

ASSEMBLY OF THE REPUBLIC OF MACEDONIA

Based upon Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia hereupon issue

DECREE ON PROCLAMATION OF THE LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION

It has been promulgated the Law on prevention and protection against discrimination, which the Assembly of the Republic of Macedonia adopted on the session held on 8th of April 2010.

No. 07-1583/1

8th of April 2010

Skopje

President

of the Republic of Macedonia,

Gjorgje Ivanov, handwritten

President

of the Assembly of the Republic

of Macedonia

Trajko Veljanoski, handwritten

LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION

GENERAL PROVISIONS

Subject of the Law

Article 1

(1) This Law provides prevention and protection against discrimination in realizing the rights guaranteed with the Constitution of the Republic of Macedonia, the law and ratified international agreements.

(2) A Commission for prevention of discrimination has been constituted for prevention of discrimination.

(3) The Commission for prevention of discrimination shall have the capacity of legal person.

Application of the Law

Article 2

The prevention and protection against discrimination shall be applicable for all natural and legal persons in the process of exercise of the rights and freedoms guaranteed with the Constitution and the legislation of the Republic of Macedonia.

Basis for discrimination

Article 3

Any direct or indirect discrimination, invocation and stimulation of discrimination and helping in discriminatory treatment on the grounds of sex, race, skin color, gender, belonging to marginalized group, ethnic origin, language, citizenship, social origin, religion or confession,

other types of belief, education, political belonging, personal or social status, mental and physical disability, age, family or marital status, property status, health condition or on any other grounds established by the law or by ratified international agreements (hereinafter: discriminatory basis).

Application of the Law

Article 4

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

- 1) work and labour relations;
- 2) education, science and sport;
- 3) social security, including the field of social protection, pension and disability insurance, health insurance and health protection;
- 4) judiciary and administration;
- 5) housing;
- 6) public informing and media;
- 7) access to goods and services;
- 8) participating and acting in syndicate, political parties, associations of citizens and foundations or any other organizations based upon participation;
- 9) culture and
- 10) other areas determined by law.

Meaning of the terms used in this Law

Article 5

Certain terms used in this Law shall have the following meaning:

1. Affirmative measures are activities of the competent state bodies, which are aimed to prevention and protection against discrimination, or decreasing or eliminating factual differences that has resulted from the previous discrimination;

2. Architectural surrounding are all public facilities which are available for utilization by the people and which are connected to the satisfaction of certain needs or providing of certain services;

3. Discrimination is any unjustified legal or actual, direct or indirect differentiation or unequally acting i.e. permission (excluding, limitation or giving priority) related to persons or groups on the grounds of sex, race, skin colour, gender, belonging to marginalized group, ethnic origin, language, citizenship, social origin, religion or confession, education, political belonging, personal or social status, intellectual and body disability, age, family or marital status, property status, health condition or on any other grounds;

4. Discriminatory behaviour or acting is any active or passive behaviour of any person by the public authorities, as well as by legal and natural persons from the private and public sector within the public life, which creates grounds for unjustified privilege and non-privilege of any individual or which exposes to unjustified or degrading behaviour compared to other individuals in similar situation on any of the discriminatory basis.

5. Marriage is a community life of only one man and one woman in which the interests of both marital partners, of the family and the society are achieved.

6. Equality is a principle according to which all people are equal, i.e. balanced in the rights and obligations. The equality includes the diversity, i.e. the different persons shall be equally treated;

7. Effective protection is a presence of a system of available and usable mechanisms for initiation of a procedure in case of discrimination, presence of independent and objective structures which act on the complaints filed based upon procedures provided beforehand and of sanctions for particular violation of rights provided beforehand.

8. Legitimate (objective justified) aim is an aim which is in line with the Constitution and with the provisions of the international agreements, and which corresponds to the real needs, which is precisely defined and proportional to the effects which shall be achieved;

9. Person is any natural person, who reside in the territory of the Republic of Macedonia and any legal person who is registered, i.e. conducts business activity in the territory of the Republic of Macedonia;

10. Legitimate interest is any justification of the interest and of the active participation of certain person in the undertaking particular activities for the purpose of own concernment by the consequences of that activities, for the purpose of wider interest for certain social occasions, aroused beforehand, i.e. for the purpose of authorization provided for in the law on undertaking certain activities;

11. Marginalized group is a group of individuals that are united by a specific position in the society, which are subject to prejudices, which have special characteristics that make them favourable for certain types of violence have smaller opportunity for realizing and protecting their personal rights or are exposed to increased opportunity for further victimization and

12. Adjustment of the infrastructure and of the services is adopting appropriate measures required in some particular case, in order to provide to the person with intellectual and body disability, the access, the participation and advancing in the labour process, unless these measures impose disproportionate encumbrance to the employers.

