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COMMISSION FOR PROTECTION AGAINST DISCRIMINATION: EXPERIENCES OF THE FIRST EQUALITY BODY IN MACEDONIA IN ITS THREE YEARS OF OPERATING

Introduction

Developing national human rights institutions (NHRIs) is a necessary part of the institutional development of each new democratic state, because of the importance which these institutions have for the protection and advancement of human rights and freedoms. Part of this development is the founding and advancement of the equality bodies, as a separate type of a NHRI with a thematic focus on equality and non-discrimination.

The first NHRI in the Republic of Macedonia (Macedonia) is the Ombudsperson of the Republic of Macedonia (Ombudsperson), which started operating in 1997 and, as of 2009, has clearer and stronger competences with regards to equality and non-discrimination, as well as competences pertaining to the principle of adequate and equitable representation. In 2008, the civil society renewed and strengthened the initiative for adopting a comprehensive anti-dis-

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crimination law. This process was additionally supported and stimulated also by the euro-integration processes, including the visa liberalization map benchmarks, where one of the conditions was adoption of such a law, and by the continuous efforts of the Government for alignment with the European legislation. After preparations which lasted for several years, the text of the first comprehensive anti-discrimination legislation – the Law on Prevention and Protection against Discrimination (LPPD) was adopted in April 2010.

This law provided legal grounds for establishing the Commission for Protection against Discrimination (CPAD, the Commission), which is the first equality body in Macedonia. Although in the course of the preparation of the text of the law several options for institutional form were considered (including strengthening the Ombudsperson, establishing a special division within the frame of the Ministry of Labour and Social Policy, etc), the discussions showed that the majority are in favour of establishing a separate equality body in a collective form – a Commission. The first commissioners were elected in December 2010, and the Commission itself started operating with the date of entry of the law – January 1st, 2011.

This article aims to present an overview of the work and experiences of the CPAD in its first three years of existence (2011-2013). Additionally, it puts forward recommendations for improving the legal and institutional framework and the available resources, in view of improving the working conditions of this body.

The article was written based on data from the annual reports of the CPAD, national laws and bylaws, analysis by civil society organizations, as well as other official data from various government institutions. The personal experiences of the author, who is a member and President of the Commission in all three years of its existence, were decisive for the structure of the article and the interpretation and attention provided to each section and piece of data.

1. Legal grounds for the establishment, type, competences and functioning of the Commission for Protection against Discrimination

The legal grounds for the first equality body in Macedonia lie in the LPPD. The Commission is a collective body composed of seven members. The selection and appointment procedure is initiated and managed by the Parliament of the Republic of Macedonia (Parliament). Following a public call application process, the competent parliamentary commission, the Commission on Elections and Appointment Issues, compiles and

submits a proposal on composition of the CPAD to the Parliament for its consideration and voting. In the course of this, the Parliament needs to take into consideration the conditions established under law for selection of the CPAD members. According to Article 18 of the LPPD, these are (1) citizenship of the Republic of Macedonia and permanent residence in the Republic of Macedonia, and (2) high education and experience in the area of human rights or social sciences. This article was amended in 2014, to bring it in line with the newly adopted Law on Administrative Servants. Thus, the new members of the CPAD will need to fulfill the following conditions: (1) citizenship of the Republic of Macedonia; (2) no effective criminal or misdemeanor decision on being sentenced with prohibition for performing profession, activity or duty; (3) acquired 240 credits under the ECTS or VII/1 degree of education in the area of human rights or social sciences; (4) five years of working experience; (5) own one of the internationally recognized certificates listed in the law¹ for active knowledge of the English language not older than five years; and (6) have passed the psychological test and the integrity test.

A CPAD member might be dismissed from duty, following a proposal from the Commission on Elections and Appointment Issues, if s/he requests so, or if this parliamentary commission establishes that a legal condition for this has been fulfilled, such as: “death; effective decision for prohibition of conducting a profession or duty; effective decision on prison punishment of over six months or any punishment on any ground for discrimination;² permanent loss of psycho-physical capability for conducting the function; and incompetent, biased and immoral conduct.”³ Following such a procedure, a new member is elected for the remainder of the mandate (art.23, LPPD). The mandate of the commissioners lasts for five years, with a right for one more re-election, during which they have a status of an appointed official. According to the LPPD, there is no legal obstacle regarding another employment or engagement of the commissioners.

