



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

NEWS REPORT

Country:	FYR of Macedonia
Title:	Number of cases filed to the CPAD continue to drop, while the Ombudsperson bounces back, according to the annual reports of the two NHRIs
Date:	8 June 2017
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Update of news report:	Annual Reports of the two NHRIs with equality competences note drop in reported cases (17 June 2016)
<u>Context</u>	
Issue at stake:	Reports on activities undertaken in previous years 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 2016. The Ombudsperson institution reports a rise in the number of discrimination cases compared to last year, while the number of cases reported to the CPAD continues to drop.

The CPAD received 60 cases in 2016, as opposed to 70 cases in 2015 and 106 cases in 2014. In its annual report, the CPAD attributes the decrease in reporting to a lack of financial resources,¹ without saying how it links these two. The text suggests that other issues may be contributing to the underreporting,² but it does not explain this further. This year, the CPAD reports the distribution of cases per discrimination ground in percentages and does not provide the full list. It gives the following information: "18% on personal or social status, 17% on ethnicity, 15% on political affiliation, 13% on gender, 12% on health status, 10% on other beliefs, and so on".³ The distribution, thus,

¹ "The drop is due, among other issues, also to lack of financial resources for the operation of the Commission. [Овој пад на бројот на претставки се должи, покрај другото и на немањето на финансиски услови за работата на Комисијата.]" Commission for Protection Against Discrimination (Комисија за заштита од дискриминација) 2016 Annual Report. CPAD Website. http://kzd.mk/sites/default/files/Godisen_izvestaj_2016_finalen.pdf.

² Ibid.

³ Ibid.

follows more or less the same tendency from the previous years, with the grounds "personal and other status" and "ethnicity" switching places as first and second ground. The alleged discrimination per field is presented in the same manner. The reported distribution per field is as follows: 40% in employment and labour relations, 25% in access to goods and services, 13% in public information and media, 8% in judiciary and administration and in education, science and sports.

According to the Ombudsperson's report, 69 cases were filed as non-discrimination and equitable representation cases (which represent 1.83% of the total number of cases, compared to 53 cases and 1.2 % in the previous year). The Ombudsperson has added a category of cases on "persons and children with disabilities", under which it reports having received 15 cases (or 0.4% of the total number of cases). 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 to be employment and the dominant ground ethnicity. Two tendencies can be noted in the report. The percentage of discrimination cases filed to the Ombudsperson rose by 20% compared to last year, and the number of cases in the area of working relations rose.

The lack of reporting per discrimination ground, prevents gaining real insight into discrimination practices and generating ground for further analysis. Moreover, it also prevents identification of multiple discrimination cases, including the intersectional ones. As a result, gender and sex discrimination cannot be pinpointed correctly as they are subsumed under the banner of "ethnicity", thus misconstruing them as ethnic discrimination.

Key points of analysis: Both reports are an opportunity for the public to get familiar with the work of these institutions, which otherwise remain either fully or partly unavailable. Furthermore, these reports should, on the one hand function as an opportunity for the public to evaluate their work, and on the other to encourage the governmental Cabinet to take action and the governmental bodies to address problems revealed through the work of these two human rights institutions. It can be concluded that the reporting format and practice of both these institutions does not fulfil any of these functions.

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Internet link source: Ombudsperson (*Народен правобранител*) 2016 Annual Report. Ombudsperson Website. <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf>. All hyperlinks last accessed: 18.05.2017.

Commission for Protection Against Discrimination (*Комисија за заштита од дискриминација*) 2016 Annual Report. CPAD Website. http://kzd.mk/sites/default/files/Godisen_izvestaj_2016_finalen.pdf.