II. FORMS OF DISCRIMINATION

Direct and indirect discrimination

Article 6

(1) Direct discrimination on the discriminatory basis is any unpleasant acting, differencing, excluding or limiting which has or shall have a consequence of suspension, violation or limitation of the equal recognition or enjoyment in the human rights and basic freedoms, compared to the treatment which has or shall have other person in same or similar conditions.

(2) Indirect discrimination on discriminatory basis is each putting of any person or group in unpleasant position in comparison to other persons, by adopting provisions or criteria or by undertaking certain activities or practices that are neutral by contents, except when those provisions, criteria or practices result from justified aim, and the contents for achieving that aim are adequate and necessary.

Harassment

Article 7

(1) The harassment and degradatory behaviour is violation of the dignity of any person or group of persons, which arouse out of discriminatory basis and which aims to and results in violation of the dignity of certain person or creation of threatening, hostile, derogatory or fearful surrounding, approach or practice.

(2) Sexual harassment is unwanted behavior of sexual character, which expresses physical, verbal or in any other way, and is aimed to cause violation of that person dignity, especially in case of creating hostile, threatening, derogatory and humiliating surrounding.

Discrimination of people with intellectual and body disabilities

Article 8

(1) Discrimination of persons with intellectual and body disability refers to deliberate prevention from or obstructed access to health protection, i.e. deprivation of the right to health protection, regular medical treatment and medicaments, to rehabilitation means and measures according to their needs, deprivation of the right to marriage and family establishment and other rights in the area of marriage and family relations, deprivation of the right to education, work and of the rights arising out of the labour relation.

(2) The discrimination of the persons with intellectual and body disability persists in case when measures for elimination of the limitations shall not be adopted, i.e. adjustment of the infrastructure and the space, utilization of publicly accessible resources or participation in the public and social life.

Invoking and stimulating discrimination

Article 9

Discrimination shall be deemed any activity, with which any person directly or indirectly invokes, encourages, gives directions and stimulates other person to perform discrimination.

Victimization

Article 10

The discrimination includes the unfavourable behavior towards any person, bearing negative consequences as a result to the undertaking certain activities for protection against discrimination (has reported discrimination, initiated a procedure for discrimination and witnessed during the procedure).

Discrimination in providing goods and services

Article 11

The disabling and limitation of the utilization of goods and services by any person or group of persons on any basis stipulated in Article 5 item 3 of this law is discrimination.

More severe forms of discrimination

Article 12

More severe form of discrimination according to this law shall be the discrimination towards certain person on several discriminatory bases (multiple discrimination), discrimination performed several times (repeated discrimination), discrimination performed for a prolonged time (prolonged discrimination) or discrimination which severely strikes the discriminated person with its consequences.

III. EXCEPTIONS FROM DISCRIMINATION

Affirmative measures

Article 13

The affirmative measures adopted by the state bodies, bodies of the local self-government, other bodies and organizations with public authorizations, state institutions or by natural or legal persons, shall not be deemed discrimination, which have been deemed as justified in the past, in the present or in the future, and which can be adopted until an actual equality shall not be fully achieved:

1) for the benefit of any person, group of persons or community in order to eliminate or to diminish the actual inequalities, if the differencing is justified and proportionate to the aim and in

order to ensure their natural development and effective exercise of their right to equal opportunities in comparison to other persons, groups of persons and communities, and

2) affirmative measures which aim to protection of the marginalized groups in order to eliminate or to diminish the actual inequalities, if the differencing is justified and proportionate to the aim and in order to ensure their natural development and effective exercise of their right to equal opportunities in comparison to other persons, groups of persons and communities, and

Unequal treatment

Article 14

It shall not be deemed discrimination:

1) the different treatment of persons which are not citizens of the Republic of Macedonia related to the rights and freedoms granted with the Constitution, with the legislation and international agreements to which the Republic of Macedonia is a party, and which directly arise out of the citizenship of Republic of Macedonia;

2) the different treatment of the persons on the basis of characteristics related to any discriminatory ground, when the said characteristics, by the nature of the particular occupation or activity, or of the conditions in which it is carried out, constitute a genuine and determining requirement, the objective is lawful, and the requirement does not exceed the necessary level for its achievement;