1 The law explicitly notes the following tests and minimal satisfactory results: „TOEFL IBT with at least 74 points; IELTS - with at least 6 points; ILEC (Cambridge English: Legal) - with at least B2 level; FCE (Cambridge English: First) – passed; BULATS - with at least 60 points; or APTIS - with at least B2 level“. Source: Law on Prevention and Protection against Discrimination, Official Gazette of the Republic of Macedonia No. 50/10, 44/14. art.18

2 This condition was later abolished with a decision of the Constitutional Court.

3 Law on Prevention and Protection against Discrimination, Official Gazette of the Republic of Macedonia No. 50/10, 44/14. art.22

According to the LPPD, CPAD is an autonomous and independent organ (art.16), and has a protection (art.1, 24), promotion and advice (art.24) and research (art.24) functions,⁴ including competences and obligations for cooperating with other institutions and bodies (art.24, 31, 33). Under this law, CPAD has the following competences:

“1) acts upon complaints, gives opinion and recommendations for the concrete cases of discrimination;

2) gives information to the submitter of the complaint for his/her rights and opportunities for starting a court or other procedure for protection;

3) starts initiative for starting a procedure in front the competent bodies because of done infringements to this Law;

4) submits annual report to the Assembly of the Republic of Macedonia;

5) informs the public for the cases of discrimination and undertakes activities for promotion and education of equality, human rights and non-discrimination;

6) monitors the implementation of this Law, initiates amendments of regulations because of implementation and improvement of the protection against discrimination;

7) establishes cooperation with the bodies authorized for establishing equality and protection of the human rights in the local self-government;

8) gives recommendations to the state bodies for undertaking measures for administration of equality;

9) gives opinions upon draft laws significant for the protection against discrimination;

10) collects statistical and other data, forms data bases, conducts studies, researches and trainings in relation to the discrimination;

11) cooperates with adequate national bodies of other countries, as well as with international organizations in the area of protection against discrimination and

12) adopts a rules of procedure and other acts for internal organization of the work.”⁵

Thus, it is clear that, although under the subject of the Law established for protecting against discrimination, the CPAD has significantly larger

4 For a similar outlook on the Commissions' competences, see at: Миленковиќ Темелковска, Татијана. „Законот за спречување и заштита од дискриминацијата и остварувањето на правото на еднаков третман“. Правен дијалог бр.2 (2011)

5 Law on Prevention and Protection against Discrimination, Official Gazette of the Republic of Macedonia No. 50/10, 44/14. art.24

competences related to protecting, promoting and fulfilling the principle of equality. In the execution of its competences, the Commission, aside from LPPD and its Rules of Procedure, uses all other relevant positive laws and bylaws. Having no comprehensive anti-discrimination legislation until 2010, the provisions for protecting the principle of equality and/or non-discrimination were scattered in many laws and bylaws.⁶ However, the transitory provisions of the LPPD did not foresee harmonization of the legal framework; thus, many provisions with a potentially discriminatory nature remain in force and their full effect needs to be (re)considered. Because of this, CPAD is conducting an analysis of the internal harmonization and harmonization with the international standards on equality and nondiscrimination of the national legal framework,⁷ in line with its competences, namely on conducting studies and research, initiating legislative changes for implementing and advancing the protection against discrimination, and providing opinions on laws of relevance for discrimination (LPPD, art.24, paras.6, 9 and 10).

2. Available resources

The LPPD prescribes that the funds for CPAD's operation are provided by the Budget of the Republic of Macedonia. However, it is foreseen that these can also be secured through other sources (art.16).

