



2012 REGULAR ANNUAL REPORT OF THE COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

Skopje, March 2013

The Commission for Protection against Discrimination expresses its gratitude to the OSCE Mission to Skopje for the support provided in 2012 and for enabling the printing of this annual report.

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INTRODUCTION

*Distinguished Members of Parliament,
Distinguished readers,*

The second annual report of the Commission for Protection against Discrimination of the Republic of Macedonia covers the period of work from January, 1 to December, 31, 2012. With the adoption of the Law on Prevention and Protection against Discrimination (LPPD) in 2010, the Republic of Macedonia completed the anti-discrimination legislation, which created the required legal conditions for successful fight against discrimination and achieving equality. In the fulfillment of its mandate in accordance with Article 24 paragraph 4 of the Law on Prevention and Protection against Discrimination in Republic of Macedonia, the Commission for Protection against Discrimination is obligated to draft an Annual report on the work of the Commission for the course of 2012. The Commission submits the annual report to the Assembly of the Republic of Macedonia.

The Commission's annual report on the work contains data about activities and measures taken in order to reduce discrimination, as well as to increase the level of flexibility on the part of the responsible entities towards creation of an open and tolerant society based on respect for equality, freedom and fundamental human rights of each individual.

The legal competencies of the Commission with regard to the protection against discrimination largely follow the international standards which are relevant for the equality bodies. However, the efficient fight against discrimination does not only require the adoption of legal solutions which are aligned with the respective standards. It also requires that efficient and proper application of the Law is ensured, which is currently being evaluated as good in RM¹.

In the course of 2012, total of 75 complaints were submitted to the Commission for Protection against Discrimination. From the total number of submitted complaints in 2012, the Commission completed the procedure in 43 complaints. In the course of 2012, the Commission filed an initiative for changes of the regulations specified by law, and furthermore informed the public through announcements in the electronic and printed media about its position on concrete cases that deal with discrimination matters.

In the course of the past year, the Commission's work involved continuous growth by strengthening the capacities of the equality body, increasing the visibility on the whole territory of RM through participation in TV programs, public outreach about the competencies and authorizations of the Commission, etc.

The Commission's annual report provides an insight into the key matters related to the achievement of equality and gives description of the most frequent victims of discrimination, the entities that violate the prohibition for discrimination and areas where discrimination is most prevalent. It is worth noting that one cannot reach conclusions about the range and characteristics of discrimination in Macedonia only on the basis of collected data throughout the process of submitted complaints, in particular if one considers that the respective number of complaints is still relatively small. However, a single and

¹ European Commission, Republic of Macedonia 2011 Progress Report (Brussels:European Commission, 12 October 2011)

centralized system of collecting, recording and analyzing the data about discrimination and legal protection from discrimination is unfortunately not established on national level, which would have ensured the establishment of one type of database that is required for continuous monitoring of discrimination.

The second regular annual report of the Commission for Protection against Discrimination consists of 8 parts. The first part consists of information about the international standards; the second part comprises of analyses of complaints, and the results from the work on complaints based on grounds, areas and regions; whereas the third part is dedicated to the various forms of cooperation which is established on international level, with state authorities, civic organizations and media. Furthermore, the fourth part of the report contains the activities for strengthening the capacities of the Commission through participation at trainings, round tables and workshops with regard to the cooperation with institutions, as well as other activities. Also, the fifth part covers the key issues that the Commission encounters regarding the implementation of the Law on Prevention and Protection against Discrimination, as well as the budgetary limitations. The sixth part provides a short overview of the realization of the obligation of the Commission for Protection against Discrimination in accordance with the Law on Access to Information of Public Character. The seventh and the eighth part refer to other undertaken activities by the Commission in 2012, as well as summarized conclusions regarding the current and future challenges.

1. INTERNATIONAL STANDARDS

1.1. COMPETENCIES

The EU Directives on anti-discrimination² require establishment of equality bodies that would have minimal mandatory competencies in the fight against discrimination³. These directives stipulate the obligation for establishment of a body, which competencies include “ensuring independent assistance to the victims of discrimination during the submission of complaints for discrimination“, and “implementation of independent research and recommendations” with regard to discrimination.

The use of such broad formulation implies that the EU law provides significant discretion to the member-states in the decision-making regarding the special competencies which are to be awarded to such bodies⁴. In essence, among others, these bodies should also provide certain type of legal assistance to the victims of discrimination⁵.

The Council of Europe recommends the introduction of wider and diverse responsibilities of the bodies for fight against racial discrimination. The European Commission against Racism and Intolerance (ECRI) has always been promoting the idea that specialized committees are introduced on national level, national Ombudsman and other bodies that will enable to tackle the matters related to racism and racial discrimination; and if such bodies exist, they need to promote their strengthening. Through the practice of publishing special reports about the progress of individual Council of Europe member-states in this area, as well as through the recommendations,⁶ ECRI expressed principled position that such independent national bodies should be given as many competencies as possible, including the competence for classical consideration of complaints and respective action taken upon complaints, by insisting on reaching an agreement or reaching binding and executive decisions. In addition, ECRI’s recommendations specify that such institutions should have competencies for research, right to present the case in front of the court and participate in the court proceedings in the role of an expert; competence to assist the victims in the sense of providing general advice and legal assistance, including their representation in court proceedings, as well as competence for monitoring, raising the public

² “Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”, Official Journal of the European Union, L 18/2000, recital 24 Preamble i èlan 13; “Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services”, Official Journal of the European Union, L 373/2004, èlan 12; “Directive 2006/54/EC of the European parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)”, Official Journal of the European Union, L 204/2006 èlan 20.

³ On the grounds of sex, race and ethnic background.

⁴ The preliminary work on the directives confirmed the intention of their creator. Equinet’s Working Group on Dynamic Interpretation and B. D. Jacobsen, *Influencing the law through legal proceedings– the powers and practices of equality bodies* (Brussels: Equinet, 2010), pg.10.

⁵ In practice, this assistance varies from giving advice and information, conducting investigation and issuance of non-binding recommendations or binding decisions, to the organs that will represent the parties in front of the court. Equinet’s Working Group on Strategy Development, *Providing Independent Assistance to Victims of Discrimination* (Brussels: Equinet, 2011), page 7.

⁶ European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 2. on specialized bodies to combat racism, xenophobia, antisemitism and intolerance at national level (Strasbourg: ECRI, 13. juni 1997), i European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 7. on national legislation to combat racism and racial discrimination (Strasbourg: ECRI, 13. December 2002)

awareness and advisory function in this area.⁷

The Commissioner for human rights of the Council of Europe recommends the member-states that the national structures for equality should undertake quasi-judicial and promotional functions⁸. The main activity of these bodies is focused on the investigation, questioning, decision-making in case of discrimination, promotion where the focus is on the provision of assistance to individuals that complain about discrimination, raising the public awareness and undertaking research. Furthermore, the Commissioner recommends the bodies with promotional function to be given the possibility to undertake the case upon their initiative and possibility to initiate court proceedings, whereas the quasi-judicial organs should have the possibility to impose binding sanctions of proportionate and effective character, as well as to monitor the implementation of the given recommendations.

Also, some of the world standards specify wider responsibility for the bodies that provide human rights protection in order to ensure more efficient protection of the victims whose rights were violated. Thus, the Paris principles⁹, which represent the main source of normative standards for the state institutions for human rights protection, stipulate that those institutions should promote and protect the human rights. The protective aspect of these bodies means that they should have the possibility to conduct an investigation, monitoring of the human rights, give opinions, recommendations and report of any issues related to human rights. Furthermore, a possibility is stipulated to receive complaints and act upon them accordingly. The necessity to introduce these principles is that it ensures the creation of bodies aimed to protect and promote human rights, as well as the introduction of essential standards that refer to the national authorities for protection against discrimination.

The bodies that have quasi-judicial authorization in their protection competencies arising from the Paris principles must adhere to certain standards. Although these bodies may, but not necessarily have that power, the principles, wherever they exist, ensure the mandatory conditions for their implementation: joint efforts to reach an agreement through mediation or through binding decision, obligation to provide information to individuals about their rights which are available within the body, or other mechanisms such as giving information about the manner of taking action or their referral to other organs, if that is necessary¹⁰, and obligation to give recommendations to the competent authorities¹¹.

The EU comparative analysis indicates that most of the ombudsman offices and specialized bodies for equality protection have quasi-judicial authorizations. They examine and evaluate the complains for human rights violations, including the violation of equality, make attempt to resolve the dispute

⁷ General Policy Recommendation No. 2, principle 3; European Commission against racism and intolerance (ECRI), Explanatory Memorandum to ECRI general policy recommendation N°7 on national legislation to combat racism and racial discrimination (Strasbourg: ECRI, 2003), item 51–52 in connection with principle 24 General recommendations number 7.

⁸ Commissioner for human rights of the Council of Europe, Opinion of the Commissioner for human rights on national structures for promoting equality (Strasbourg: Commissioner for Human Rights of the Council of Europe, 2011), 6.2, item 2.

⁹ UN General Assembly, Principles relating to the status of national institutions; and Additional principles concerning the status of commissions with quasi-judicial status, Resolution A/RES/48/134 (UN General Assembly, 20 December 1993).

¹⁰ Authorizations to receive and review complaints that refer to violation of human rights.

¹¹ UN General Assembly, Additional principles concerning the status of commissions with quasijudicial status.

primarily through mediation, and in case of failure most often they issue non-binding recommendations. Many of them can initiate administrative and criminal proceedings¹²- for instance; the bodies in Bulgaria, Hungary and Ireland can initiate an investigative procedure after having received the complaint¹³. Nevertheless, the specialized bodies of EU member-states can rarely pronounce sanctions in case of established discrimination¹⁴. On the contrary, these institutions can propose the initiation of separate proceedings (criminal or misdemeanor) in front of the competent judicial bodies, give recommendation for measures that would place the victim into a situation as if discrimination did not exist, or focus on prevention of future similar violations¹⁵.

1.2. ONE OR SEVERAL EQUALITY BODIES

With regard to the bodies for human rights protection, i.e. protection of equality, often there is a dilemma in some countries whether the protection should be entrusted to one institution with broad mandate or specialized bodies for protection of the vulnerable groups and their rights should be established¹⁶. The arguments of Carver, for instance, are in favor of a single body due to several reasons: such body provides assistance to all victims in a consistent manner; facilitates the exchange of ideas and knowledge from good practice regarding the different grounds and areas of discrimination; enables reasonable cost- effectiveness¹⁷; provides better visibility in the public which further alleviates the access of individuals and its recognition as a body that they can approach for protection; and enjoys more authority and has more impact on the competent authorities. Such institution can easily gain support from the public because of the fact that its activities include individuals and groups from different areas of protection¹⁸. As counterargument to the ones who urge for introduction of specialized bodies, thus claiming that they will provide special protection to separate vulnerable groups, Carver underlines the principle of universality and indivisibility of human rights, which do not favor the creation of hierarchy in the context of their protection.

¹² Lilla Farkas, *How to Present a Discrimination Claim: Handbook on seeking remedies under the EU Non-discrimination Directives* (Luxembourg: Publications Office of the European Union, 2011), page 60.

¹³ Isabelle Chopin and Thien Uyen Do, *Developing Anti-Discrimination Law in Europe. The 27 Member States, Croatia, the Former Yugoslav Republic of Macedonia and Turkey compared* (Luxembourg: Publications Office of the European Union, 2011), page. 85.

¹⁴ Example. In Bulgaria, after the process of public hearing and questioning the two parties for elimination or prevention of the violation, administrative fines in the range of 125 and 1250 Euros are introduced, which go to the national budget, and not to the injured person, and in case the violation is repeated, the penalties are twice bigger. In addition, soft penalties can be adopted, such as apology in public, etc. Margarita Ilieva, *Bulgaria – Country Report on Measures to Combat Discrimination* (European Network of Legal Experts in the Non-discrimination Field, 2010), page. 78 and 82.

¹⁵ Recommended preventive measures can include adequate training for the staff of a certain body or adoption or changes to certain rules and practices. UN, *National Human Rights Institutions*, page 89–90.

¹⁶ See Richard Carver, “One NHRI or Many? How Many Institutions Does It Take to Protect Human Rights? – Lessons from the European Experience”, *Journal of Human Rights Practice*, No. 3 (2011), page. 1–24.

¹⁷ Avoids the duplication of costs and the savings which can be made in this way can be used for the opening of regional offices, thus increase the availability of services for the individuals.

¹⁸ The Fundamental Rights Agency (FRA) of EU, supports the creation of single institution, thus ensuring the concentration of resources at one place and avoiding the overlapping of mandates, which enables the individuals to easily recognize where to approach for assistance.