3) the different treatment of persons on the basis of religion, belief, sex or other characteristics in relation to occupation carried out in religious institutions or organizations when, by reason of nature of the particular occupation or activity or of the conditions in which it is carried out the religion, belief, sex or other characteristics constitute a genuine and determining requirement, when the objective is lawful, and the requirement does not exceed necessary level for its achievement

4) the different treatment of the persons on the basis of religion, belief, sex or other characteristics in relation to education and training for the purposes of the carrying out of the occupation connected to certain religion;

5) if the participants or bodies of churches and of religious communities, citizen organizations, political parties, syndicate and other organizations entered in register in line with the Constitution and legislation, shall act according to their own doctrine, beliefs and/or objectives set up in their statutes, programmes and/or regulations;

6) setting the marriage, illegitimate community and family exclusively as heterosexual community, i.e. of one man and one woman;

7) achievement of the principle of freedom of speech, public performance, opinion and public informing granted with the Constitution;

8) setting up requirements for minimum age, professional experience or length of service in the requirement procedures or in granting certain job-related benefits, when this is objectively justified for achieving lawful objective, and the contents of this differentiation do not exceed the required level for achieving the objective and

9) setting up requirements for maximum age in recruitment procedures, which is connected to the need for training or to the needs of rational time limitations related to the retirement provided for in the law, when this is objectively justified for achieving lawful objective, and the contents of this differentiation do not exceed the required level for achieving the objective

Protective mechanisms for certain categories of persons

Article 15

It shall not be deemed discrimination:

1) the special protection of pregnant woman and mother, stipulated by law, except when the pregnant woman or mother does not wish to use this protection and has notified the employer for the same in written form;

2) the measures provided for in the Law on Employment Promotion;

3) the different treatment of persons with disabilities during training and acquiring education to the effect of satisfying special educational needs aiming at equalization of the opportunities;

4) setting up requirements for minimum and maximum age for access to certain levels of training and education, when the same is objectively justified for achieving lawful objective, and the contents of this differentiation do not exceed the required level having regard to the nature of the training or education or the conditions in which the same are conducted and the contents of this differentiation do not exceed the required level for achieving the objective;

5) the measures aimed to providing balance in the participation of the men and women until this measures are required;

6) special measures which benefit the persons or the groups in less favourable situation result on any discriminatory basis in order to equalization of their opportunities, until that measures are required;

7) special protection, stipulated by law, of children without parents, underaged persons, single parents and persons with disabilities;

8) measures for protection of originality and identity of the persons belonging to ethnic, religious and language minorities and their right to sustain and develop, individually or jointly, their own identity together with other members in their group and to stimulate conditions for promotion of that identity and

9) measures in the field of the education and the training which should provide participation of the persons from ethnic minorities until that measures are required.

IV. COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

Commission for protection against discrimination

Article 16

(1) The Commission for protection against discrimination is autonomous and independent body that works in accordance with the competences determined within this Law (hereinafter as the Commission).

(2) The Commission is a legal entity with seat in Skopje.

(3) The assets for operation of the Commission are provided from the Budget of the Republic of Macedonia. The Commission may provide assets from other sources.

Composition of the Commission

Article 17

(1) The Commission is consisted of seven members.

(2) The members of the Commission are appointed by the Assembly of the Republic of Macedonia with a five-year mandate, and with right to be re-elected.

(3) The Commission elects a President with a one-year mandate from the members appointed in paragraph (2) of this Article.

Appointing members of the Commission

Article 18

As member of the Commission, may be appointed a person that fulfils the following requirements:

- to be a citizen of the Republic of Macedonia and to have permanent residence in the Republic of Macedonia, and
- to have higher education and experience in the area of human rights or social sciences.

Article 19

(1) The Assembly of the Republic of Macedonia publishes announcement for appointing the members of the Commission in the “Official Gazette of the Republic of Macedonia” and in the daily newspapers.

(2) The announcement from paragraph (1) of this Article is valid for 15 days from the day of its publication in the “Official Gazette of the Republic of Macedonia”.

(3) During the selection of the members of the Commission, the principle for adequate and rightful representation needs to be taken into consideration.

(4) The Commission for matters of elections and appointing within the Assembly of the Republic of Macedonia prepares a draft list of the interested candidates and delivers the same to the Assembly of the Republic of Macedonia.

Article 20

(1) The President of the Commission before the expiring of its mandate for president may be dismissed on his/her request.