An important problem for full operation of CPAD's upon all of its competences is lack of resources. Although in its Rules of Procedure, the Commission foresaw that the expert and administrative tasks will be conducted by the administrative service of the CPAD, this administrative service has still not been established, because of the lack of legal grounds for it.⁸ Namely, under LPPD, the Commission is to conduct its own expert and administrative, and technical matters (art.30). the need for legal changes, establishment of such service, and enabling its operation with appropriate resources is also one of the findings of the ex-post evaluation of the LPPD conducted by the Ministry of Labour and Social Policy (MLSP) with the

6 Some of these include: Criminal Code, Law on Equal Opportunities of Women and Men, Law on Labour Relations, Law on Protection against Harassment at the Working Place, Law on Social Protection, Law on Public Health, Law on Protection of the Rights of Patients, Law on Volunteering, etc.

7 With the support of the OSCE Mission in Skopje, the preparation of this analysis was started in April 2014, and is to be completed by October 2014.

8 Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година, p.8

support of the OSCE Mission in Skopje in 2013.⁹

Aside from this, CPAD has reported through all three annual reports it has submitted thus far to the Parliament on the lack of funds for fully practicing its scope of competences.¹⁰ Aside from this, the findings of the assessment of CPAD's work through an economic prism, conducted for the purposes of an analysis of the alignment of the two NHRIs with relevant international standards, show that the Commission needs more funds to establish a support service (elaborated above), and to conduct promotional activities, etc.¹¹ Moreover, this study emphasizes that, in order to develop functional and technical capacities necessary for the achievement of the institutional goals and objectives, and to ensure continued success, each institution needs to ensure appropriate staff structure with adequate number of qualified, competent, skilled and professional staff.¹²

No special analysis or economy knowledge is needed for one to see that this cannot be done with the annually allocated budget for the CPAD. Namely, the LPPD foresees that the CPAD budget comes from the state budget. Under the same law, expenses specifically specified are those for the honoraria of the commissioners, amounting to two average monthly salaries. When one looks at the numbers for the annual budgets that the CPAD has been provided with thus far, one can easily conclude that in its first year of operation this budget was barely sufficient to cover only for the honoraria of the seven commissioners (budget: 3,630,000 MKD), while in the second (budget: 4,665,000 MKD) and third (budget: 4,557,000 MKD) year, once these honoraria are covered a very small sum remains for barely covering the monthly expenses, thus it cannot be expected that other additional activities can be implemented. This situation with the resources resulted in a large focus on CPAD's work on its protective function, as well as with conducting other activities in partnership with the civil society sector and donors, as discussed in the text below.

9 МТСП и ОБСЕ (2013), "Конечен извештај за оценката на спроведувањето на законот за спречување и заштита од дискриминација".

10 See any of the three annual reports of this body.

11 Kotevska, Biljana (2012). National Human Rights Institutions in Macedonia: Normative Models and Challenges (Studiorum, Skopje), p.71-72

12 Popova, V., Sharpanskykh, A. 'Modeling Organizational Performance Indicators'. 35 Information Systems Journal 4, 2010. As cited in: Kotevska, Biljana (2012). National Human Rights Institutions in Macedonia: Normative Models and Challenges (Studiorum, Skopje), p.71-72

3. Activities and achievements

This third part of the article gives an overview of the activities and achievements of CPAD in its first three years of operation. The part focuses on its protective, promotional, advisory and research function, as well as on the section on cooperation of the CPAD with other institutions and relevant stakeholders.

3.1. Protective function

A large part of CPAD's activities from its establishment until present are part of its protective function. As noted above, CPAD has competence to act upon complaints, to issue opinions and recommendations on individual discrimination cases, as well as to give the claimant information on her/his rights and possibilities for raising judicial or other protection proceedings (art. 24).

Within its three years work, CPAD received 219 complaints out of which, by December 2013, has acted upon 106 of these. Out of the closed cases, CPAD has found discrimination in every tenth processed complaint. Aside from this, the number of received complaints has been rising each year. As seen from Table 1, in 2011 this number was 60, in 2012 75 complaints, while in 2013 it rose to 84 complaints.