The current comparative practice shows a general tendency to unite this structure and to award the mandate for protection from discrimination to a single body. In some countries with long tradition of human rights protection, which are also recognized as positive example for protection against discrimination, and where protection from discrimination is extended to more grounds and several specialized bodies for protection of certain vulnerable groups are established, there is an imposed imperative to merge them into one single body for protection. For instance, such merging was done in Australia in 1986 so that the bodies responsible for human rights, discrimination on the grounds of gender and discrimination in employment and labor relations were merged into one so-called Human Rights and Equal Opportunities Commission (since 2009, Australian Human Rights Commission). There is a similar example in the United Kingdom, where in the course of the last three decades of the twentieth century three commissions for protection from discrimination were established, whereas since 2007 the whole sphere of protection is entrusted to the Commission for Equality and Human Rights¹⁹. In Sweden, also in 2008, following the adoption of the single Law on Discrimination, the four bodies were merged into one institution- Equality Ombudsman.

Entrusting the mandate for fight against discrimination to one body simplifies the process of using the existing mechanisms of protection.

In the framework of the specialized bodies or institutions for fight against discrimination, it is of essential importance to ensure the respect for the interests of separate vulnerable groups. The Commissioner for human rights of the Council of Europe indicates to the existence of bodies that provide protection only on certain discriminatory grounds, whereas the mandate of the other bodies, such as in Bosnia and Herzegovina, is not limited and is valid for protection against discrimination on all grounds. For those bodies, it is of essential importance that they develop adequate expertise for each of the grounds separately. An institutional solution in this sense that Carver proposes is that specialized department with separate budget is established within the respective institution.

1.3. CONDITIONS FOR EFFICIENT WORK OF THE COMMISSION

The Commissioner for human rights of the Council of Europe underlines that the two key indicators to assess the national body for equality protection are independence and efficiency, whereby the first indicator is the key for the second one. Independence implies the possibility for the bodies to allocate the funds in a manner that they consider most adequate for quality implementation of their activities, independent decision-making on the human resources matters, setting the priorities and using their powers when and where they consider appropriate. The efficiency, on the other hand, means that these bodies have the possibility to use their functions and authorizations in a manner that ensures a real impact over the phenomena of discrimination and inequality.

In this context, the amount of funds which are made available to these bodies is of particular importance, as well as the nature and the scope of awarded functions. Frequently, there is a need to assign a wide spectrum of functions to the equality bodies, which at the same time shall enable their use

¹⁹ This Commission has competence for the territory of England, Wales and Scotland, while the two commissions in Northern Ireland remained, i.e. one for human rights and the other for protection of human rights.

in combination with strategic activities, such as application of law, education for the public, raising the awareness, providing support for adoption of good practice by the decision makers, employers and service providers, thus it will concurrently open the path towards making real impact in the sphere of prevention against discrimination.

With regard to the required resources of the equality bodies, the Commissioner for human rights of the Council of Europe pays special attention to the matters related to the financial resources and staffing of the bodies. He indicates that there are significant differences among the member-states in this regard, better or worse fitted bodies with essential reflection on the different levels of dedication to these structures, as well as differences in the understanding of the potential roles and benefits that the body can have. Some of these bodies cannot perform their functions mainly due to lack of funds. Therefore, the recommendation issued by the Commissioner is important that the bodies that promote equality should dispose of sufficient resources to perform their functions. In this sense, the following factors need to be taken into consideration during the evaluation of the budget of such institutions: population and economic circumstances, nature and number of reported and estimated unreported cases of discrimination, the spectrum and role of other actors involved in the promotion of equality and fight against discrimination, resources which are necessary for the body to implement its functions in a strategic manner to the extent that will ensure efficient impact in the fight against discrimination. For certain, these factors are very important to understand the current capacity of the Commission and to establish the optimal financial and human resources to perform its functions, in particular concerning the wide spectrum of competencies that this institution has in line with the Law on Prevention and Protection from Discrimination of Republic of Macedonia.

2. TAKING ACTION ABOUT COMPLAINTS FOR DISCRIMINATION

One of the basic competencies of the Commission for Protection against Discrimination is to take action about complaints, as well as to issue opinions and recommendations. In accordance with Article 24 of the Law on Prevention and Protection against Discrimination, the Commission has the competence to take action about complaints, and to issue opinions and recommendations about the respective complaints. In addition, the Commission is obligated to provide information to the complainants about their rights as well as to give advice about the initiation of judicial proceedings or other procedures for protection.

The Commission is authorized to make initiative for initiation of a procedure in front of the competent authorities for any violations of the Law on Prevention and Protection against Discrimination.

2.1. PROCEDURE IN FRONT OF THE COMMISSION

The procedure in front of the Commission for Protection against Discrimination is initiated after the complaint is submitted. All natural persons and legal entities, including the state organs, organs of the units of local-self government (Article 4 of the LPPD) can submit complaint to the Commission for Protection against Discrimination.

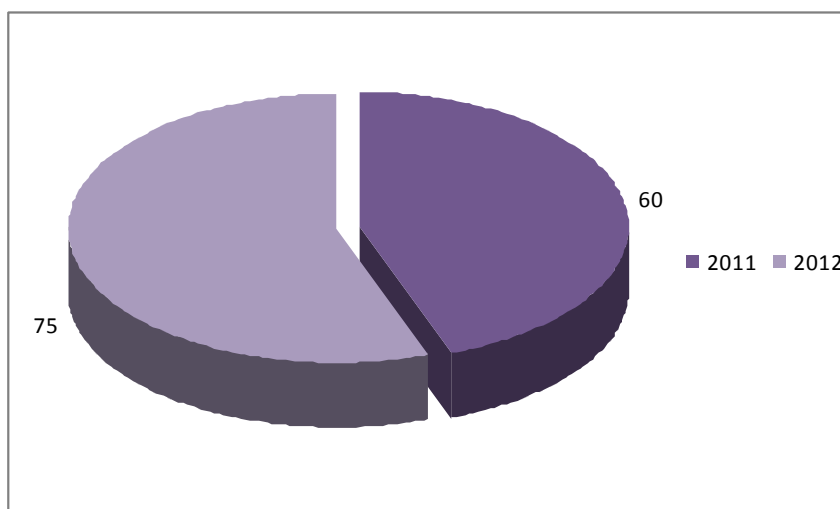
The complaint should contain the data about the complainant, description of the manner in which discrimination was caused, who was the perpetrator of discrimination, as well as the discriminatory ground in accordance with Article 3 of the LPPD. The complaint must be signed because of the reason that the Commission for Protection against Discrimination does not act upon anonymous complaints, and may be submitted in written or verbally and entered into a record note, without obligation for payment of any fees or other charges. If the complainant submits a written complaint, it can be delivered by post, in person in the premises of the Commission, or by e-mail. Along with the complaint, the complainant submits the evidence and facts which enable to establish the action of discrimination. After the submission of the complaint, the factual situation is being established with complete analysis of the case. Should additional information be required in accordance with Article 31 and Article 32 of the Law on Prevention and Protection against Discrimination, the Commission shall take all the steps to accurately establish the factual situation and solve the case in a timely manner, and shall undertake appropriate testing, collection of statistical and other data, if necessary. The members of the Commission insist on conducting the procedure without any delays and in line with the deadline of 90 days (Article 28 paragraph 1 of the LPPD).

If the Commission establishes the existence of discrimination, it shall recommend way/s to eliminate the respective discrimination. In accordance with Article 28 paragraph 3 of the LPPD, the entity to which the recommendation is addressed is obligated within a period of 30 days from the receipt of the recommendation to take adequate action and eliminate the violation of the rights. In addition, that entity is obligated to notify the Commission about the eliminated violation. However, if the entity-discriminator does not act upon the recommendation within the given deadline, that is, does not eliminate the violation of the right, the Commission may take the initiative for initiation of a procedure in front of a competent organ to establish the respective responsibility (Article 29 of the LPPD).

2.2. NUMBER OF COMPLAINTS

In the period from January, 1 to December, 31, 2012, there were total of 75 complaints submitted to the Commission, which is an increase in the number of complaints compared to the first year of its existence.

Increase in the number of complaints



Accordingly, one can conclude that the number of complaints is still very small. Among others, this is further contributed by the fear on the part of the complainant that s/he will be exposed to secondary victimization with the submission of complaint; lack of trust in the state institutions, as well as lack of information in the public about the existence of such body as the Commission.

2.3. COMPLAINANTS

Primarily, one should state that majority of the complaints refer to discrimination practiced by the state organs, local authorities and other public institutions. These data create concern because they refer to organs which are expected to respect the prohibition for discrimination in their work, to manifest understanding for the principles of equality as well as to provide model for non-discriminatory treatment by the legal entities.

It is a positive fact that the majority of the potential discriminators – state organs, after having received the recommendation from the Commission, they showed willingness to eliminate the violation of the respective right, and some of them even withdrew the practice of discrimination during the process of solving the complaint, and in this way some of the complaints were successfully resolved and became vain. However, one should state that unfortunately there are also entities that ignore the recommendations issued by the Commission.

Considering the submitted complaints, one can establish that the discrimination by individuals is usually practiced knowingly, so that the dignity of a person or a group of people is ruined by use of certain

statement or behavior because of their personal characteristics. Most often, such behavior is motivated by hatred towards certain ethnic groups, marginalized groups, LGBT population, etc.

Yet, there are individuals who are not aware that their behavior is unacceptable and prohibited. In those cases, it is a matter of people who publicly express certain attitudes and ideas based on prejudices, which are usually not condemned by the public and are considered as acceptable. The lack of awareness about the unacceptability of the public expression of such attitudes and ideas is obvious in cases of making statements which harm the dignity of certain group of people because of their ethnic background, or making statements which are based on prejudices and gender stereotypes.

Hence, it is of essential importance to undertake work on changing the citizens' awareness, but also to educate the citizens to better understand the forms of discrimination, hate speech, harassment, bullying, etc.

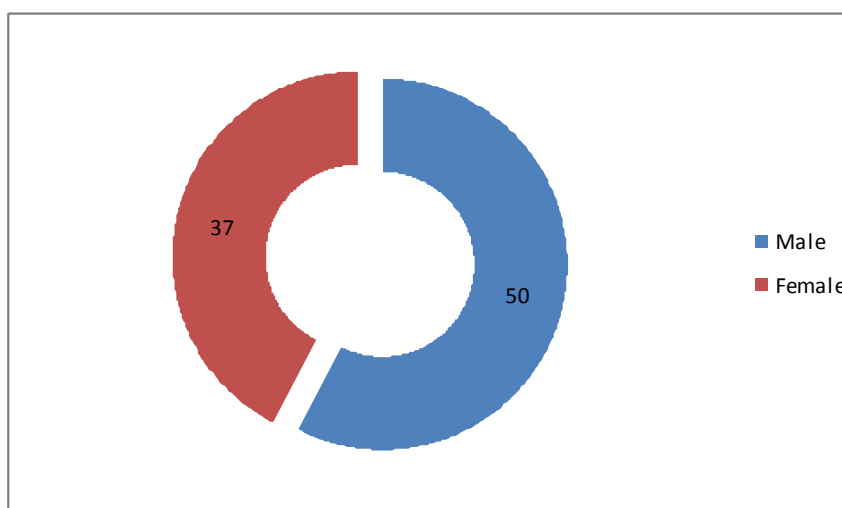
Example:

The complainant stated that the person G.S., president of the students parliament, on his profile posted that the manifestation "Pastrmajlija" which is held in Shtip can be compared to a "Gypsy Party". The applicant thinks that this statement discriminates against and humiliates the members of the Roma community, whereby racism and hate speech are spread.

Most of the complaints were submitted by natural persons – total of 65, then by legal entities- 22 complaints, whereas 29 complaints were submitted by associations and civic organizations.