(2) If the President is dismissed according to paragraph (1) of this Article, the Commission elects a President for the remaining period of the mandate of the dismissed President.

Article 21

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

(2) The members of the Commission are entitled to monthly compensation in amount of two average monthly net salaries paid per employee in the Republic of Macedonia.

Dismissing a member of the Commission

Article 22

(1) The Assembly of the Republic of Macedonia dismisses the member of the Commission before the expiration of the mandate on proposal of the Commission for matters of elections and appointing, as follows:

- 1) if the member requests by himself/herself;
- 2) because of death;
- 3) with effective decision was sentenced prohibition for performing profession, activity or duty;
- 4) with effective court decision has been sentenced to imprisonment of more than six months or regarding another basis has been sentenced for discrimination;
- 5) permanently has lost the psycho-physical ability for performing the function and
- 6) unprofessionally, tendentiously and sloppily performs the function.

(2) The fulfilling the requirements for dismissing from paragraph (1) of this Article is determined by the Commission with majority of votes, from the total number of members, and by submitting an initiative for dismissing a member of the Commission to the Assembly of the Republic of Macedonia.

Article 23

When a member of the Commission is dismissed according to the provisions from Article 17 of this Law, the Assembly of the Republic of Macedonia publishes announcement for appointing a member of the Commission with a mandate in duration after the expiration of the mandate of the dismissed member.

Competences of the Commission

Article 24

Competences of the Commission:

- 1) acts upon complaints, gives opinion and recommendations for the concrete cases of discrimination;
- 2) gives information to the submitter of the complaint for his/her rights and opportunities for starting a court or other procedure for protection;
- 3) starts initiative for starting a procedure in front the competent bodies because of done infringements to this Law;
- 4) submits annual report to the Assembly of the Republic of Macedonia;
- 5) informs the public for the cases of discrimination and undertakes activities for promotion and education of equality, human rights and non-discrimination;
- 6) monitors the implementation of this Law, initiates amendments of regulations because of implementation and improvement of the protection against discrimination;
- 7) establishes cooperation with the bodies authorized for establishing equality and protection of the human rights in the local self-government;
- 8) gives recommendations to the state bodies for undertaking measures for administration of equality;
- 9) gives opinions upon draft laws significant for the protection against discrimination;
- 10) collects statistical and other data, forms data bases, conducts studies, researches and trainings in relation to the discrimination;
- 11) cooperates with adequate national bodies of other countries, as well as with international organizations in the area of protection against discrimination and
- 12) adopts a rules of procedure and other acts for internal organization of the work.

**V. PROCEDURE FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION
IN FRONT THE COMMISSION**

Acting of the Commission

Article 25

(1) The person that considers being subject to discrimination submits complaint to the Commission, in written or orally with minutes, without an obligation for paying fee and other cost.

(2) Along the complaint, the person also submits evidence and facts from which can be determined the act or incident of discrimination.

(3) The procedure in front the Commission for persons living in the local self-government units in which at least 20% of the citizens speak official language different from the Macedonian language, may use any of the official languages and its alphabet. The Commission translate this kind of submissions into Macedonian language and its Cyrillic alphabet and acts upon them.

(4) The Commission replies to the submitted complaints in Macedonian language and its Cyrillic alphabet, as well as into the official language and alphabet used by the citizen.

(5) The complaint may be submitted within three months from the day when the infringement occurred or not later than one year from finding out about the act of discrimination.

(6) The Commission may initiate procedure after the expiry of the deadline, if one shall assess that this is a matter of a case of such importance for which it would be necessary and valuable to initiate the procedure.

(7) The Commission delivers the complaint to the person against who is submitted within 15 days from the day of receipt.

Article 26

(1) The Commission acts upon the complaint if the procedure in front the court for the same matter is not already initiated or effectively finalized.

(2) The Commission does not act upon complaints if it is obvious that there is no infringement of the right to which the submitter is referring, if for the same matter has already acted, and no new evidence are offered and if it is determined that because of the expired period from the done infringement of the right, it is not possible to achieve the aim of the procedure.

Determination of the actual situation

Article 27

(1) After receiving the complaint, the Commission determines the actual situation with an insight in the documents and taking statements from the submitter of the complaint, the person against whom the complaint is submitted, as well as from other persons.

(2) The person against whom the complaint is submitted may give statement for the allegations in the complaint within 15 days from the day of its receipt.

Opinion and recommendations

Article 28

(1) The Commission gives opinion regarding the alleged discrimination within 90 days from the day of submitting the complaint and informs the submitter and the person against whom the complaint is submitted.