Table No.1: Number of received and closed complaints per calendar year

Category\ Year	2011	2012	2013	Total
Total # of received complaints	60	75	84	219
# of processed complaints (out of the newly received ones)	34	32	40	106
Discrimination established in # of complaints	5	1	4	10

Source: Annual reports of CPAD for 2011, 2012 and 2013

Although the number of complaints received by CPAD on an annual level is much higher than the complaints received by the other institutions with competences in protecting against discrimination (Ombudsperson and the courts), the Commission still finds this number to be unrepresentative of the real scope of discrimination in Macedonia, and considers that there is a potential for this number to rise and for this body to provide an even larger scope of protection. As reasons for the small number of complaints, one can note "among the others, the fear of secondary victimization, and

lack of trust in state institutions, lack of information in public on the existence of a body such as the Commission.¹³

Table No.2: Discrimination complaints per year and discrimination ground¹⁴

Category\ Year	2011	2012	2013
Total # of received complaints	60	75	84
DISCRIMINATION GROUNDS			
sex	4	5	9
race	0	0	3
color of skin	0	0	2
gender	5	2	0
belonging to a marginalized group	3	11	9
ethnic affiliation	13	16	21
language	0	0	1
citizenship	1	0	1
social origin	6	7	6
religion or religious belief	0	3	5
# of complaints per discrimination ground	1	2	1
other types of belief	1	7	7
education	15	3	12
political affiliation	9	10	12
personal or social status	5	9	6
mental and physical disability	4	3	4
age	3	3	2
family or marital status	4	1	2
property status	1	12	8
health condition	5	6	12
and other ground provided by law or a ratified international treaty	/	11	12
complaints without a claimed discrimination ground			

Source: Annual reports of CPAD for 2011, 2012 and 2013

13 Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година, p.12

14 Note: the total number of complaints per year may not be equal to the sum of complaints on each individual ground, as in a big portion of cases the complainants claim discrimination on two or more grounds; thus the table reflects all these claims individually.

Out of the received complaints, claims of discrimination on grounds of ethnic belonging seem to be dominant (in 2012 and 2013). In 2011, the largest portion of complaints was on grounds of political affiliation, also quite high in 2013 (the drop in number of complaints on this ground in 2012 can be explained with the lack of an election cycle in that calendar year). Table No.2 provides a full overview of the complaints received per year, according to the discrimination ground claimed by the potential victim. According to this, aside from ethnic affiliation, other frequently claimed grounds include political affiliation, personal or social status, mental and physical disability, belonging to a marginalized group, etc. Aside from this, some of the claimants have not named a specific ground in their submissions. In such cases, the CPAD ex officio establishes the discrimination ground in order to be able to process the complaint.

The existence of a large portion of complaints without a claimed discrimination ground, as well as a large number of complaints with five or more discrimination grounds claimed points out to the need for informing better the citizens on the importance and scope of protection of the grounds of discrimination. The same need was noted by CPAD itself when it comes to discrimination cases on two or more grounds, or on grounds on which there is no developed or strongly established international practice.¹⁵

In relation to the fields of discrimination, work and labor relations are significantly more represented among the discrimination fields with a largest number of complaints each year.¹⁶ Such domination can be explained with the research results of a 2012 research conducted within the frame of a project where CPAD was actively involved. Namely, according to this research, when asked about personal experiences or experiences of which they are aware of, the research subjects did not manage to clearly identify elements of discrimination but instead noted examples of violations of workers' rights.¹⁷

Aside from this field, a large number of complaints each year are in the fields of social protection, access to goods and services and judiciary and administration.

15 See information on Guide on Discrimination Grounds in section 3.2 below.

16 This domination of work and labor relations motivated CPAD to conduct a research in relation to discrimination in vacancy announcements (more on this in section 3.2 below).

17 CRPM and CED, Shadow Report on Anti-discrimination (Skopje, 2012)

Table No.3: Discrimination complaints per year and discrimination fields

Category\ Year	2011	2012	2013	
Total # of received complaints	60	75	84	
DISCRIMINATION FIELDS				
#complaints under discrimination field	work and labor relations	30	28	36
	education, science and sport	6	6	10
	social security, including the field of social protection, pension and disability insurance, health insurance and health protection	11	12	9
	judiciary and administration	8	10	7
	housing	0	1	1
	public informing and media	2	8	2
	access to goods and services	4	11	9
	participating and acting in syndicate, political parties, associations of citizens and foundations or any other organizations based upon participation	0	0	2
	culture	0	0	1
	other areas determined by law	3	4	6
	complaints without a claimed discrimination field	/	2	1