Considering the gender of the complainants, 50 complaints were submitted by men and 37 complaints by women

Structure of complainants



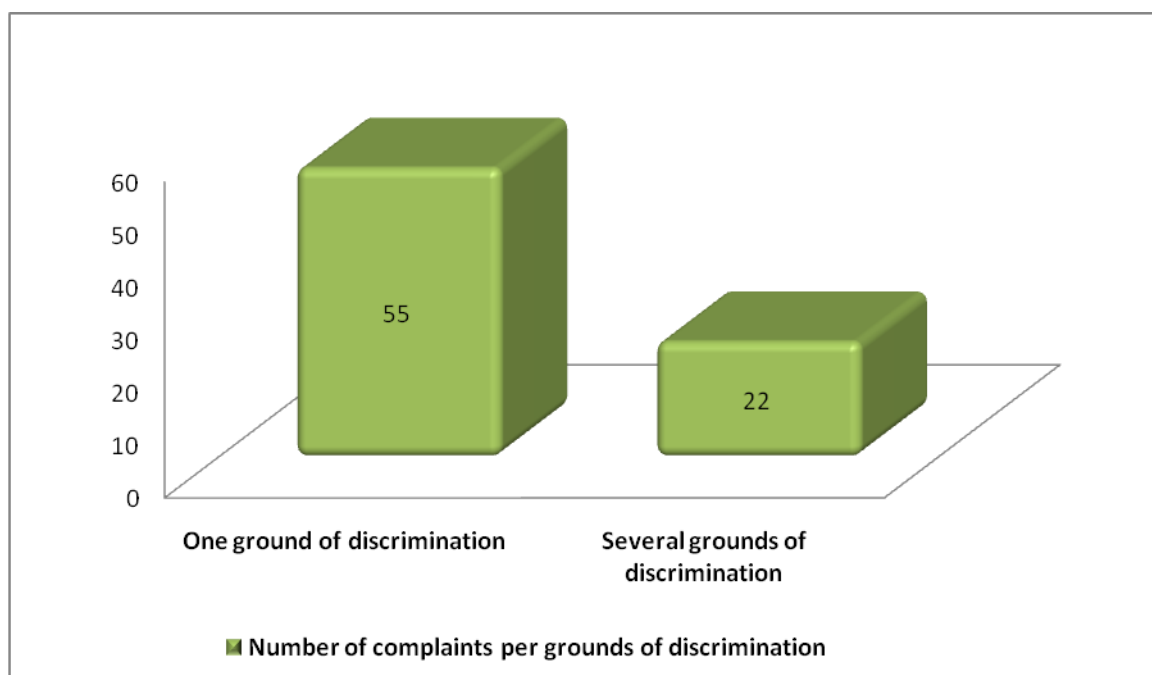
NOTE: One complaint can be submitted by several persons, associations and civic organizations, i.e. several persons can be indicated as discriminator.

2.4. GROUNDS OF DISCRIMINATION

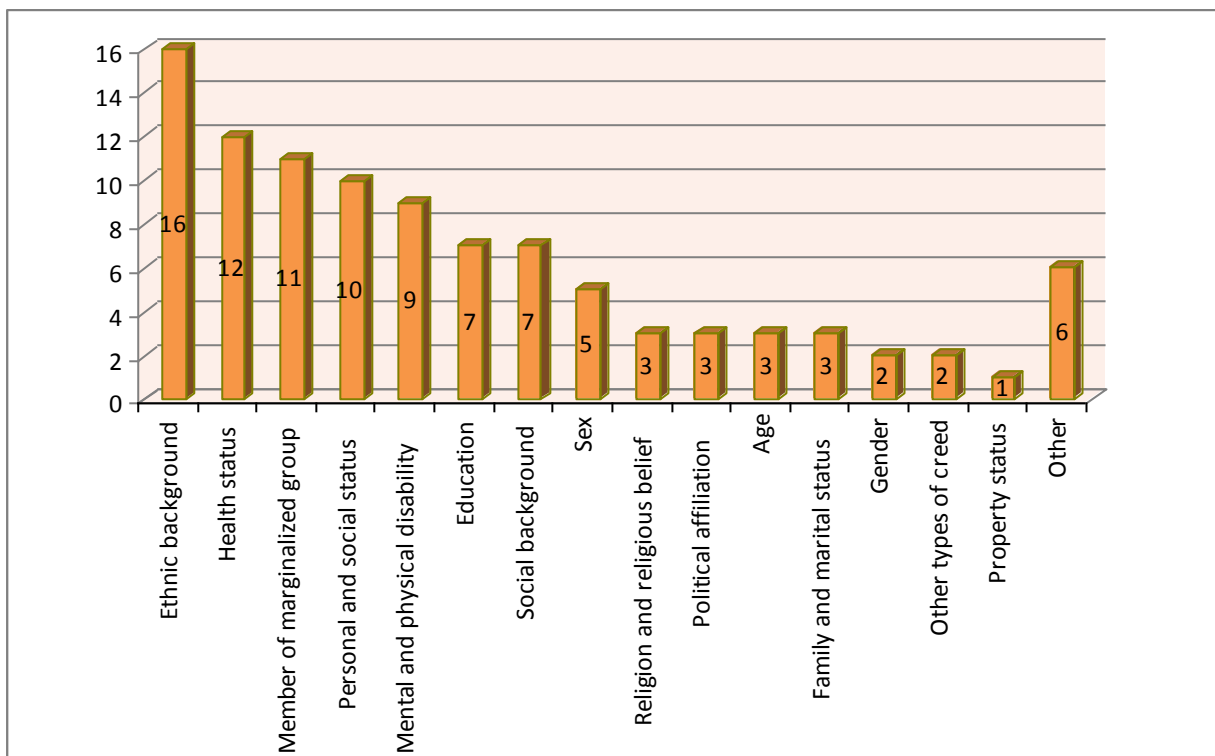
The provisions of the Law on Prevention and Protection against Discrimination stipulate the prohibition for any direct and indirect discrimination, invoking and inciting discrimination and assisting in discriminatory action on the grounds of sex, race, skin color, gender, membership in a marginalized group, ethnic background, language, citizenship, social background, religion or belief, other creed, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or any other grounds foreseen by law or by ratified international agreement (Article 3).

Although the Law on Prevention and Protection against Discrimination covers 19 grounds of discrimination, one should consider that this is not an exhausted list, i.e. ground for discrimination may be any other ground.

In most of the complaints (55), there is only one stated ground of discrimination, whereas several grounds of discrimination are stated in 22 complaints.



The biggest number of complaints in 2012 refer to discrimination on the grounds of ethnic background - 16, then, health status - 12, member of marginalized group - 11, personal or social status - 10, mental and physical disability - 9, education - 7 and social background - 7, sex - 5, religion and religious belief - 3, political affiliation - 3, age - 3, family and marital status - 3, gender - 2, other types of creed - 2, property status - 1, other - 6. In 11 complaints, the complainants did not state the ground of discrimination.



NOTE: In one complaint, several grounds of discrimination were stated.

2.4.1. Discrimination on the grounds of ethnic background

In the course of 2012, in most of the complaints submitted to the Commission for Protection against Discrimination, the complainants stated that they were discriminated against on the grounds of ethnicity, i.e. in total of 16 complaints. From the total number of submitted complaints on the grounds of ethnicity in 2012, the Commission took action about 9 complaints.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, in one case, following the establishment of the factual situation, the Commission concluded that discrimination existed. For this particular case, the Commission adopted opinion and recommendations, on basis of which the discriminators voluntarily acted and eliminated the violations.

Furthermore, on the basis of Article 28 of the Law, in three cases, once the Commission established the factual situation, it concluded that discrimination did not exist.

On the basis of Article 26 of the Law, the Commission did not take action about 5 complaints, among others because in one case it was obvious that there is no violation of the right that the complainant invoked, in three cases because it was established that the time expired from the perpetrated violation of the right and it was impossible to fulfill the goal of the procedure, and in another case when the proceedings in front of the court for the same matter were already initiated and completed with valid decision. The submitted complaints on the grounds of ethnicity were as follows: Roma ethnic background (10), Macedonian (1), Macedonian Muslims (1), Albanian (4).

In accordance with the submitted complaints, one can conclude that the ethnic communities feel mostly discriminated against in the area of employment and labor relations, social security, access to goods and services, education, science and sport, public information and media and other areas specified by the Law on Prevention and Protection against Discrimination.

There is a great concern about the fact that although Roma people as ethnic community are one of the most discriminated communities, yet the number of submitted complaints by this community is very small. Therefore, it will be indispensable to implement a wide informative campaign in cooperation with the Roma organizations on local level throughout Macedonia. In order to accomplish this goal, informative workshops have been planned with the representatives of the Roma community in several towns and municipalities throughout Republic of Macedonia, whereby the citizens will be provided with detailed information about the work of the Commission, the manner of submission of complaints, as well as the legal mechanisms for legal protection against discrimination²⁰.

Most often, the complaints on the grounds of ethnicity in the area of employment and labor relations are submitted against legal entities, employers, state institutions and rarely against natural persons.

Discrimination through public information and media appears more frequently. Namely, nowadays we are aware about the technological development and existence of different web portals and social networks. On every day basis, especially young people use these online networks, whereby we are witnesses of different ways of calling upon hatred, spread of racism and discrimination against certain groups.

Example:

In the submitted complaint, the complainant stated that the Ministry of education and science in 2009 approved and put into use a textbook for the nine-year primary education for the subject Macedonian language for fourth grade. The textbook contains a text entitled "Orchestra" by the poet Nedzati Zekirija, whereby the complainant stated that there is offensive content which directly discriminates against the Roma nationality, and that the existence of a textbook with such content, where Roma people are called "Gypsies" contributes towards impatience among the students from different nationalities who are being educated together. The Commission approached the Ministry of education and science with a Request for explanation about the complaint, and the Commission received a conclusion reached at the session of the National committee for textbooks, held on 30.05.2012, whereby the teachers for the subject Macedonian language for fourth grade within the nine-year primary education were recommended not to conduct teaching based on the text entitled "Orchestra" by the author Nedzati Zekirija. In addition, the submitted conclusion included that the information is posted on the website of the Ministry of education and science. Following the reaction of the Commission for Protection against Discrimination regarding this case and the adopted opinion and recommendation, the text was no longer in use.

²⁰ See item 3.1.3 Projects

With regard to discrimination on the grounds of ethnicity in the area of education, sport and science, the Commission for Protection against Discrimination established a worrisome situation. The form of discrimination and intolerance among the younger generations in the schools is on the increase.

2.4.2. Discrimination against marginalized groups

In the course of 2012, there were total of 11 complaints submitted to the Commission in which the complainants stated that they were discriminated against on the grounds of being members of a marginalized group. From the total number of submitted complaints on this ground, the Commission resolved two of the complaints.

It is an interesting fact that in all submitted complaints on the grounds of being member of a marginalized group, the complainants also stated other grounds, such as ethnic background, social background, health status, mental and physical disability and sex.

The submitted complaints on the grounds of being member of a marginalized group are in the area of public information and media, social security, access to goods and services and education.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, in one case, after having established the factual situation, the Commission concluded there there was no discrimination.

In accordance with Article 26 paragraph 2 of the Law on Prevention and Protection against Discrimination, the Commission did not initiate procedure about one complaint because obviously there was no violation of the right that the complainant referred to.

2.4.3. Discrimination on the grounds of health status

In the course of 2012, there were total of 12 complaints submitted to the Commission for Protection against Discrimination, in which the complainants claimed that they had been discriminated against on the grounds of health status. From the total number of submitted complaints on this ground, the Commission resolved four of the complaints.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, in three of the cases, once the Commission established the factual situation it concluded that there was no discrimination.

In accordance with Article 25 paragraph 5 of the Law on Prevention and Protection against Discrimination, the Commission did not take action about one complaint, because of the expiry of the deadline of three months from the day when the violation was committed, i.e. more than one year from learning about the act of discrimination.

Example:

A complaint was submitted by the non-governmental civic organization "Union of defenders of

Macedonia”, seated in Skopje, versus the state – Republic of Macedonia, Ministry of interior, state attorney, Ministry of justice, i.e. judicial organs that act upon the complaints. The Union of defenders of Macedonia is representing the rights of the group of families of the killed Macedonian defenders who participated in the 2011 conflict in Republic of Macedonia, as well as wounded and disabled members of the Ministry of Interior.

In the complaint, the complainant stated that there is a violation of the right to economic equality of the citizens of R. Macedonia in front of the Constitution and the laws with regard to the inflicted loss – loss of a close family member, who was either employed, volunteered or was mobilized by the Ministry of Interior of R. Macedonia in the 2001 conflict, as well as inequality with regard to the indemnification for sustained non-material loss of the wounded and disabled members of the Ministry of Interior.

The Commission for Protection against Discrimination concluded that the expired time period from the violation of the rights of these individuals is beyond the legally prescribed deadline for taking action about the complaint.

2.4.4. Discrimination on the grounds of personal and social status

In the course of 2012, there were total of 10 complaints submitted to the Commission for Prevention and Protection against Discrimination, in which the complainants stated that they were discriminated against on the grounds of personal and social status. From the total number of submitted complaints on these grounds, the Commission settled three complaints.

In accordance with Article 25 paragraph 5 of the Law on Prevention and Protection against Discrimination, the Commission did not take action about one of the complaints, because of the expiry of the deadline of three months from the day when the violation was committed, i.e. more than one year from learning about the act of discrimination.

In accordance with Article 26 paragraph 2 of the Law on Prevention and Protection against Discrimination, the Commission did not initiate procedures for two of the complaints because obviously there was no violation of the right to which the complainant referred.

Example:

In the submitted complaint, the complainant claimed that he was discriminated against by the Basic Court Skopje 2, Skopje. In the complaint, the complainant claimed that he is the heir of the property of his deceased father, while on the basis of the decisions reached by the Basic court Skopje 2, Skopje, he was proclaimed to be the heir of half of the property of the deceased father. He claimed that the competent institutions and court were concealing the property status of his father and provided him with false data. The Commission for Protection against Discrimination made an inspection into all submitted facts and evidence, and established that the complainant under the decision of the Municipal court Skopje 1, Skopje is proclaimed to be the legal heir of one ideal third of the property of the deceased father.