(2) With written opinion, and after the determined discrimination, the Commission recommends a manner for eliminating the infringements of the right.

(3) The person, to whom the recommendation is given, is obliged to act upon the recommendation and to eliminate the infringement of the right within 30 days from the day of receiving the recommendation, and to inform the Commission for the same.

Article 29

If the person to whom the recommendation is given does not act upon the recommendation, or does not eliminate the infringement of the right, the Commission may start an initiative for starting a procedure in front a competent body for determining its responsibility.

Expert-administrative and technical matters of the Commission

Article 30

The expert-administrative and technical matters of the Commission are executed by the Commission.

Cooperation with other bodies

Article 31

All physical and legal entities, state bodies, bodies of the local self-government units, other bodies and organizations performing public authorizations and public institutions and services, are obliged, on request of the Commission, to deliver data regarding certain cases of discrimination.

Performing insight in documentation

Article 32

During the execution of the matters in its competence, the Commission may perform direct insight in the documentation of the state bodies, bodies of the local self-government units, other bodies and organizations performing public authorizations and public institutions and services, that dispose of data and information for cases of discrimination.

Cooperation with the Ombudsman

Article 33

During the execution of matters in its competence, the Commission cooperates with the Ombudsman for certain cases of discrimination.

VI. COURT PROTECTION

Court competence and procedure

Article 34

(1) The person considering the some right has been infringed because of discrimination is entitled to submit a lawsuit in front competent court.

(2) The provisions from the Law on litigation procedure are adequately applied for the procedure.

(3) The procedure is urgent.

Local jurisdiction

Article 35

In the procedure for protection against discrimination, besides the court for general local jurisdiction, the court in whose area is the seat, or the residence of the plaintiff, also has local jurisdiction.

Lawsuit

Article 36

(1) With the lawsuit from Article 34 paragraph (1) of this Law the following may be requested:

1) to be determined that the defendant violated the right of the plaintiff to equal treatment, i.e. the action that he/she has undertaken or overlooked may directly lead to violation of the right to equality in the acting;

2) to prohibit undertaking actions violating or actions that may violate the right of the plaintiff to equal treatment, i.e. to perform actions for eliminating the discrimination or its consequences;

3) to compensate the tangible and intangible damage caused by violating the rights protected by this Law, and

4) to announce the verdict in which one determines the violation of the rights to equal treatment in the media on expense of the defendant.

(2) The demands from paragraph (1) of this Article may be emphasized along with the demands for protection of other rights which are being resolved in litigation procedure, if all demands are interconnected and if the same court is real competent for them, regardless of the fact whether for these demands one has regulated to be resolved in general or in special litigation procedure.

Insurance measures

Article 37

(1) Prior to initiation or during the procedure, on occasion of the lawsuit request from Article 36 paragraph (1) of this Law, the court on proposal of the party may provide insurance measures.

(2) By submitting the proposal for insurance measures it is necessary:

- for the submitter of the demand to have made probable that his/her right to equal treatment has been violated; and

- for the determination of the measure to be necessary due to removal of the danger from irrecoverable damage, especially heavy violations of the rights to equal treatment or prevention of violence.

(3) For measures from paragraph (1) of this Article shall decide the court competent for lawsuit in a manner and procedure determined by law.

Claim-burden of proof

Article 38

(1) If the party in a court proceeding shall claim that in accordance with the provisions of this Law his/her right to equal treatment has been violated, he/she is obliged to state all the facts and evidence justifying his/her claim. Providing evidence that there has been no discrimination is on the burden of the opposing party.

(2) The provision from paragraph (1) of this Article shall not be applied in misdemeanour and criminal procedure.

Participation of third persons

Article 39

(1) In a litigation procedure on the occasion of the lawsuit from Article 34 of this Law, a body, organization, institution, association or another person, which in the frames of his/her activity deals with protection of the right of equal treatment may join as third party from the party of the person claiming to be a victim of discrimination, whose rights are being decided in the procedure. The court shall decide on the matter of participation of a third party by applying the provisions from the Law on litigation procedure.

(2) The court shall allow participation of a third party from paragraph (1) of this Article only with approval from the person on whose side the third party requests to be involved.

(3) The third party from paragraph (1) of this Article may undertake actions in a procedure, and in the procedure he/she has all the rights belonging to the third party.

(4) Regardless of the result from the litigation procedure, the third party from paragraph (1) of this Article shall bear all expenses for his/her participation in the litigation procedure.