Source: Annual reports of CPAD for 2011, 2012 and 2013

The dominant trends, aside from ethnic affiliation as discrimination ground, and work and labour relations as discrimination field, also include a substantially larger number of claimants residing in Skopje, and a very small portion in other places. Although this can partly be explained with the number of inhabitants, the exceptionally high difference in the number of complaints points out to other existing reasons. Namely, a large portion of the promotional and educational activities take place in Skopje; a large portion of the civil society organizations work in Skopje; on top of this CPAD does not have local offices. So, lacking institutional branches outside from Skopje means that, in order to establish contact with persons from other places, one needs to specifically plan and conduct activities and to allocate additional resources, thus is still not conducted as part of CPAD's everyday work.¹⁸

¹⁸ On cooperation with the local commissions on equal opportunities, see section 3.3 below.

Aside from this, CPAD can play an additional role in judicial proceedings. Generally, the role of an equality body in such proceedings can be one of a party in the proceedings, intervener, witness, or an expert body.¹⁹ CPAD has already used this possibility, and acted in 2013 as an intervener in proceedings on discrimination on grounds of personal or other status in the area of labor relations.²⁰

While conducting its protective function, CPAD also identifies the hot spots where it can act through its promotional, advisory and research activities. Aside from this, CPAD also continued its intensive cooperation with the relevant stakeholders at national and international level. The next two sections of this article provide an overview of CPAD's activities and experiences.

3.2. Promotional, advisory, and research activities

Having identified a need for strengthened promotional activities, of the LPPD and the remaining legal framework for protection against discrimination, and of the competences and protection options available to the citizens through the CPAD, in cooperation with the civil society organizations (CSOs) and with great support by the OSCE Mission in Skopje, conducted many awareness raising activities. I will focus here on the recent activities, from 2013.

Namely, via a tender commissioned by the OSCE Mission in Skopje, the CSO Polio Plus – Movement against Handicap, prepared promotional materials, including flyers on the CPAD and the LPPD, and a newsletter on the CPAD. Within the frame of the project “From Norm to Practice”, supported by the EU PROGRESS program, additional materials on awareness raising on protection against discrimination and on the CPAD were prepared, including video materials for promoting the CPAD. Other activities included organized meetings with citizens where they could meet, inform themselves and get advice personally from the commissioners on various issues falling within the competence of the CPAD.²¹

Aside from targeting the general public, supported by the OSCE and in cooperation with external experts, the CPAD prepared publications aiming

19 More on this in: АЈО и ОБСЕ, „Водич за улогата на Комисијата за заштита од дискриминација во судска постапка и преминување на товарот на докажување“, (Скопје, 2013)

20 More details on this case in: Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година, p.29

21 Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година

to enhance the knowledge on equality and non-discrimination, first and foremost targeting the legal practitioners. The attention is drawn here to the Collection of Judgments on Discrimination Issues from the Case Law of the European Court of Human Rights and the Court of Justice of the European Union and the Guide on Discrimination Grounds. The Collection is a tool that can be used by judges, the CPAD, lawyers and other legal practitioners, CSOs, but also by the victims of discrimination themselves.²² The Guide aims to assist the CPAD, the Ombudsperson, judges, and other legal practitioners, CSOs, as well as every interested citizen, by pointing out to existing definitions of the grounds and various aspects important for the identification, interpretation and application in discrimination cases.²³

Aside from the aforementioned, in these past three years, CPAD also conducted other activities related to its research function. Although not a research activity itself, collecting statistical data is quite an important and solid ground for conducting research and raising research questions, but also for following discrimination trends as well as the overall situation with equality in the country. So, in 2012 with the support of CSOs, CPAD got its electronic database, which presents solid ground for further development of activities related to the collection, processing and publishing of statistical data.²⁴

In 2013, again with support from the OSCE Mission in Skopje, CPAD conducted research on discrimination in vacancy announcements. Following the development of an appropriate scientific methodology, the research was conducted by collecting primary data from printed media (the newspapers *Dnevnik*, *Utrinski vesnik* and *Lajm*) and a web portal (*Najdi rabota*). According to the research findings, a high percentage of 24% of the vacancy announcements published in printed media contain discrimination. Out of these, the highest percentage of discrimination can be found in ads from the local self-government (60.9%), followed by tourism (54.5%), sales and marketing (44%), and craftwork (26%). The most common form of discrimination is direct discrimination (58.3%), followed by indirect discrimination (31.8%) and vacancy announcements with both direct and