Following the presentation of all these facts and evidence, and the evaluation of each of the evidence separately, the Commission established the following factual situation: The Court acts upon submitted proposals by the heirs for initiation of inheritance procedure. If during the procedure, the court establishes that the heirs do not agree regarding the division of the property that they individually proposed, the court terminates the procedure and refers them to another court proceeding. In the concrete case, the decision of the court was not appealed and all heirs agreed with the adopted decisions. The complainant has the right in accordance with the stipulated legal deadlines to submit new proposal for initiation of inheritance procedure if there is knowledge about newly discovered property, whereby the complainant uses this right as it can be seen from the newly submitted proposal in 2012.

The Commission did not initiate procedure about the submitted proposal in accordance with Article 26 paragraph 2 of the Law on Prevention and Protection against Discrimination because it was not established from the submitted facts and evidence that the right to which the complainant referred was violated, i.e. there is no discriminatory conduct and discriminatory ground on the part of the Basic Court Skopje 2, Skopje.

2.4.5. Discrimination on the grounds of mental and physical disability

Discrimination against people with mental and physical disability exists in all spheres of the societal and private life, while it is most prevalent in the areas of employment and labor relations, access to goods and services and housing. Their position can be best perceived if one considers the high unemployment rate, low educational level, poverty, risks of institutionalization as well as limited access to public facilities and services.

In the course of 2012, total of 9 complaints were submitted to the Commission for Protection against Discrimination, in which the claimants stated that they were discriminated against their mental and physical disability. From the total number of complaints submitted on these grounds, the Commission resolved four complaints.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, in one case, after having established the factual situation, the Commission decided that there was no discrimination.

On the basis of Article 26 of the Law, the Commission did not take action about three complaints, i.e. for two complaints the Commission established that obviously there is no ground for discrimination, whereas for one complaint the Commission established that it has no competence to take action.

Example:

In the submitted complaint, the complainant stated that the salary was not paid to him on the grounds of mental and physical disability. In accordance with Article 27 paragraph 1 of the Law on Prevention and Protection against Discrimination, the Commission for Protection against Discrimination submitted the complaint to the person against which the complaint was submitted to provide a response. The Commission reviewed the response received from the potential discriminator, who claimed that the account of the club had been blocked for more than a year, and would not be possible to pay the salary to the respective person.

The Commission, after having established the factual situation, concluded that it is a matter of violation of the labor relations, and not discrimination on the grounds of mental and physical disability in the concrete case.

There are cases in which the Commission does not have the competence to take action about submitted complaints on the grounds of mental and physical disability, however from the data submitted along with the complaint one can conclude that these people face difficulties in the realization of their rights.

Example:

The complainant Z.S., president of the citizen association Polio plus – movement against handicap, in the complaint stated that Article 1 of the Law on Employment of People with Disabilities is not in accordance with Article 36 paragraph 3 of the Constitution of RM, because it does not include all the categories of people with disabilities, in particular the ones who are self-employed or have such occupation (lawyers, doctors, notaries). Namely, in accordance with such legal framework, the people with disabilities cannot realize the privileges that the state allows regarding the employment of people with disabilities and they are placed in unfavorable position in terms of the other people with disabilities.

In the Law on Prevention and Protection against Discrimination, Article 24 item 6 stipulates that the Commission has the competence to initiate changes of regulations in order to effectuate and promote the protection against discrimination, however, in the concrete case, the procedure was already initiated in front of the Constitutional court for evaluation of the legality and constitutionality.

The Commission does not have the competence to provide authentic interpretation of certain legal provisions; therefore, any action about the submitted complaint is beyond the legal framework and the competence of the Commission.

In the concrete case, the Commission issued an opinion and recommendation that the complainant in cooperation with the Commission for Prevention against Discrimination should initiate an authentic interpretation of Article 1 of the Law on Employment of People with Disabilities, i.e. whether Article 1 covers the category of natural persons that deal with free activities, as the article itself is very unclear because of the reason that it only lists persons that deal with own activities at sole trader, employer. This category is not known in the Law on Trading Companies, because a sole trader is a natural person that performs some type of trading activity as a particular form of occupation and therefore it is not clear how a person that deals with his/her own activity is doing that activity at the sole trader.

2.4.6. Discrimination on the grounds of social background

In the course of 2012, there were total of 7 complaints submitted to the Commission for Protection against Discrimination, in which the complainants stated that they were discriminated against their social background. From the total number of submitted cases on this ground, the Commission resolved five cases.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, after having

established the factual situation, the Commission concluded that there was no discrimination in three cases.

In accordance with Article 25 paragraph 5 of the Law on Prevention and Protection against Discrimination, the Commission did not take action about one complaint, due to the expiry of the deadline of three months from the day when the violation was committed, i.e. more than one year from learning about the act of discrimination.

In accordance with Article 26 paragraph 2 of the Law on Prevention and Protection against Discrimination, the Commission did not initiate a procedure about 1 complaint because obviously there was no violation of the right to which the complainant referred.

Example:

The complainant stated that he was discriminated against by the Ministry of labor and social policy, Intermunicipal centre for social work – Skopje (municipality of Butel and Centar), State administrative inspectorate and the Ministry of information society, because his entitlement to social welfare was terminated. After having reviewed the complaint and the supporting evidence, the Commission for Protection against Discrimination realized that in line with the received Decision, the complainant once again was given entitlement to social welfare, which contradicts the fact that the same individual is not beneficiary of social welfare as it was stated in the complaint. The Commission did not initiate action about this complaint because it was obvious that there was no violation of the right to which the complainant referred.

2.4.7. Discrimination on the grounds of education

In the course of 2012, there were total of 7 complaints submitted to the Commission for protection against Discrimination, in which the complainants stated that they were discriminated against on the grounds of education. From the total number of submitted complaints on this ground, the Commission resolved two of the complaints.

On the basis of Article 28 of the Law on Prevention and Protection against Discrimination, after having established the factual situation, the Commission in one case concluded that there was no discrimination.

In accordance with Article 26 paragraph 2 of the Law on Prevention and Protection against Discrimination, the Commission did not initiate a procedure about one case, because it was obvious that there was no violation of the right to which the complainant referred.

Example:

In the submitted complaint, the complainant stated that he had not received the diploma for completed basic studies at the Faculty for applied sciences- Department of mechatronics. After the member of the Commission made contact with the Secretary General of State University of Tetovo (DUT), it was concluded that DUT had issued the Certificate which verifies that the person J.K. from Gostivar completed

7 semesters of studies. The Certificate is signed by the dean of the Faculty for applied sciences at DUT. In addition, it was concluded that besides the Certificate, DUT also issued a Diploma which verifies that he graduated from the Faculty of applied sciences- Department of mechatronics. The Commission did not initiate the procedure.

2.4.8. Discrimination on the grounds of sex and gender

In the course of 2012, there were total of 7 complaints on the grounds of sex and gender submitted to the Commission for Protection against Discrimination, i.e. 5 complaints on the grounds of sex and 2 complaints on the grounds of gender. From the total number of submitted cases on the grounds of sex and gender, the Commission resolved 4 complaints.

Three complaints were submitted due to discrimination in the area of employment and labor relations, two complaints in the area of public information and media, whereas two complaints were submitted due to discrimination in the area of access to goods and services

In accordance with Article 28 of the Law on Prevention and Protection against Discrimination, in 3 of the cases, the Commission after having established the factual situation, concluded that discrimination did not exist.

In accordance with Article 26 of the Law, the Commission did not take action about one complaint because of the expired deadline from the day of the committed violation.

Example:

The complainant stated that he was discriminated against by the Clinical hospital in Tetovo and by an employee at the Clinical hospital in Tetovo. In the complaint, it is described that he had an examination by a specialist psychiatrist scheduled. As it is described in the complaint, while he was headed towards the scheduled examination, his wife who is employed at the hospital, with whom he had initiated a divorce procedure, informed the hospital security who reacted by use of physical force and disabled him to arrive at the scheduled examination. The complainant stated that he was supposed to go for a medical examination, but he was prevented by the hospital staff.

The complainant also submitted a video material, however, the recording is unclear and only some unarticulated sounds can be heard.

After the Commission approached the potential discriminators and after the insight into the received replies, it was concluded that it is a matter of ruined relations between the complainant and his former wife- employed at the Clinical hospital. With regard to this complaint, the Commission did not establish the existence of discrimination.

2.4.9. Discrimination on the grounds of political affiliation

In three complaints, the claimants stated that they were discriminated against on the grounds of

political affiliation. In all three complaints, several grounds of discrimination were stated, such as sex, ethnic background, mental and physical disability, health status and personal and social status. Discrimination refers to the area of employment and labor relations, as well as social security. From the total number of submitted cases on the grounds of political affiliation, the Commission resolved 2 of the cases.

In accordance with Article 28 of the Law on Prevention and Protection from Discrimination, in one case, the Commission after having established the factual situation, concluded that discrimination did not exist.

On the basis of Article 28 item 3 of the Rules of Procedure of the Commission, after having established the factual situation, in one case the Commission terminated the procedure.

Example:

In the submitted complaint, the complainant who is employed at the Ministry of labor and social policy stated that she was discriminated against by the superiors in the sector. The complainant stated that for quite some time she does not attend trainings and seminars and that her superiors do not allow her to attend the trainings, thus she is discriminated against on the grounds of sex, political and ethnic background. Discrimination was not established in the submitted complaint on these grounds because from the submitted facts and evidence one could not conclude violation of the right to which she referred.

2.4.10. Discrimination on the grounds of religion and religious affiliation

In three complaints, the complainants stated that they were discriminated against on the grounds of religion and religious affiliation, in the area of judiciary and administration (2) and employment and labor relations (1). The procedure for the submitted complaints is underway.

2.4.11. Discrimination on the grounds of other creed

In two complaints, the complainants stated that they were discriminated against on the grounds of other types of creed, i.e. in the area of social security, housing, access to goods and services, employment and labor relations, education, science and sport.

Example:

The complainant stated that she worked for one school year as biology teacher on a limited-time employment contract, starting from September 2010. During the one-year work period, the school management structure changed, i.e. her colleague was appointed to be the school director, and according to the complainant the school director started to discriminate her against. At the end of the school 2010/11 year, the complainant's employment according to the employment contract ended.

*The Commission decided not to take action about the complaint in accordance with Article **25 paragraph 5 of the Law on Prevention and Protection from Discrimination, as the complaint can be submitted within three months from the day the violation occurred at latest.***

2.4.12 Discrimination on the grounds of family and marital status

Discrimination on the grounds of family and marital status is stated as ground in three complaints. One of the complaints refers to discrimination on several grounds, whereby the family and marital status is one of the grounds.

In accordance with Article 28 of the Law on Prevention and Protection from Discrimination, in one case, the Commission after having established the factual situation, concluded that discrimination did not exist.

Example:

Namely, in the complaint it is stated that based on the Decision of the Intermunicipal centre for social work- Veles, the complainant was appointed to be the guardian to the person I.A. in a very specific case. However, due to unknown reasons for him, the Decision was no longer valid and based on a new Decision, his daughter F.A. was appointed to be the new guardian. Therefore, he believes that he was discriminated against and put in less favorable position than his daughter under the new Decision.

In the response on the complaint submitted by the Intermunicipal centre for social work- Veles, it is stated that according to the notification from F.A., her father L.A. for a long time was abusing the right to withdraw the pension funds, and was spending the money for personal reasons, drinking alcohol and mistreating his family under influence of alcohol. The staff from the Centre visited the family, and after the inspection it was concluded that the daughter's report was grounded and that during the conversation he was acting in violent and vulgar way. The Commission did not establish any discriminatory actions on the part of the legal entity.

2.4.13. Discrimination on the grounds of race, skin color, language and citizenship

In the course of 2012, there were no complaints submitted to the Commission regarding discrimination on the grounds of race, color skin, language and citizenship.

2.4.14. Discrimination on the grounds of age

The Commission received three complaints for discrimination on the grounds of age. The submitted complaints on the grounds of age are in the area of employment and labor relations, social security and judiciary and administration.

In accordance with Article 28 of the Law on Prevention and Protection against Discrimination, after having established the factual situation, the Commission in two cases concluded that discrimination did not exist. The procedure for the other complaint is under way.

Example:

In the submitted complaint, the complainants stated that they applied on a public call for support of a Project for citizen associations for protection of victims of domestic violence and were discriminated

against by an employee from the Ministry, because this person said that the operators – volunteers are old. According to the complainants, this statement represents discrimination on the grounds of age.

The Commission inspected the submitted correspondence by the complainants and the copies submitted by the potential discriminators and did not establish existence of discrimination on the grounds of age. The correspondence of the potential discriminator was submitted along with supporting documentation, i.e. statement from a witness who was present during the conversation with the members of the association. In the statement it is said that at no moment did the individual say that the association members are old and that is the obstacle for their employment. The Commission accepted this statement from the witness as relevant evidence in disproving the previously stated in the complaint.

