



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

NEWS REPORT

Country:	FYR of Macedonia
Title:	No changes in reporting to the equality body CPAD and to the Ombudsperson
Date:	9 May 2018
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Update of news report:	FYR Macedonia - Number of cases filed to the CPAD continue to drop, while the Ombudsperson bounces back, according to the annual reports of the two NHRIs (PDF 224 kB) ¹
<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 - published² their annual reports for 2017. This news report presents the number of cases per ground and area. With very minor changes, reporting numbers remain almost the same as last year.

In 2017, the CPAD received 59 cases which is almost the same as in 2016 - 60 cases. Taken together, this is a continuation in the drop in the number of cases compared to previous years, including to 70 cases in 2015 and 106 cases in 2014. The CPAD again reports the distribution of cases per discrimination ground in percentages and does not provide the full list. It gives the following information: "19% on sex and gender, ethnicity 18%, political affiliation 17%, health status 16%, sexual orientation and gender identity 16%, personal or other social status 16%, age 8%, social origin 7%, and education 7%". For the first time, sex and gender³ top the list. Also, it is the first time the CPAD provides a breakdown of cases per ground which includes

¹ "Number of cases filed to the CPAD continue to drop while the Ombudsperson bounces back"
<https://www.equalitylaw.eu/downloads/4191-fyr-macedonia-number-of-cases-filed-to-the-cpad-continue-to-drop-while-the-ombudsperson-bounces-back-according-to-the-annual-reports-of-the-two-nhris-pdf-224-kb>. All hyperlinks last accessed: 04.04.2018.

² The reports were submitted to the Parliament, pursuant to both NHRIs reporting obligations. The Ombudsperson also published the report on its website and held a press conference for the occasion. The CPAD's report can only be found on the Parliament's website. It is not up on the equality body's own website as the site has been down for a few months now (the CPAD notes this in the report).

³ These are separate grounds under the law, but CPAD presents a summary number for both, with an unknown reason. Given this and the fact it presents a separate percentage for 'sexual orientation and gender identity', and in lieu of a separate ground 'gender identity', it is not clear under which ground it considered the 'gender identity' cases or whether this was done under the open-ended provision.

sexual orientation and gender identity. The alleged discrimination per field is presented in the same manner. The reported distribution per field is as follows: 41% in employment and labour relations, 25% in access to goods and services, 22% in public information and media, 14% in education, science and sport, 10% in social security, including social protection and pension and disability insurance, health insurance and health protection. Although 'judiciary and administration' featured more prominently in the previous years, it is not even reported in this year's report of the CPAD. It should also be noted that according to the CPAD report, in 2017 25 % of the applicants were women while 34 % were men.

According to the Ombudsperson's report,⁴ 70 cases were filed as non-discrimination and equitable representation cases which represent 2.17% of the total number of cases. This is the highest representation of this category of cases since the Ombudsperson started to report these cases separately (including higher than 69 cases or 1.83% reported in 2016, 53 cases and 1.2 % reported in 2015, and 66 cases or 1.55% reported in 2014). However, this percentage has to be read through the prism of the overall number of cases, which shows a substantial fall from previous years. Namely, the overall number of cases filed to the Ombudsperson continues to drop. In 2017, the institution reports having received 3224 cases. This is a further drop from 2016 when it received 3775 cases, which was already a drop from 4403 cases in 2015.

Under the separate category of cases on "persons and children with disabilities", it reports having received 5 cases or 0.16%, which is a substantial drop from 15 cases or 0.4% in 2016. 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. However, it noted a continuing trend with the previous years in terms of the dominant field remaining to be employment, but it also reports a much higher number of cases of harassment and three cases of hate crime.

The Report does not contain data on cases regarding violations of women's rights or discrimination based on sex / gender. The only mentioning of sex is regarding the statistical overview of the employees of the Office of the Ombudsperson and implemented research on 'sex and educational structure of employees of the institutions'. There are no data concerning the results of this research.

Key points of analysis: Both reports are an opportunity for the public to get familiar with the work of these institutions, which otherwise remain unavailable throughout the year. However, the way the reporting obligation is fulfilled points to mere formal compliance with the legal duty to report. The reports do not offer sufficient data for analysing the situation of discrimination in the state. They do offer, however, data on the work of these two mechanisms and their perception of their role in fighting discrimination.

Internet link source: Ombudsperson (*Народен правобранител*) 2017 Annual Report. Official Website of the Ombudsperson.

<http://ombudsman.mk/upload/Godisni%20izvestai/GI-2017/GI-2017.pdf>. All hyperlinks last accessed: 04.04.2018.

Commission for Protection Against Discrimination (*Комисија за заштита од дискриминација*) 2017 Annual Report. Official Website of the Parliament. <http://www.sobranie.mk/materialdetails.nspx?materialId=b28f88cc-070d-4343-bfb4-810af9bec684>.

⁴ The Report of the Ombudsperson is 180 pages long, making it rather unappealing to a wider readership. There is a separate section on discrimination (p. 73-76). However, it does feature some unsubstantiated claims (such as 'discrimination is more and more present in our society').