22 Попоска, Жанета (приредувачка), Збирка на пресуди во врска со дискриминација од судската пракса на Европскиот суд за човекови права и Судот на правдата на Европската унија (ОБСЕ, КЗД и АСЈО, 2013)

23 Kotevska, Biljana, Guide on Discrimination Grounds (OSCE and CPAD, 2013)

24 Комисија за заштита од дискриминација (2012), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2012 година

indirect discrimination (10.0%). The largest portion of these vacancy announcements discriminate no grounds of sex (55%), personal status (which for research purposes include marital and family status) (21%), age (17%), followed by language, health status, etc. Based on the analysis and research findings, the research report put forward a list of 16 conclusions and recommendations on the legal framework, the practice of the competent institutions, the media that publish these vacancy announcements, etc.²⁵ These results were published in a printed and electronic publication and were promoted at a public event.

As can be noted from the activities conducted thus far, CPAD has vivid cooperation with various stakeholders, both national and international. The cooperation endeavors conducted by the CPAD thus far are briefly reviewed in the following section of this article.

3.3. Cooperation with the relevant stakeholders

The assistance provided by the OSCE Mission in Skopje, on grounds of a Memorandum for Understanding, has been of key importance for the commencement of the operation and the development of the CPAD and its capacities. Within the frame of this support, aside from technical support, OSCE has provided a substantial financial support for conducting a large portion of the CPAD activities, including for building the capacities of the Commission, by organizing a series of trainings (2012 and 2013), as well as by supporting the preparation of a strategic plan, communication strategy, etc.

Because of the importance and competences which the Ombudsperson holds with regards to protection against discrimination, and which in part overlap with those of the CPAD, in absence of a legal solution for the cooperation and relationship of the procedure in front of these two institutions, they have initiated and conduct informal support on discrimination cases. Aside from this institution, CPAD cooperates continuously and has a Memorandum for Understanding signed with the Academy for Judges and Public Prosecutors.

From the executive, CPAD cooperates with the MLSP. As of 2012, CPAD is also part of the government coordinating body on human rights. From the cooperation with the legislative, it is important to emphasize that a Memorandum for Understanding was signed with the Commission for equal opportunities among women and men – a body within the frame of

²⁵ For a full list of recommendations and conclusions, please consult: КЗД и ОБСЕ (2013), „Истражувачки извештај: Дискриминација во огласите за вработување“.

the Parliament of the Republic of Macedonia. This memorandum served as a starting ground for the cooperation which CPAD later developed with the units of local self-government.

Namely, because of the importance of the units of local self-government for the everyday life of the citizens, because of the need to bring the concepts of equality, non-discrimination and tolerance closer to the citizens and at the local level, as well as because of the need for easier and faster detection and response to discrimination practices and actions, in 2013 CPAD intensified its efforts for cooperation with all municipalities in Macedonia. Seven workshops on the topic of inter-institutional cooperation of the CPAD and the units of local self-government were organized in seven cities in Macedonia, including Tetovo, Prilep, Kumanovo, Strumica, Stip, Veles and Skopje.²⁶ CPAD plans to further these efforts in 2014. Several memorandums for understanding with units of local self-government were signed, aiming towards enhancing the cooperation of CPAD with the local commissions no equal opportunities.

Since its establishment, the Commission has been cooperating with the civil society sectors, at first by participation at events, and now already by cooperation at specific projects. From the projects implemented thus far, I would like to highlight the recently completed PROGRESS project “From Norm to Practice”, in which CPAD actively participated in 2013 and in the first half of 2014. The project was jointly implemented by Polio Plus, the Macedonian Centre for International Cooperation, the MLSP and the CPAD.²⁷

It is also important to highlight that since 2012 CPAD is a member of EQUINET – European network of equality bodies. Within the framework of its membership, CPAD already participated in several trainings and at an annual meeting with the network. In the future, CPAD plans to use more the opportunities for cooperation and to actively participate in the work of this network.