Public announcement of the verdict

Article 40

(1) The request for announcing the verdict from Article 36, paragraph (1), item 4 of this Article shall be adopted by the court if it is determined that:

- 1) the violation of the right to equal treatment has occurred with mediation of the media, or

2) that the information for treatment violating the right to equal treatment has been announced in the media and the announcement of the verdict is necessary due to full compensation for the committed damage or protection against unequal treatment in future cases.

(2) If the request for announcement of the verdict is adopted, the court will order for the verdict to be announced fully or partially because of personal data protection.

(3) The verdict ordering the announcement in the media shall be obligatory for the publisher in the media in which the verdict should be made public, regardless of the fact whether the publisher had been a party in the procedure.

Joint lawsuits for protection against discrimination

Article 41

(1) Associations and foundations, institutions or other organizations from the civil society, that have justified interest for protection of collective interests of certain group or in the frames of its activity they deal with protection of the rights to equal treatment, may file a lawsuit and in the procedure in front the court to act as colitigants against the person who violated the right to equal treatment, if they make it probable that with the treatment of the defendant, the right to equal treatment has been violated to larger number of persons.

(2) In the lawsuit from paragraph (1) of this Article, a request may be stated:

1) to determine that the treatment has violated the equal treatment of the defendant in view of the group members;

2) to prohibit undertaking actions that violate or may violate the equal treatment, i.e. to perform actions for eliminating the discrimination or its consequences in view of the group members; and

3) to announce the verdict in the media on expense of the defendant, in which verdict the violation of the rights to equal treatment has been determined.

(3) Other provisions of this Law, referring to the lawsuits from Article 36 paragraph (1) of this Law shall be applied adequately to the lawsuit from paragraph (1) of this Article.

(4) The lawsuit from paragraph (1) of this Article shall be allowed only if there is consent from the person claiming to be victim of discrimination.

VII. MISDEMEANOUR PROVISIONS

Article 42

(1) Fee in the amount from 400 to 600 Euros in denar countervalue shall be imposed for misdemeanour to each person who will call to or stimulate discrimination and assist in discriminatory treatment on discriminatory basis (Article 3).

(2) Fee in amount from 600 to 800 Euros in denar countervalue shall be imposed for misdemeanour from paragraph (1) of this Article to the responsible person in the legal entity, state body, the body of local self-government unit or body with public authorizations or to an individual performing certain activity in a type of registered profession.

(3) Fee in the amount from 800 to 1.000 Euros in denar countervalue shall be imposed for misdemeanour from paragraph (1) of this Article to legal entity.

Article 43

(1) Fee in the amount from 400 to 600 Euros in denar countervalue shall be imposed for misdemeanour to each person who will hurt the dignity of certain person with purpose to cause fear or to create hostile, humiliating or insulting surrounding, access or practice (Article 7).

(2) Fee in amount from 600 to 800 Euros in denar countervalue shall be imposed for

misdeemeanour from paragraph (1) of this Article to the responsible person in the legal entity, state body, the body of local self-government unit or body with public authorizations or to an individual performing certain activity in a type of registered profession.

(3) Fee in the amount from 800 to 1.000 Euros in denar countervalue shall be imposed for misdeemeanour from paragraph (1) of this Article to legal entity.

Article 44

(1) Fee in the amount from 400 to 600 Euros in denar countervalue shall be imposed for misdeemeanour to each person who will put the person who reported discrimination in an unfavourable situation or on any manner participated in the procedure for discrimination.

(2) The fee from paragraph (1) of this Article shall also be imposed to each person who intentionally will put in an unfavourable position the person who had been witness of discrimination or refused an order for discriminatory behaviour.

(3) Fee in amount from 600 to 800 Euros in denar countervalue shall be imposed for misdeemeanour from paragraph (1) of this Article to the responsible person in the legal entity, state body, the body of local self-government unit or body with public authorizations or to an individual performing certain activity in a type of registered profession.

(4) Fee in the amount from 800 to 1.000 Euros in denar countervalue shall be imposed for misdeemeanour from paragraph (1) of this Article to legal entity.

Article 45

Fee in the amount from 400 to 600 Euros in denar countervalue shall be imposed to the responsible person in the legal entity, state body or in body of the local self-government unit, if on request of the Commission, within 30 days shall not submit data related to the discrimination or he/she shall not allow insight in the records (Article 31 and 32).

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 46

This Law shall enter into force on the eight day following the day of its publication in the "Official Gazette of the Republic of Macedonia" and shall be applied starting from 1 January 2011.