majority (absolute or qualified majority). When deciding on laws that directly affect culture, the use of languages, education, personal documents, the use of symbols, there must also be a majority of votes from the MPs present, belonging to non-majority communities in the Republic of Macedonia (double or so-called Badinter majority).

Thus, the Constitution provides for special majority for certain laws and decisions, so Article 5 paragraph 2 states that the coat of arms, flag and anthem of the Republic of Macedonia are determined by law which is adopted by a two-thirds majority vote of the total number of MPs, Article 63 paragraph 5 states that the manner and conditions for election of MPs shall be regulated by a law adopted by a majority vote of the total number of MPs, Article 95 paragraph 2 specifies that the organization and work of the state administration bodies are regulated by a law that is adopted by a two-thirds majority vote of the total number of MPs, etc.

In terms of the law at hand, the Constitution does not require a special (absolute or qualified) majority and if the Assembly has adopted the Law with the required majority, in this case, a majority of votes from

¹¹ Ibid

¹² Reaction of Blueprint Group for Judicial Reform available on <http://ihr.org.mk/p.php?pid=599>

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the MPs present, and the President wanted to sign the promulgation, we consider it in accordance with the Constitution.

Paragraph 3 Article 75 of the Constitution, in that sense, does not stipulate that a law passed by a simple majority must be adopted by an absolute majority when it is adopted for the second time after the President of the Republic has previously denied to sign the promulgation, but only emphasizes the duty and obligation of the President to sign the promulgation declaring the law which was re-adopted by an absolute majority on second consideration. In that regard, we believe that the absolute majority in this article is specified exclusively in terms of the duty of the President as a binding mechanism for signing a promulgation on a particular law passed by a prescribed majority, which the President does not wish to sign.

Regarding the difference in the procedure of passing and adoption of laws, we fully accept the opinion of the President of the court in the separate opinion.

The Constitutional Court in the decision assessed that due to the law being put to a vote again after the President of the Republic had previously refused to sign the promulgation declaring the law, the law gains more legitimacy and should be passed by an absolute majority of votes.¹³

Regarding the question of the legitimacy that is treated by the Constitutional Court in the Decision, the legitimacy of laws is a matter regulated by the Constitution by defining the various necessary majorities for the adoption of the laws, as we have pointed out above in this text, which leaves no room for it to be determined by the Constitutional Court.

Our attitude remains that the constitutional right of the Assembly not to pass laws by a majority of the total number of MPs present and at least by one third of the total number of MPs cannot be denied, if the Constitution does not specify a special majority. We can neither deny the president the discretion to decide on the signing of the promulgation. It remains for the Assembly to ensure an absolute majority in the return of the law so that the signing becomes an obligation, that is, a duty of the President.

We must point out that with all of the above mentioned, Blueprint Group for Judicial Reform does not agree with the statements of the President of the state that an overview of the procedure has been made, for reasons that are elaborated in detail in this document.

With this decision, changes were made in the various constitutionally prescribed majorities and it can represent a dangerous obstruction mechanism by the President of the Republic and the possibility of amending the constitutionally prescribed necessary majority for passing of laws.

In addition, it must be taken into consideration that from that period there are seven other laws that after the second review by the Assembly were adopted by a simple majority and whose Promulgations were signed by President Pendarovski.

¹³ Decision of the Constitutional Court of RNM on case 155/19, available on <http://ustavensud.mk/?p=19246>

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If an initiative for them is submitted to assess the constitutionality and legality, or in case the Constitutional Court decides to act on its own initiative, the fate of these laws will be the same as that of the Law on Prevention and Protection against Discrimination.

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Concluding remarks

Given that, as the Constitution states as the highest legal act in the country, the decisions of the Constitutional Court are final and enforceable, what remains is only to mitigate the consequences of this decision.

The decision to repeal this law by the Constitutional Court was made in specific conditions of a declared state of emergency due to the global pandemic of coronavirus, interim Government and dissolved

Parliament. As a result of this situation for the adoption of a new law on protection and prevention against discrimination, after the announced parliamentary elections are conducted, the new composition of the Assembly will decide, which leaves time and space for the repeal of the old law and the enactment of the new law.

The fact that this law was repealed means that the law was legitimately part of the country's legal transactions, and its transitional provisions came into force, which stipulates that *on the day this Law enters/comes into force, the previous Law on Prevention and Protection against Discrimination ceases to be valid.*¹⁴

In such a situation, direct application of the European Convention on Human Rights and the case-law of the European Court of Human Rights is required, as well as other ratified international documents that are part of the legal order of our country.

In addition, taking into consideration that the prohibition of discrimination is a constitutional category for the protection of which the Constitutional Court is competent, this situation emphasizes the importance of the Constitutional Court in the coming period to act and protect the freedoms and rights of man and citizen, relating to the prohibition of discrimination against citizens on the basis of gender, race, religion, nationality, social and political affiliation.

Lastly, as it has already been pointed out¹⁵, we would like to emphasize once again the essential importance immediately after the announced parliamentary elections and the election of the new parliamentary composition, the Law on Prevention and Protection against Discrimination to be among the first on the Assembly's agenda. It is necessary to adopt the Law, and immediately afterwards to conduct the procedure for selection of new commissioners in the Commission for Prevention and Protection against Discrimination, in order for citizens to finally get better, more efficient and effective protection of their basic rights and freedoms.

¹⁴ Law on Prevention and Protection against Discrimination "Official Gazette of the Republic of Macedonia" no.50/10, 44/14, 150/15, 31/16 and 21/18

¹⁵ Reaction of Blueprint Group for Judicial Reform available on <http://ihr.org.mk/p.php?pid=599>

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