



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Macedonia
Title:	Annual Reports of the two NHRIs with equality competences note drop in reported cases ¹
Date:	17 June 2016
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<u>Context</u>	
Issue at stake:	Report on activities undertaken in 2015 by the two institutions holding competences in relation to equality and non-discrimination
Ground of discrimination:	All
Source:	Annual reports by the two institutions
Field:	Equality body; all fields
Applicable law:	n/a

Content

Policy development:

The two national Human Rights institutions with competences on equality and protection against discrimination - the Commission for Protection against Discrimination (CPAD) and the Ombudsperson - published their annual reports for 2015.

In 2015, the percentage of discrimination cases filed to the Ombudsperson remained low, and with a slight drop compared to last year. Namely, 53 cases were filed as non-discrimination and equitable representation cases (which represent 1.2 % of the total number of cases, compared to 66 cases and 1.55 % in the previous year). As was the case in the previous year, the Ombudsperson did not publish detailed statistics as to grounds and fields in which the cases were filed, but noted a continuing trend with the previous years in terms of the dominant field remaining employment and the dominant ground ethnicity.

The CPAD received 70 cases in 2015. This is a significant drop of more than one third of cases compared to 2014 when it received 106 cases. It is also the first time that a drop in the number of reported cases with this body has been recorded. In its annual report, the CPAD attributes the drop in reporting rates to its "low technical capacities".²

The cases filed to the CPAD in 2015 raised claims on the following discrimination grounds: 9 on ethnicity, 8 on personal or social status, 8 on mental or physical disability, 8 on age, 8 on health status, 5 on political affiliation, 4 on family or marital status, 4 on social origin,

¹ "Annual Reports of the Two National Human Rights Institutions Published" <http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2186&Itemid=295>. All hyperlinks accessed: 29.05.2016.

² Commission for Protection Against Discrimination (Комисија за заштита од дискриминација) 2015 Annual Report of the Commission for Protection Against Discrimination (2015) <http://www.akademik.mk/wp-content/uploads/2016/04/diskriminacija.pdf>.

3 on language, 3 on education, 2 on sex, 2 on race, 2 on citizenship, 2 on religion or religious belief, 2 on other beliefs, 2 on property status, 1 on colour of skin, 1 on gender, 1 on belonging to a marginalised group, 17 cases where no ground was claimed, and 14 under 'any other ground'. In the filed cases, the alleged discrimination was in the following fields: 30 in employment and labour relations; 4 in access to goods and services; 14 in social security; 4 in judiciary and administration; 3 in public information and media; 3 in education, science and sports; 4 in housing; 13 in which no field was claimed by the applicant; and 3 in 'other fields' as provided for under the law. Alike previous years, the body does not produce accurate statistics on how many of these cases were processed and/or were closed in 2015; it indicates that during the reporting year, 66 cases were closed, out of which 35 were from the previous years, while 35 were initiated and closed in 2015. The numbers do not add up, and they also do not match with the numbers related to the cases that were filed, opened and closed in 2015, which suggest a number of 30 cases and not 35. Namely, in 15 of these cases, the CPAD did not find discrimination, in 3 cases it found direct discrimination (including one case of discrimination of a pregnant women), and 12 cases were declared inadmissible due to already opened court proceedings.

While CPAD indicates that it had opened 6 cases on its own initiative, the Ombudsperson does not mention such an approach in his report. According to his Report, there was also one case related to pregnancy (there are no details of the case), and a number (there is no precise number) of cases of mothers of a third child (who were paid the state subventions granted for third or more children after intervention of the Ombudsperson).

Both of these two bodies did certain research, out of which two are more notable in relation to gender equality: the CPAD analysed the differences in wages between men and women, while the Ombudsperson was focused on the ratio between the genders in the employment in governmental services, including the ratio on the management levels. In addition, the CPAD has completed, but not yet published, an analysis of the harmonization of the national equality legislation across fields and grounds against international standards. It has also completed but not yet published an analysis on stereotypes, prejudice and discrimination in primary school education text books.

CPAD has also acted together with various civil society organisations as implementing partner or as a beneficiary in joint projects/other actions. It also continued its participation in EQUINET.

Key points of analysis:

The annual reports from the two NHRIs in the country present the only opportunity to get familiar with the full and detailed statistics as to the protection mandate of both institutions, as this information is not otherwise readily publically available. A notable fall of about one third in the overall number of reported cases marks a first fall in the number of cases since the founding of the CPAD.

The Ombudsperson's Report was on the agenda of the Parliament. During the final discussion within the plenary session (3 June 2016) the expressed opinion of the MPs of the ruling coalition was that the Report does not enable them as a Parliament to act upon its findings. Hence, they accept it not even as a recommendation, but as information. Under such pretext, the report was voted and endorsed. Further more indicative of the attitude of the legislative towards the Ombudsperson and lack of understanding of the position and mandate of this institution is the fact that MPs of the ruling coalition criticized the Ombudsperson's Report for failing to mention the Government's successes.³

As could be seen from the previous years, this approach of the Government means that these two bodies are marginalized and left to deal with cases on their own. Furthermore, there is no cooperation with the courts of law, for instance following or even monitoring

³ Report from the session 73 of the Committee on Political System and Inter-Ethnic Relations held on 30.05.2016.

trials, thus interlacing and improving its own functioning and procedures. Any criticism of the Government is immediately rejected.

Internet link source:

Ombudsperson Annual Report 2015. Ombudsperson Website.

http://ombudsman.mk/upload/Godisni%20izvestai/GI-2015/GI_2015-za_pecat.pdf. All hyperlinks last accessed: 27.05.2016.

Commission for Protection Against Discrimination

(*Комисија за заштита од дискриминација*) 2015 Annual Report of the Commission for Protection Against Discrimination (2015) <http://www.akademik.mk/wp-content/uploads/2016/04/diskriminacija.pdf>.