2.4.15. Discrimination on the grounds of property status

In 2012, in one complaint it is stated that the complainant was discriminated against on the grounds of the property status, whereby he was discriminated by the Public Prosecution Office – Tetovo in the area of access to goods and services. In this case, the Commission did not initiate a procedure because of the reason that the submitted facts and evidence did not prove violation of the right that the complainant refers to, that is, there is no discriminatory behavior and discriminatory ground and accordingly the complainant is not put in less favorable position compared to other people.

2.4.16. Discrimination on other grounds

In the course of 2012, six complaints were submitted to the Commission, whereby none of the 19 listed grounds in the Law on Prevention and Protection against Discrimination are stated, but the open list of grounds – i.e. *other grounds* was used.

In three of the complaints, the complainants stated that they were discriminated against on the grounds of sexual orientation in the area of education, science, sport, public information and media.

Example:

Complaint was submitted by the Coalition for sexual and health rights of the marginalized communities against the Faculty for security at the University St.Kliment Ohridski - Bitola. The complainant stated that the Faculty for security at the University St.Kliment Ohridski - Bitola allowed the use of a textbook in the study program – criminology in the curricula, and the respective textbook contains a text that discriminates against the people on the grounds of gender identity, gender expression and sexual orientation.

*In the sentence „people with such **deviant behavior**, by changing into clothes of the opposite sex...“, considering that it is about a scientific description of the notion of transvestism, the term of deviant behavior should be understood in the scientific context: „**variance from the common or accepted standards**“. The Commission for Protection against Discrimination is aware about the existence of different definitions of this notion, depending on the respective context, and agrees that it can be used to harass a certain group of people, which constitutes discrimination, however, in this particular context the Commission sees only its scientific meaning.*

After having concluded the factual situation, the Commission concluded that discrimination is not established in this particular case on the basis of some of the stated grounds, that is, the Commission is of the opinion that in this particular case it is a matter of a scientific attitude adopted on the basis of a scientific research.

In three complaints, the complainants stated that they were discriminated against on the grounds of harassment, personal or societal status, mobbing, belonging to a marginalized group and other, in the area of public information, media, employment and labor relations.

Example:

In the compliant, the complainant stated that he was discriminated against by the director of the Clinical hospital- Shtip. In the submitted complaint, the complainant stated that he was discriminated against on the grounds of harassment and personal and societal status. The complainant stated that the director replaced him from the post of driver to the post of driver of a hospital vehicle. The complainant thought that he was discriminated against and filed an appeal to the management board. After having established the factual situation, the Commission concluded that the management board accepted the appeal and he was returned to the previous post. During the telephone conversation with the complainant, he confirmed the above stated and agreed that the procedure should be terminated.

In this case, the procedure was terminated, because the violation of the right to which the complainant referred was eliminated, so that the complaint became groundless.

Although the number of submitted complaints on the grounds of sexual orientation is very small, the Commission is aware that the discrimination on this ground is still very spread in Macedonia both in the public and private sector.

2.4.17. Submitted complaints without grounds of discrimination

In 2012, there were 11 submitted complaints in which the grounds of discrimination were not stated, i.e. no personal characteristic is stated because of which the complainant believes that s/he was discriminated against. These complaints included violation of other rights or it was not a matter of violation of a right, however, the complainants experienced their situation as discriminatory.

In accordance with Article 3 of the Law on Prevention and Protection against Discrimination, the Commission for Protection against Discrimination takes action about submitted complaints if it is established that an individual was directly or indirectly discriminated against on some of the grounds of discrimination „...**sex, race, skin color, gender, member of marginalized group, ethnic background, language, citizenship, social background, religion or faith, other creed, education, political affiliation, personal or societal status, mental or physical disability, age, family or marital status, property status, health status or any other grounds specified by law or ratified international agreement**“.

Example:

The complainant stated that she was discriminated against because other tenants in the building had not paid for the tenant's council on one account. The submitted complaint was unclear and confusing and therefore the Commission asked the complainant in written to complement and further explain the complaint. The complainant did not respond to the request of the Commission.

The Commission for Protection against Discrimination reviewed the complaint and did not establish discrimination because from the submitted facts and evidence it was obvious that there was no violation of the right she referred to.

The big number of submitted complaints without any grounds of discrimination shows that the phenomenon of discrimination is still relatively unknown for the general public and that many violations and unjust situations are considered as discrimination.

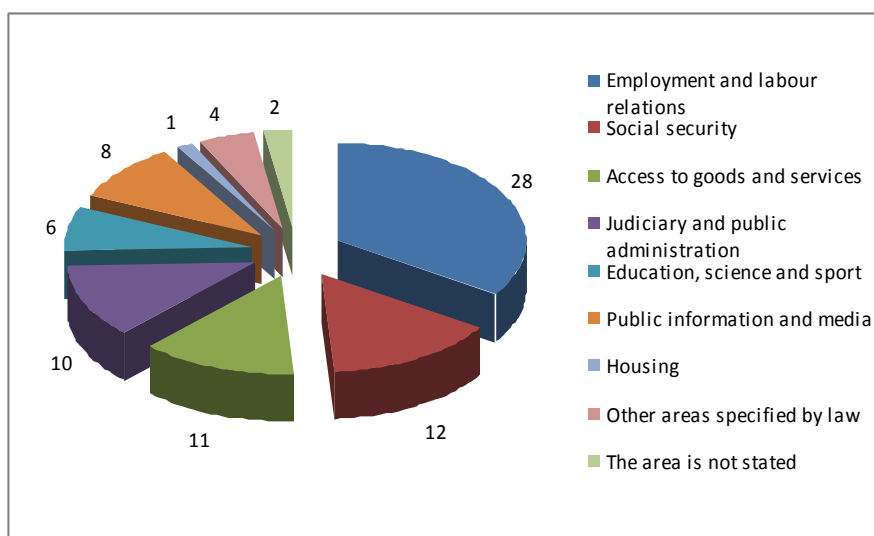
2.5. DISCRIMINATION PER AREAS

On the basis of Article 4 of the Law on Prevention and Protection from Discrimination, the law is being applied by all state authorities, organs of the units of local self-government, legal entities and natural persons in the areas of: employment and labor relations; education, science and sport; social security including the areas of social protection, pension and disability insurance, health insurance and health care; judiciary and public administration; housing; public information and media; access to goods and services; membership and activity in trade unions, political parties, citizen associations and foundations and other membership-based organizations; culture and other areas specified by law.

In the course of 2012, total of 76 complaints were received by the Commission for Protection against Discrimination, among which:

- 28 complaints in the area of employment and labor relations
- 12 complaints in the area of social security
- 11 complaints in the area of access to goods and services
- 10 complaints in the area of judiciary and public administration
- 8 complaints in the area of public information and media
- 6 complaints in the area of education, science and sport
- 1 complaint in the area of housing
- 4 complaints in other areas specified by law
- In 2 of the complaints, the area is not stated

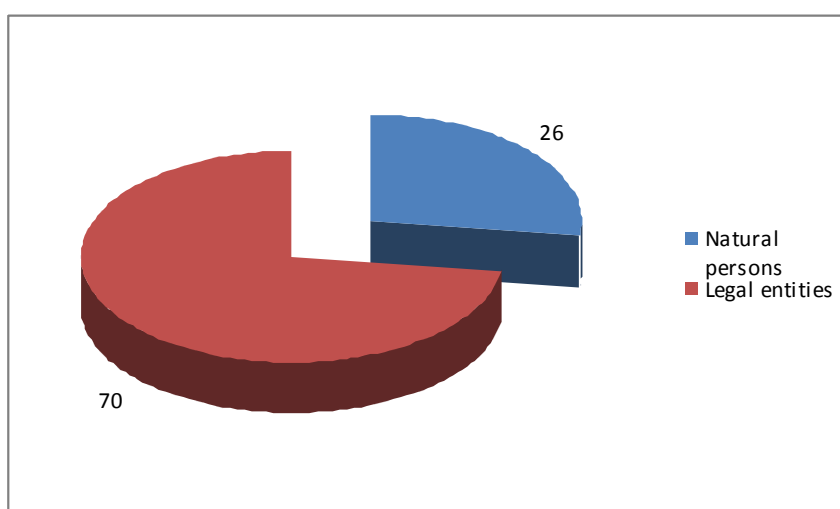
Submitted complaints per areas



From the total number of received complaints, in 70 of the complaints only one area of discrimination is stated, whereas two areas of discrimination are stated in six complaints, and only in one complaint there were more than three areas of discrimination stated.

2.6. AGAINST WHOM ARE THE COMPLAINTS SUBMITTED

The biggest number of complaints is submitted against state authorities. Within this category, most of the complaints are against the Ministries (Ministry of interior, Ministry of education, Ministry of health, etc.), units of local self-government and their organs (municipalities), courts, Health Insurance Fund of Macedonia, educational institutions within the educational system (primary schools), medical institutions (hospitals), etc. In 26 of the cases, the complaints are against natural persons, whereas in 70 of the cases the complaints are against legal entities.



NOTE: In some complaints, the complainants stated several potential discriminators.

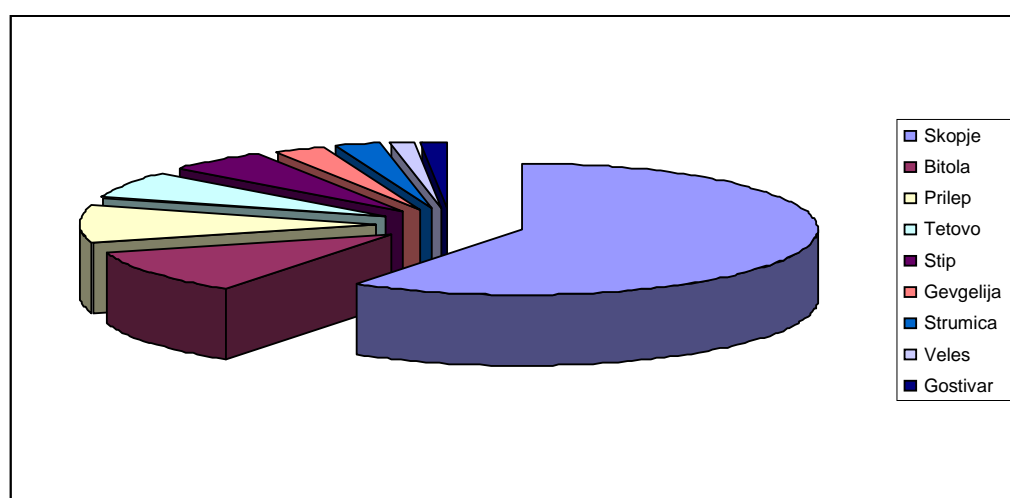
2.7. SUBMITTED COMPLAINTS PER REGIONS

The biggest number of complaints was submitted by people seated in Skopje – 44 complaints. This is an indicator that the Commission for Protection against Discrimination is most visible in Skopje and the surrounding area.

In 2012, there were 8 complaints submitted to the Commission from Bitola, 7 complaints from Prilep, 5 from Tetovo, 4 from Stip, 2 from Gevgelija, 2 from Strumica and 1 complaint from Veles, Gostivar, Negotino, Struga.

In the course of 2013, the Commission shall take a range of activities so that the body can be more accessible, recognizable and visible on the whole territory of Republic of Macedonia.

Submitted complaints per regions



3. COOPERATION

3.1. INTERNATIONAL COOPERATION

In the past two years since its foundation, the Commission for Protection against Discrimination established a network of cooperation with many international organizations both in Macedonia and abroad, and with their assistance realized numerous activities which are of major significance for the strengthening of the capacities of the Commission.

Participation at the Annual General Assembly of Equinet, (5 December 2012, Brussels)

On the 20th April, the Commission submitted its official application for full membership in Equinet, the European Network of Equality Bodies, whereby the Commission for Protection against Discrimination was approved membership in accordance with the Equinet statutes and the Commission was given the status of an observer. In this context, the Annual Assembly of the European Network of Equality Bodies – Equinet was held in Brussels, which was attended by one member of the Commission. At the Annual Assembly, the Commission for Protection against Discrimination was proclaimed to be full member of

the European network of equality bodies.

The membership shall contribute towards strengthening of the capacities of the Commission, through opening of possibilities for direct cooperation with the equality bodies from other European countries. In future, the Commission shall have access to all publications, trainings, counseling, exchange of experience and other various activities which are part of the Equinet program.

3.1.1 Study visits

With support from international organizations, the members of the Commission for Protection against Discrimination had the possibility to have meetings with many institutions and bodies that deal with human rights protection, equality and fight against discrimination. The participation at those meetings enabled the Commission to share and exchange experiences with the equality bodies, to perceive the problems that equality bodies encounter, the ways they use to tackle the problems, etc. Of major importance are also the recommendations given by foreign bodies about the solution of concrete problems encountered by the Commission. These types of meetings widened the horizon for creative ideas, ways of thinking as well as conceptualizing different visions that would contribute towards the growth of the work and the capacities of the Commission.

