



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

FLASH REPORT

Country:	Republic of North Macedonia
Title:	Issues with the work of the former equality body highlighted in CSOs report
Date:	7 September 2019
Expert:	Biljana Kotevska
<u>Context</u>	
Issue at stake:	Network of CSOs working on discrimination published a comprehensive report on the work of the equality body since it was founded
Grounds of discrimination:	All grounds
Field of application:	All fields
Source:	Policy development
Applicable law:	Law on Prevention and Protection against Discrimination (2010)

Content

Policy development: With the mandate of the Commission for Protection against Discrimination (CPAD) ending, the largest network of CSOs working on discrimination issues published a comprehensive report on the work of this equality body since it was founded. The report provides insight in the whole period of the functioning of the body – 2011 – 2019. It draws on both primary data (including interviews with commissioners from both the first and the second composition of the CPAD) and secondary data (research and studies conducted thus far). For convenience purposes, the analysis focused largely, on the cases which the members of the network have put forward to the CPAD themselves.

Key points of analysis: There are several main findings in the report. The most worrying findings are those which are the result of the analysis of the case law which show that the CPAD has not acted in a professional and competent manner. Namely, there is evidence of unbalanced practice, deliberate skewing of processes, and a particularly pronounced bias in relation to political affiliation (i.e. tendency to decide in favour of members or affiliates to certain political parties). This was also because of the tainted independence of the CPAD. The CPAD has consistently violated the procedural deadlines, overstepping them for several months on occasions.

The CPAD has not been using its full mandate. It has not used the possibility to open a case on own initiative. In fact, the report found, it has also failed to respond even when it was called upon to act (primarily by CSOs). The CPAD has also failed on many occasions to react upon discriminatory speech and hate speech, and to spread of homophobic content via certain media outlets which have been pointed out to the CPAD.

The CPAD has also not used the possibility to add bite to its opinions. Namely, the CPAD had only one proceeding where it initiated a case against a person which did not follow the

opinion of the CPAD. It has also not exploited the possibility to intervene in court cases or to raise cases to the court when it comes to discrimination against groups of persons.

Finally, the report notes the already known issues with the setup and independence of the body. Namely, many of the commissioners have no experience in working with equality and non-discrimination, nor experience in working with vulnerable groups. Some of them even had a history of hate speech and discriminatory speech. The body functioned until the end without administrative support, and with a very small budget. The CPAD has no systematised and accessible database, and in 2017 and 2018 even its website was not functioning.

Internet link source: Jadrovski I., Jovanovska Kanurkova J. and Gelevska M. (2019), Report on the Implementation of the Law on Prevention and Protection against Discrimination [Извештај за имплементација на Законот за спречување и заштита од дискриминација], Network for Protection against Discrimination [Мрежа за заштита од дискриминација], http://coalition.org.mk/wp-content/uploads/2019/07/Diskriminacija_web.pdf.