Conclusions and recommendations

This article aimed to present a brief overview of the activities and experiences of the first equality body in Macedonia – the CPAD. The overview of activities conducted within the frame of its competences for protection,

26 Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година, р.35

27 On the main activities from this project, please see above.

promotion, advice, and research, as well as the overview of activities on cooperation, shows that, even with small resources, CPAD tries to fulfill as large scope of its competences as possible, but also to slowly but surely raise the level for protection against discrimination.

Main challenges noted by CPAD are:

- Lack of budget for realization of the full scope of competences awarded to CPAD;
- Widely spread and tolerated hate speech, violence and intolerance and discriminating attitudes and statements (including with the public broadcasting services and the public enterprises);
- Insufficient human resources inside CPAD for conducting all competences, but also for conducting the legal protection proceedings within the legally provided deadlines;
- Presence of discriminatory statements, and spread of stereotypes and prejudice, including in textbooks and other teaching materials, but also by the educational staff.

Thus, the CPAD recommends that:

- The annual budget allocated to the CPAD from the state budget is increased up to a portion that will allow the Commission to fully exercise its competences;
- All competent bodies, in accordance with their competences and via coordinated work should act towards suppressing the widely spread hate speech, violence, intolerance and discriminatory attitudes (especially by the public broadcasting services and the public enterprises);
- All competent bodies need to contribute towards building a culture of equality and non-discrimination, but also of tolerance and understanding and acceptance of differences, including of the marginalized groups;
- Legal amendments and allocation of appropriate finances is needed, so as to allow the CPAD to establish its secretariat. It is important to emphasize here that the Government adopted a Conclusion in February 2014, demanding that, by May 2014, the MLSP initiates amendment to the LPPD which will allow the CPAD to establish an expert service. At the time of writing of this manuscript, the new Government (following the early parliamentary elections in April 2014) has still not be formed, thus the adoption of this amendment has been postponed.
- Conduct a thorough analysis of the textbooks and other educational

materials that are currently in use, and enhance the control of the newly selected ones, in order to eliminate the spread of stereotypes and prejudice, as well as of intolerance through these means;

- Conduct equality and non-discrimination trainings with educators.²⁸

In its 2014 activities, CPAD will further its efforts for strengthening of its own capacities, the capacities and level of information and knowledge of all other relevant stakeholders on equality and non-discrimination. We can hope that discrimination will decrease and equality increase only by building a strong infrastructure for fighting discrimination, and awareness raising on discrimination and building a culture of equality, non-discrimination and tolerance.

28 Комисија за заштита од дискриминација (2013), Редовен годишен извештај на Комисијата за заштита од дискриминација за 2013 година, p.50-51

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Резиме

**COMMISSION FOR
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DISCRIMINATION:
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FIRST EQUALITY BODY IN
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YEARS OF OPERATING**

Abstract

The article aims to present a brief overview of the activities undertaken by the first equality body in the Republic of Macedonia – The Commission for Protection against Discrimination, within the first three years of its operation. The overview shows that the activities undertaken thus far, as well as the problems it faces in practice, are largely related with its lack of resources. Namely, the small annual budgets allocated for the operation of this body, and the lack of legal grounds for establishing expert services, have resulted with a focus on the protective function of the body. The promotional, research and other functions have been realized in relation to and within the frame of the cooperation which the Commission has with international and non-governmental organizations in the country.

Трудот има за цел да даде краток преглед на активностите превземени од првото тело за еднаквост во Република Македонија – Комисијата за заштита од дискриминација, во периодот од првите три години од нејзиното постоење. Прегледот укажува дека активностите кои се досега спроведени, како и проблемите кои се јавуваат во практиката на ова тело се во голема мера поврзани со недостигот на ресурси со кои тоа располага. Имено, малите годишни буџети издвоени за функционирањето на ова тело, како и немањето на законска основа за основање на стручна служба, резултираа со фокусирање на работата на телото кон остварување на неговата заштитна функција. Противните, истражувачките и другите функции ги остварува во зависност од и во рамките на соработката која Комисијата ја има со меѓународните и невладините организации во земјава.

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