Study visit, (24-26 April 2012, Brussels)

The study visit in Brussels was organized by the OSCE Mission in Republic of Macedonia. Participants in this study visit were the members of the Committee and OSCE representatives. The main objective of the study visit to Brussels was to get insight and advice about the establishment and functioning of the infrastructure for equality in Belgium. For that reason, the members of the Commission had the opportunity to have a meeting with the Belgian Institute for Equality between Women and Men and the Centre for Equal Opportunities and Opposition to Racism. Furthermore, the members of the Commission had meetings with the European Commission- Directorate-general for justice, European network against racism (ENAR), International association ILGA- Europe and the European Disability Forum, so that the meetings with these institutions enabled the Commission to make a comprehensive overview of the EU legal and political anti-discrimination framework. The main topics of discussion were the acquired experience and the issues encountered by the Commission during the first year of its existence, as well as the activities and measures which are taken by the above stated institutions and organizations in the framework of their competencies for protection against discrimination and promotion of equality and tolerance.

Study visit, (2-6 April 2012, Bulgaria)

The study visit to the Bulgarian Commission for protection against discrimination was organized by the Centre for economic development from Bulgaria and the Centre for research and policy-making from Macedonia, as part of the project "Exchange of EU best practices in the area of implementation of anti-discrimination legislation", financed by the European Union. In the course of the study visit, the representatives of the Macedonian Commission visited the Bulgarian Ministry of labor and social policy, the Ministry of health, youth and science, the Ombudsman, as well as the regional office of the Commission. In addition, meetings were held with the Institute Open Society- Sofia, the Bulgarian Helsinki Committee, the Bulgarian Foundation for gender research, Roma Lom Foundation, Centre for

Independent Life and Bilitis Centre for human resources.

Study visit, (11-15 June 2012, Sweden)

The study visit to the Swedish equality infrastructure for the members of the Commission for Protection against Discrimination, as well as for the staff from the Department for protection against discrimination and the Department for protection of the rights of children and people with disabilities from the national Ombudsman office, was organized and sponsored by the OSCE Mission in R.Macedonia. During the study visit, the participants had the possibility to visit the following bodies for human rights protection: Thematic group for equality, Ombudsman for equality, Parliamentary Ombudsman of Sweden, Ministry of employment of Sweden, Department for matters related to discrimination, Anti-discrimination bureau from Upsala. The representatives at this study visit had the opportunity to become familiar with the work of these institutions and the approaches and model of fight against discrimination through experiences, practice, challenges in this area and ways to tackle the challenges, different roles of the independent bodies, mechanisms for settlement of complaints etc. The benefits from these meetings are of major importance for the representatives from Macedonia, primarily because of the exchange of experiences, manners of work and similar activities which are in the scope of the subject-matters which are essential for these organizations.

Participation at the training of the equality bodies- EQUINET (26-27 September 2012, Malta)

This is the first meeting at which the Commission had its own representative. The working group for communication is one of the four working groups of EQUINET. At this training, the members of the Commission had the possibility to acquire practical knowledge about the best ways to reach to the vulnerable groups and the potential victims of discrimination, to build trust, exchange experiences and practices in the conceptualization of communication strategies and implementation of communication activities that contribute towards spreading the culture of rights.

This training was attended by representatives of the national bodies for human rights protection from Northern Ireland, Czech Republic, Croatia, Romania, Italy, Spain, etc. The purpose of the study visit was to exchange experiences and practices for conceptualizing communication strategies and implementation of communication activities that contribute towards spreading the culture of rights.

3.1.2. Meetings and trainings with representatives of international organizations

Participation at seminar (31 May- 1 June 2012, Strasbourg)

The Commission for Protection against Discrimination participated at the seminar of the European Commission against Racism and Intolerance (ECRI), entitled "Seminar with the national specialized bodies for fight against racism and racial discrimination: Anti-discrimination bodies – recent trends and challenges ", which was held in Strasbourg. In general, the focus of the seminar was the merging of the specialized bodies in order to create institutions with broader objectives in the sphere of human rights, as well as expanding the mandates of the already existing equality bodies.

Meeting with the political advisor, Mrs. Marissa Mcissaac from the US Embassy, (09.02.2012, Skopje)

In February 2012, in the premises of the Commission, a meeting was held with the political advisor, Mrs. Marissa Mcissac from the US Embassy, who presented her knowledge about the system of equality in

USA. Also, she was introduced with the work of the Commission and the challenges it faces. The members presented the phases in taking action and also some concrete cases in which discrimination was established.

Training with an independent expert and former director of the Irish equality body, Naill Crowley, (19-23 March, 2012, Skopje)

The training supported by the expert mission TAIEX, conducted by the independent expert Niall Crowley (former director of the Equality authority in Ireland) was held in the premises of the Commission. This training was conducted with regard to the enforcement and implementation of the Law on Prevention and Protection against Discrimination. The expert shared the experiences from the work of the Irish body in the first years of its functioning and the challenges it faced in order to make comparison with the Commission for Protection against Discrimination being a new equality body and to make use of the positive experiences. Throughout the training, the Law and its understanding from several aspects were elaborated, whereby the Commission resolved many dilemmas that it encountered during the work. The meeting and the work with the independent expert was of major importance, in particular the manner of designing strategies, methodology of work as well as development and use of communication strategy, for which the Commission showed great interest. Such meetings greatly contribute to the growth of the Commission as recognisable protective mechanism in the fight against discrimination.

Meeting with EU representative, Brus Adamson (23 April 2012, Skopje)

As part of the high level accession dialogue between Republic of Macedonia and the European Union regarding Chapters 23 and 24, the Commission was visited by Mr. Brus Adamson, EU representative. At the meeting, as part of this "informal screening", discussion was held about the work of the Commission, issues and manners how to overcome the problems encountered by the Commission, etc.. One of the relatively bigger problems that present an obstacle for the continuous development of the Commission is the inexistence of a Secretariat, which was also emphasized by the EU representative, Brus Adamson.

International conference, October 2012, Skopje

The Commission participated at the international conference on the topic "Exchange of best EU practices for implementation of the anti-discrimination legislation". The conference was attended by the representative of the European parliament, Mr. Richard Howit-rapporteur, Commission for foreign affairs, representative of Republic of Bulgaria, etc.

Meeting with the Commissioner of human rights, Nils Muiznieks (26 November 2012, Skopje)

The meeting was focused on the vision and mission of the Commission, its work, competencies and challenges it faces. In the course of the discussion, many issues were opened that affect the protection of equality of the national minorities, with focus on Roma, about the legal authorizations of the Commission, research and analysis of collected data. The Commissioner also provided proposals about what the Commission needs to undertake regarding its strengthening and mature growing into a recognizable institution in the fight against discrimination, i.e. it was stressed that there is need for

internal structural strengthening of the Commission or more precisely establishment of the Secretariat of the Commission. The Commissioner Muiznieks stated that the resolution of the problem encountered by the Commission in the course of the work would enable significant growth in the functioning of the Commission.

Meeting with independent expert and former director of the Irish equality body, Naill Crowley, (December, Skopje)

In the premises of the Commission, meeting was held regarding the evaluation of the work done by the OSCE Mission in Skopje. The focus was on the support provided by the OSCE Mission in Skopje to the Commission since its establishment to date. The discussion was held about the outcome of the support, the lessons learnt by the Commission for the future, as well as about the challenges faced two years ago and in the following two years. Niall Crowley was informed about the benefits from the cooperation with OSCE with regard to the strengthening of the capacities of the Commission through trainings, workshops, interinstitutional workshops, preparation of bilingual brochures, design of website, installation of database for statistical data.

3.1.3 Projects

In the course of 2012, the Commission for Protection against Discrimination, in cooperation with ODIHR, realized the project entitled: *Best practices for Roma integration in Western Balkan*, which shall last throughout 2013.

Best practices for Roma integration (BPRI) is a regional project for the countries of Western Balkan, supported by OSCE and implemented by ODIHR. The project objective is to contribute towards the integration of Roma in the region, and it is a reflection of the efforts made for the eventual accession to the EU as OSCE member states.

As part of the Roma Action Plan, the Decade for Roma Inclusion and the national governmental strategies for Roma integration, the governments, non-governmental organizations and Roma civil society work together on the promotion of social inclusion of Roma and fight against the discrimination they face.

One of the project activities is to enable technical support to the Commission for Protection against Discrimination of R. Macedonia – Roma Focal Point, i.e. employment of one person of Roma nationality in the Commission in a period of one year (2012), in order to bring the Commission closer to the Roma community.

As part of the project, it is planned that 15 informative open meetings are held throughout R. Macedonia, mainly in cooperation with the Roma NGOs, i.e. with participants of the Roma community and from other communities. The purpose of the informative workshops is to promote the Commission and to provide information about the manner of submitting complaints, the manner of work of the Commission and the manner of taking action in accordance with the Law on Prevention and Protection against Discrimination.

3.2. COOPERATION WITH COMPETENT AUTHORITIES FOR REALIZATION OF EQUALITY AND HUMAN RIGHTS PROTECTION ON LOCAL AND NATIONAL LEVEL

In the past year, the cooperation with the competent authorities for realization of equality and human rights protection on local and national level was significantly improved.

In 2012, the Commission for Protection against Discrimination continued the cooperation established in 2011 with the OSCE Mission in Skopje. To that end, new Memorandum of Cooperation in 2012 was signed between the two parties²¹.

3.2.1 Workshop for cooperation among the commission, social partners and units of local self-government

The first workshop was held on 31 May 2012, entitled “Cooperation among the Commission, social partners and the units of local self-government“. The workshop was attended by the representatives of the three trade unions, as well as representatives of the Association of employers. Practically, this was a continuation of the similar workshop held in 2011, and dealt with the already established communication and the new needs of the participants, ways to fulfill the needs and enhancing the already existing cooperation at sufficient level.

3.2.2 Workshop for cooperation among the commission, inspectors and other institutions on central level

The workshop entitled “Cooperation among the Commission, inspectors and other institutions on central level“ was held on 10 June 2012. This workshop was attended by representatives of the Ombudsman office, Directorate for personal data protection, Commission for protection of the right to free access to information of public character, the Fund for pension and disability insurance of R.Macedonia, Broadcasting council, State commission for decisions in administrative procedure and second instance labor relations procedure, representatives of the social inspection, the Institute for social activities, State sanitary and health inspectorate, State administrative inspectorate, State labor inspectorate, etc.

The purpose of the meeting was to ensure support for the approximation process of the recommendations of the respective national institutions and organizations regarding the functioning of the Commission for protection against Discrimination. The meeting also enabled the exchange of ideas and experiences, enhancing the cooperation of the Commission for Protection against Discrimination, as well as with the inspectorates and other institutions on central level.

3.2.3 Workshop for cooperation among the commission and the parliamentary working bodies

The last workshop from the series of workshops for enhancing the cooperation with the relevant institutions, was held on 9th November, entitled “Cooperation among the Commission and the parliamentary working bodies“. This workshop was attended by the deputy president of the Assembly of

²¹ See item 8 CONCLUSIONS

Republic of Macedonia, Mrs. Suzana Saliu, the president of the interparty parliamentary group for protection of people with handicap at the Assembly of Republic of Macedonia, Mr. Pavle Sazdov, the president of the Committee for equal opportunities of men and women, Mrs. Liljana Popovska, representatives of the standing Inquiry committee for protection of citizens' freedoms and rights, Committee for relations among the communities, etc.

The meeting was focused on the open cooperation, mutual assistance in the resolution of realistic-systemic problems. Possibility, among others, was given for exchange of ideas and experiences among the institutions, which represent the essential element in the fight against discrimination, as well as promotion and affirmation of the concepts of equality, tolerance and non-discrimination. In this context, the accent was put on the modalities for future cooperation of the Commission with the parliamentary working bodies.

3.2.4 Memorandum of cooperation with the academy for judges and public prosecutors

On 27th June 2012, the Commission for protection against Discrimination and the Academy for judges and public prosecutors signed a Memorandum of cooperation, which defines the areas and scope of cooperation among the parties in the framework of their authorizations, joint appearance in public as well as in front of potential donors, and joint participation in projects in the area of prevention and protection against discrimination, as well as regarding the promotion and affirmation of the concepts of equality, tolerance and non-discrimination.

Activities, which are subject of the Memorandum of cooperation, include but are not limited to the following:

1. The Commission and the Academy, in the framework of their competencies, shall jointly organize continuous trainings for their target groups, working meetings and appearances in public.
2. The Commission and the Academy shall cooperate and jointly act in projects aimed to prevent and protect against discrimination, promotion and affirmation of the concepts of equality, tolerance and non-discrimination, raising the public awareness etc.
3. The Commission being authorized to collect statistical and other data shall establish databases, conduct studies and research, and upon request of the Academy shall make available the data from the respective database, the results of the conducted studies and research, as well as other data under its competence.
4. The Commission, being competent to take action about complaints, issue opinions and recommendations about concrete cases of discrimination, upon request from the Academy or on its own initiative shall submit the opinions and recommendations to the Academy which are in its interest.
5. The Commission and the Academy shall cooperate with regard to the promotion and definition of the role of the Commission in front of the judicial authorities, in cases when

lawsuits are filed for protection against discrimination either as consequence from adopted opinion or recommendation by the Commission or irrespective of that.

