

AGENDA ITEM # 4: Practical use of the Declaration: Identification of good practices and positive measures

Thank you Madam Chair,

My name is Jasna Petrovska from Macedonia; I am speaking on behalf of the Local Democracy Agency Brtonigla a NGO from Croatia. In Macedonia I previously represented an organization working with those minorities under 20 % of the population, who are not mentioned in the Constitution, and in Croatia at the moment I am working with the Italian minority which lives in the Istria region.

I would like to give a brief review of the situation of the minorities under 20% in Macedonia and what could be learned from good practices and policies in Croatia.

Dialogue between the communities, which is one of the principal conditions for development of a multicultural society, within the public and legal institutions of the system in Macedonia, is limited and fraught with many barriers and obstacles.

The legal framework established by the Constitution of the Republic of Macedonia is only partially complete in the area of protection and affirmation of the rights of all communities, especially guaranteeing equitable and fair representation of all communities. "Other" communities, with less than 20%, are excluded and indirectly discriminated against, being unable to realize many of the benefits provided by the Constitution.

In comparison to the challenges faced in Macedonia, I would like to draw attention, to the recent experience of minorities in Croatia. In 2010, the Croatian Parliament amended the first chapter of the constitution called "genuine grounds" which defines the state as "... a national state of Croatian people and state of members of 21 national minorities and others who are its citizens ..."¹. Earlier in 2002, Croatia adopted the Constitutional Law on the rights of national minorities², which within the countries of the former federation of Yugoslavia, was the first initiative opening a new application process so-called "Third generation" of minority rights and the passage of the so-called "Negative concept," to the so-called "Positive concept" protection of national minorities. The Constitution Act, among other rights guaranteed preservation and foster ethnic, cultural, religious or linguistic identity, guaranteeing reserved seats in the Assembly of the Republic of Croatia³ for the national minorities.

The Macedonian Constitution provides the legal basis for promoting, strengthening and improving the protection of fundamental human rights and freedoms and reaffirms the obligation of the Republic of Macedonia to respect international standards in this context. No article limits the rights of the so-called "Other" communities in the Preamble of the Constitution, to participate in public life and to preserve their cultural, linguistic and religious identity. In addition, the Constitution affirms the ethnic, cultural and other diversity of the citizens and there are several laws that refer to the protection of identity for minority communities, such as Law for Committee for Inter-Ethnic Relations⁴.

However, despite these many positive aspects of the Macedonian legal framework, it is necessary that amendments are still needed in order to equally respect the rights of all communities including those currently referred to as Others.

¹ http://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_85_2422.html

² http://narodne-novine.nn.hr/clanci/sluzbeni/2002_12_155_2532.html

³ http://narodne-novine.nn.hr/clanci/sluzbeni/2002_12_155_2532.html, quell 19.

⁴ Official Gazette of Republic of Macedonia, no. 150 12. 12 2007

In regards to the Draft recommendation n.20, Republic of Macedonia can seek to apply the example of good practice in Croatia and other countries for guidance.