3.3. COOPERATION WITH CIVIL ORGANIZATIONS

In the past year, there was a significant improvement in the cooperation between the Commission and the civic organizations, which are exceptionally important partners in the fight against discrimination. The Commission has developed different forms of cooperation with numerous organizations from the whole region of Macedonia: partnership in project implementation, participation at meetings, events and conferences, cooperation about complaints, etc.

At the end of 2012, a workshop was organized about the cooperation between the Commission and the civil organizations. The workshop was aimed to discuss the manners of improving the already established cooperation, improving the mutual cooperation as well as joint future activities.

In the past period, cooperation was established with different organizations: Polio+, Foundation Open Society Institute SOROS, ODIHR, Helsinki Committee for human rights, SUMNAL, Roma organization for multicultural affirmation (ROMA S.O.S), Centre for research and policy making, etc.

Several meetings were held with civil organizations:

On 16 February 2012, The Centre for research and policy making promoted the analysis: "How to eliminate discrimination in the public sector?", for which preparation the Commission serves as a significant source of information and the members of the Commission were being interviewed throughout the research. The members of the Commission were also the speakers at this event and they elaborated on the topic from the aspect of the acquired experience of the Commission.

On 4 April 2012, a representative of the Commission was present during the signing of the Certificates of appreciation for cooperation in the project of the Macedonian Helsinki committee for human rights "Improving the inclusion of the communities with less than 20% in the democratic processes", financed by EU/ODIHR, and the Czech Embassy in Macedonia. The aim of the project was to improve the participation of the communities with less than 20% of the population in R.Macedonia for improvement of their political, media and cultural representation and visibility, through introduction of mechanisms to improve their participation in the democratic processes.

On 10 April 2012, Mr. Dusko Minovski participated at the conference organized by the Centre for economic development from Bulgaria and the Centre for research and policy making from Macedonia, where a presentation was made of the conducted analysis about the current legislation in R.Macedonia. This activity is of major importance for the Commission.

On 17 May 2012, the Commission participated at the public discussion entitled "Discrimination and mechanism for protection against discrimination", which was held in Prilep and was organized by the NGO Action for peace, Roma S.O.S. and the Association of young economists. On this occasion, the president of the Commission made an overview of the Macedonian system for protection from discrimination, as well as more detailed depiction about the role of the Commission as the central body for prevention and protection against discrimination.

On 23 May 2012, the Foundation Open Society Macedonia presented its "Shadow report for the Commission" – report about the work of the Commission for Protection against Discrimination in its first year of work. At this event, the Commission presented its argument-based position with regard to the not very positive-critical overview presented in the report.

On 6 November 2012, the members of the Commission participated at the regional conference entitled "*New challenge for the movement of the people with handicap*" organized by TAKSO and Polio plus.

On 20.11.2012, the Commission attended the closing conference of the project "Improving the access to justice by the victims of discrimination", organized by the Helsinki Committee for Human Rights in R.Macedonia, where the Commission took participation in part of the panel discussion and represented the work of the Commission. The topic of the conference was "*The Law for Protection against Discrimination and the mechanisms for access to justice by the victims of discrimination: problems, challenges and need for changes*".

The Institute for human rights, in the framework of the implementation of the project "*Discrimination of Roma in the educational system: Breaking the wall of rejection and segregation*", on 11.12.2012 organized a round table on the same topic in the municipality of Chair, which was also attended by the representatives of the Commission.

The topic of the round table held on 13.12.2012 was "*Discrimination, situation and challenges*", which was used to present and discuss the problems encountered in practice during the application of the Law on Prevention and Protection against Discrimination. The event was organized as part of the project "Strengthening the civic participation in the legislative process" of the Institute for human rights in cooperation with the National Democratic Institute.

3.4. COOPERATION WITH MEDIA

In comparison with the previous year, the interest of the media about the work of the Commission was significantly increased. The increase in the number of appearances in the media is primarily due to the numerous activities of the members of the Commission, as well as to the raised awareness of the journalists about the importance of this body. In 2012, many statements, comments, announcements, including articles and texts in which the Commission for Protection against Discrimination was mentioned were published in the printed and electronic media.

On many occasions, the members of the Commission were present on the national and local TV stations, whereby they promoted the principles of equality, tolerance and non-discrimination. In this context, it is an interesting fact that the Commission participated in the program of the TV station "24 News", in the morning program of the TV station Alfa, on the Macedonian radio-television, which was used to promote the work and the competencies of the Commission and the concepts of equality and tolerance and the experiences from the work of the Commission in the past two years since its establishment by underlining the encountered challenges. The president of the Commission was guest in the radio programs of "2 Radio", where the discussed topic was prevention and protection against discrimination, human rights and the promotion of the principles of equality, tolerance and non-discrimination. The Commission also marked the days of importance for the prevention and protection

against discrimination, such as the International day of the people with special needs, Day of human rights, International day of tolerance, International day of Roma, etc, through announcements to all printed and electronic media. The announcements stated the need for respect, tolerance and awareness about the problems encountered by all people who are discriminated against, who belong to those groups, which in turn raises the awareness of the citizens about the existence and seriousness of those problems as well as the need for those being recognized and resolved.

Furthermore, the media broadcast the expert opinion of the Commission about the Proposal- Draft law on changes and amendments to the law on Traffic and Road Safety, which was also forwarded to the president of the Assembly of R.Macedonia.

At the same time, the design of the website of the Commission www.kzd.mk was improved, i.e. it was enriched with new contents and information, as well as opinions issued by the Commission.

In the context of undertaking activities for promotion and education about equality, human rights and non-discrimination, and in the framework of the teaching conducted about the subject – Vulnerable groups and prohibition of discrimination, the four year undergraduate students from the Faculty for security, Department for human rights were present in the premises of the Commission. The members of the Commission presented their work, the competencies and activities of the Commission as well as examples of submitted complaints in which discrimination was established. The second part was open for questions from the students to be addressed to the members of the Commission. Through this visit, the students had the possibility to gain practical knowledge regarding the functioning of the Commission, and in particular about the processing of complaints, the availability of the Commission and the results of undertaken activities.

3.5. COOPERATION WITH THE SECRETARIAT FOR EUROPEAN AFFAIRS

The Commission for Protection against Discrimination in 2012 actively continued the cooperation which was established with the Secretariat for European Affairs at the Government of R. Macedonia in 2011.

In this context, a representative of the Commission was present during the coordinative meetings aimed for quality preparation for the IX Subcommittee on justice, freedom and security in the framework of the Stabilization and Association Committee, which was held on 30.11.2012 in Brussels.

Furthermore, the Commission submitted monthly reports about the progress in the area of promoting the equality and protection against discrimination to the Secretariat. These two activities represent an already established practice in 2012.

4. PARTICIPATION AT TRAININGS, ROUND TABLES AND WORKSHOPS

4.1. TRAININGS ABOUT DISCRIMINATION

In the framework of the project activity of the OSCE anti-discrimination portfolio, in the course of 2012, advanced trainings on different grounds of discrimination were organized for the members of the Commission, such as: training for protection against discrimination on the grounds of sex/gender, training for protection against discrimination on the grounds of age and training for protection against discrimination on the grounds of handicap.

Training on prevention and protection against discrimination, 05-07. 03.2012

The OSCE Mission in Skopje organized the training entitled *“Training for prevention and protection against discrimination”*. The training was attended by the members of the Commission and representatives of the Ombudsman office.

Training on protection against discrimination on the grounds of sex and gender, 28-29.06.2012

In the framework of the activities and cooperation that the Commission has with the OSCE Mission, a two-day training was held with the focus on discrimination on the ground of sex and gender. The training was conducted by two international experts. Cases from the practice of the European court of justice and the European court of human rights that refer to discrimination on the grounds of sex and gender were reviewed during the training.

Training on discrimination on the grounds of age, 27-28.09.2012

This training was used to advance the knowledge about discrimination on the grounds of age. Cases from the practice of the European court of justice and the European court of human rights that refer to discrimination on the grounds of age were reviewed during the training.

Training on discrimination on the grounds of racial and ethnic background, religion and religious belief, 15-16.11.2012

The training on discrimination on the grounds of racial and ethnic background, religion and religious belief was organized by the OSCE Mission in Skopje, which was attended by the members of the Commission and the Ombudsman office – Department for discrimination. Cases from the practice of the European court of justice and the European court of human rights that refer to discrimination on the grounds of racial and ethnic background, as well as religion and religious belief were reviewed during the training.

Training on discrimination on the grounds of handicap, 6-7.12.2012

At the two-day training entitled *“Training for protection against discrimination on the grounds of handicap”* which was held in Mavrovo, the work was focused on the International convention for the rights of the people with disability, the case law of the European court for human rights and the Committee for social rights, and interactive work on selected study cases. The training was conducted by Neil Crowther, international expert and Zaneta Popovska, national expert.

4.1.1. Other trainings

Training of trainers for mediation

On 23,24 and 25 November 2012, the president of the Commission participated at the “Training of trainers for mediation“. The training was organized through the project “Support for improving the mediation implementation“, the donor being the Embassy of the Kingdom of Netherlands and the project beneficiary is the Ministry of justice of RM.

Training of trainers

The Academy for judges and public prosecutors and the OSCE Mission in Skopje organized the “Training of trainers“, which was also attended by the members of the Commission. The outcome of this training is that two members of the Commission can deliver trainings for the judges and public prosecutors. Accordingly, two two-day trainings were organized for the judges and public prosecutors and the trainers were two members of the Commission for Protection against Discrimination.

4.2. PARTICIPATION AT ROUND TABLES

Participation at round table, 08.02.2012

On invitation by the Ombudsman, the Commission participated at the round table entitled “*Mechanisms for protection against discrimination in RM*“ which was held at the EU Info Centre. The round table was opened by the official address of Mr. Izdet Memeti – Ombudsman of R.Macedonia, while the president of the Commission was one of the speakers at the round table and spoke about the most frequent forms of discrimination encountered by the Commission for Protection against Discrimination, as well as the measures and ways of taking action.

Participation at round table, 09.10.2012

The Academy for judges and public prosecutors, in cooperation and with financial support from the OCSE Mission in Skopje, organized the round table “*Hate speech*“ which was also attended by the members of the Commission. This meeting was aimed for the judges and public prosecutors from all instances and from all appellate regions, journalists and representatives of other relevant institutions. During the discussion, the findings of the legal analysis about hate speech and hate crime were presented.

Participation at round table, 24.10.2012

The Commission for Protection against Discrimination was also part of the round table organized by the Ombudsman, Department for non-discrimination and adequate and fair representation, entitled “*Exercising the right to equality and protection against discrimination*“, in Bitola. This meeting was attended by the representatives of the relevant institutions, who took part in the discussion and expressed their views regarding the topic. Speakers at this meeting were the deputy ombudsman, representative of the Department for non-discrimination and adequate and fair representation, member of the Commission for Protection against Discrimination and other representatives who presented their experiences from the work and introduced the participants with the concept of anti-discrimination.

Participation at meeting, 13.03.2012

In the premises of the Secretariat for European Affairs, two members of the Commission participated at the meeting of the working group for Political criteria, in particular about the part on fundamental rights. The discussion at the meeting was focused on the assessment mission that will be held on 23-27 April in the area of justice, freedom and security.

Participation at round table, 26.09.2012

The focus was on the project activities aimed to strengthen the capacities of the Ombudsman Department for non-discrimination and adequate and fair representation and the Department for protection of child rights and rights of the people with disabilities. Member of the Commission also participated at the round table. The round table was organized by the office of the Ombudsman with the support from the Embassy of the Kingdom of Netherlands.

4.3. OTHER ACTIVITIES

On 22 October, the members of the Commission attended the public session of the Broadcasting Council on the topic: Gender in television programs, which was used to present the results of the research conducted this year. At this event, the analysis of gender issues in the program concepts and the contents of the media as well as the analysis of the manner of portraying women and men in the program concepts and contents were elaborated in details.

The Macedonian Academy of Arts and Sciences, with the support of the OSCE Mission and the Academy for judges and public prosecutors, on the occasion of 16 November-International day of tolerance, organized a debate on the topic "Hate speech-challenges in the era of tolerance, diversity and cohesion". The members of the Commission attended the event.

In the first half of December 2012, the Commission for Protection against Discrimination participated at the workshop which was organized by the Agency for realization of the rights of the communities on the topic: "Forum for education".

On 03.12.2012, the International day of the people with handicap was marked with an event organized by the NGO Polio plus, which was also attended by the members of the Commission for Protection against Discrimination.

In the course of 2012, the Commission held numerous meetings with the representatives of the EU Delegation, OSCE Mission, British Embassy and representatives of the European Commission, ODIHR, etc. Some of the meetings were used to discuss the future activities in the area of anti-discrimination, vision about the future development of the Commission, as well as utilization of the TAIEX instrument, joint projects, etc.

In the course of 2012, as part of the awareness raising activity of the Commission and as result of the cooperation with the municipalities, a presentation was made about the Law on Prevention and Protection against Discrimination to the members of the Council of the municipality of Gorce Petrov. In addition, this event was used to present the work and the activities of the Commission, as well as the concept for development of anti-discrimination in Macedonia.

On 14 December, on invitation by the University Third age- Skopje, the president of the Commission attended an event where he made presentation about the Commission, its work and shared the experience from the work of the Commission in front of 100 students from the university. This occasion was used to present the work of the Commission, the activities taken in the fight against discrimination, whereby the sharing of the experiences from the work of the Commission were of major importance for this profile of people as they had the opportunity to ask open questions, and the answers referred to very realistic situations.

The Ministry of labor and social policy – in accordance with the program for work of the Government of RM and MLSP in the context of the implementation of the Law on Prevention and Protection against Discrimination, drafted the Strategy for equality and non-discrimination. The members of the Commission participated in the working group that drafted the strategy and they gave their contribution in the drafting process.

5. KEY PROBLEMS ENCOUNTERED BY THE COMMISSION IN THE IMPLEMENTATION OF THE LPPD

5.1. STRUCTURAL ISSUES

5.1.1. Report on the implementation of the 2012 financial plan

In the previous year, the Commission for Protection against Discrimination was approved the amount of 4.665.000.00 MKD, of which 4.563.064.00 MKD was spent. Following the rebalance from 07.06.2012, the budget was reduced to 4.621.000.00 MKD.

All funds were planned and spent in accordance with the competencies, rights and authorizations of the Commission in order to ensure legal, efficient and economical use of funds. Enclosed to this Annual report is also the part of the Budget of Republic of Macedonia for 2012, which refers to the funds foreseen for the Commission as well as the allocation per items.

5.1.2. Budget limitations

The financial problems, i.e. the budget limitations largely influence the scope and the efficiency in the implementation of the Commission's activities. The Government of Republic of Macedonia has not provided adequate financial and human resources for the Commission in order to ensure efficient fight against discrimination. For certain, such limitation of resources is not only a problem in Republic of Macedonia. Problems related to the ability for self-financing and employment in the local equality bodies also exist in the EU countries²². Yet, in the past years, the budget of many of the equality bodies was proportionally reduced, which has negative impact on their independence and efficiency²³.

The introduction of the Commission as **central national authority** for prevention and protection against discrimination, as well as for affirmation and promotion of equality, non-discrimination and tolerance is not followed by the adoption of adequate legal budget item. Depending on the amount of funding available to the Commission, it can fulfill its competences foreseen by the Law on Prevention and Protection against Discrimination. Given the small available funding, one has to mention that this situation has significant impact on the efficiency in the application of the Law and reduces the ability of this institution to completely perform its legal obligations, in particular the promotion of the Law, monitoring the legal proceedings related to discrimination, conducting research in the area of discrimination and monitoring the compliance with the legislation.

At the end of 2012, the Commission submitted a proposal for budget to the Ministry of finance, whereby the proposal includes the real needs of the Commission for the following budget year which is to be followed by the adoption of the proposed budget by the Assembly of Republic of Macedonia.

²² Commissioner for human rights of the Council of Europe, *Opinion of the Commissioner*, 4.4.

²³ For instance, Ireland, Latvia and Romania. Chopin, I. and Uyen Do, Th., *Developing Anti-Discrimination Law*, cmpr. 87. In Ireland, for instance, in 2009, the budget of this institution was reduced for 43%, and 4% for the other institutions. See European network of legal experts in the non-discrimination field, "How to address discrimination across all grounds and share experience between different kinds of discrimination: summary workshop proceedings" (Legal Seminar on the implementation of EU law on equal opportunities and anti-discrimination, Brussels, 25 November 2008), page. 8.

This procedure is not in compliance with the best practice when one considers the independence and efficiency of the Commission. The problem is that practically the Commission has no significant impact on the changes of the budget proposals, which are usually prepared by the Ministry of finance. For instance, although the request for 2012 budget for the item related to the building of the capacities regarding the implementation of the LPPD amounts to 50.000,00 MKD, the Ministry of finance approved only 15.000 MKD, which was further reduced to 10.000 MKD with the rebalance, whereby one can see that the indispensable funds for implementation of the activities from the Law on Prevention and Protection against Discrimination have not been foreseen.

The lack of funding is the primary reason for the insufficient presence of the members of the Commission on the field, among the citizens, which is actually one of the priorities of this institution, and this has significant role in the availability of the institution for protection of equality on the whole territory of R.Macedonia.

Given the small available funding, the Commission indicated that for bigger part of the past year, the telephone and internet connection were not functional. In this context, if the Commission did not find an interested partner, i.e. the Macedonian Centre for International Cooperation, which supported the Commission during the first year of its establishment, the elementary technical conditions for its functioning would not have been enabled. This would have been a serious attack on the efforts of the Commission to be positioned and established as central national body for prevention and protection against discrimination, as well as for affirmation of equality, tolerance and non-discrimination.

According to the items stated in the 2012 Budget of Republic of Macedonia, as well as the respective rebalance, the Commission used the following funds:

- Item 420:	0 MKD
- Item 421:	135.637.00 MKD
- Item 423:	12.000.00 MKD
- Item 424:	10.000.00 MKD
- Item 425:	4.395.427.00 MKD
- Item 426:	10.000.00 MKD
- Total:	4.563.064.00 MKD

Furthermore, the following account receivables remained unsettled per budget items:

- Item 421:	71.192.00 MKD
- Item 424:	45.289.00 MKD
- Item 425:	41.558.00 MKD
- Item 426:	7.110.00 MKD
- Total:	165.149.00 MKD

5.1.2.1. Budget of the Commission for Protection against Discrimination for 2012

Разред Програма Подпрограма Категорија Статика	О П И С	Б У Д Ж Е Т 2012											
		Расходи на Основен Буџет		Расходи од самодонасвачки активности		Расходи од заеми		Расходи од донации		Вкупно расходи			
		Буџет	Резервис	Буџет	Резервис	Буџет	Резервис	Буџет	Резервис	Буџет	Резервис	Буџет	Резервис
02014	КОМИСИЈА ЗА ЗАШТИТА ОД ДИСКРИМИНАЦИЈА	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
2	ЗАШТИТА ОД ДИСКРИМИНАЦИЈА	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
20	ЗАШТИТА ОД ДИСКРИМИНАЦИЈА	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
	РАСХОДИ												
42	СТОКИ И УСЛУГИ	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
420	Патни и дневни расходи	20	10	0	0	0	0	0	0	0	0	20	10
421	Комунални услуги, гревање, комуникација и транспорт	100	76	0	0	0	0	0	0	0	0	100	76
423	Материјали и ситен инвентар	15	15	0	0	0	0	0	0	0	0	15	15
424	Поправки и тековно одржување	15	10	0	0	0	0	0	0	0	0	15	10
425	Договорни услуги	4.500	4.500	0	0	0	0	0	0	0	0	4.500	4.500
426	Други тековни расходи	15	10	0	0	0	0	0	0	0	0	15	10
2	ЗАШТИТА ОД ДИСКРИМИНАЦИЈА	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
20	ЗАШТИТА ОД ДИСКРИМИНАЦИЈА	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
42	СТОКИ И УСЛУГИ	4.665	4.621	0	0	0	0	0	0	0	0	4.665	4.621
420	Патни и дневни расходи	20	10	0	0	0	0	0	0	0	0	20	10
421	Комунални услуги, гревање, комуникација и транспорт	100	76	0	0	0	0	0	0	0	0	100	76
423	Материјали и ситен инвентар	15	15	0	0	0	0	0	0	0	0	15	15
424	Поправки и тековно одржување	15	10	0	0	0	0	0	0	0	0	15	10
425	Договорни услуги	4.500	4.500	0	0	0	0	0	0	0	0	4.500	4.500
426	Други тековни расходи	15	10	0	0	0	0	0	0	0	0	15	10

КОМИСИЈА ЗА ЗАШТИТА ОД ДИСКРИМИНАЦИЈА

5.1.3. Establishment of professional service

The Commission realized and insisted on the necessity to professionalize the professional body in its composition, as a necessary precondition for the growth of the Commission itself, for the fulfillment of the priorities for 2013, as well as for establishing the Commission within the society and ensuring its respective recognition. In 2011 and 2012, important activities and steps were taken for building the capacities. However, the Commission must make progress regarding its development in order to satisfy the increasing need for its existence, whereby the establishment of a professional-administrative-technical body would be crucial for the preparation and realization of all above-stated activities.

The capacities of the Commission's staff need to be strengthened. It implies the formation of a three-member team and reorganization of the Commission in the sense of establishment of certain sectors that will work on complaints, research, and preparation of reports, publications and analysis of normative-legal matters.

5.2. ACCESS TO THE COMMISSION FOR PROTECTION AGAINST DISCRIMINATION

5.2.1. Seat of the Commission for Protection against Discrimination

Thanks to the Government of Republic of Macedonia, the Commission for Protection against Discrimination was enabled to use the premises on the 20th floor of the MRTV building, at the street Kej Dimitar Vlahov bb in Skopje, for unlimited period of time.

The Commission for Protection against Discrimination received a notification from the office of the Ombudsman that complaint was submitted to the Ombudsman from the person Z.S. against the Commission for Protection against Discrimination. In the notification, it is stated that the complaint implies that the Commission for Protection against Discrimination is discriminating against the people with handicap, i.e. that people with handicap were prevented to approach the Commission due to the fact that the Commission is located on the 20th floor of the MRTV building and the elevator can reach only the 19th floor of the building.

Being aware about the serious problem encountered by the Commission for Protection against Discrimination, i.e. the place and location of the premises in which the Commission is working prevents and disables the people with handicap to directly approach and submit complaints to the Commission, therefore the Commission for protection against Discrimination addressed the General Secretariat of the Government of R.Macedonia, which further referred the Commission to the General and common affairs service. The Commission submitted a request to the General and common affairs service and requested them to provide their opinion about the complaint submitted to the Ombudsman, as well as to inform about the stage of the procedure regarding the solution of this problem; however, the response to our request was not received.

Furthermore, as interim solution to overcome the problem, the Commission addressed the General and common affairs service with correspondence and stated the need for the Commission to place a small station next to the booth of Sekurikom (ground floor of the MRTV building), which would be used by the people with handicap to submit complaints to the Commission for Protection against Discrimination and

thus alleviate their access and also the functioning of the Commission, and once again there was no reply on our request.

Nevertheless, the Commission is still hoping that the problem will be resolved and shall further make efforts and identify ways that would lead to rational resolution of this problem.

5.2.2. Access to the Commission

With regard to the regional apportionment of the Commission, and in accordance with its legal competences, the Commission needs to conduct a field work. To that end, it would be necessary to ensure the presence of the Commission on the field by opening regional offices in several towns throughout Republic of Macedonia.

On one hand that would increase the access to the services of the Commission on the whole territory of R.Macedonia, and on the other hand it shall create conditions for efficient realization of other important activities – research, insight at the very place of the event, raising the awareness in the fight against discrimination. In addition, the opening of regional offices shall contribute towards the increase in the number of submitted complaints to the Commission.

In order to ensure the access to advisory services to all citizens of RM, it would be necessary to introduce and promote a special telephone line which the citizens can use to get free legal advice. Also, the investment in such step would not exclude the partnerships with credible local institutions and organizations, which would jointly make efforts to introduce a network of a “anti-discrimination headquarters”, and that will serve as the first contact point that each citizen can approach and the same headquarters would provide advisory service for the victims of discrimination.

6. FULFILLMENT OF OBLIGATIONS IN COMPLIANCE WITH THE LAW ON ACCESS TO INFORMATION OF PUBLIC CHARACTER

The Commission for Protection against Discrimination provides free access to the general acts under its competence and information of public character which enables the citizens to become familiar with the work of the Commission.

In accordance with the Law on Free Access to Information of Public Character, the Commission for protection against Discrimination is obligated to regularly keep and update the available list of information, and publish the respective list of information in a manner available to the public. The Commission, being the holder of information of public character, publishes them on its website.

From January until December 2012, three requests for access to information of public character were submitted to the Commission for Protection against Discrimination. In accordance with the Law on Free Access to Information of Public Character²⁴, the Commission responded to the requests within the legally prescribed deadline of 30 days from the receipt of the requests.

²⁴ “Official Gazette of Republic of Macedonia” No.13/2006, 86/08, 06/10

The **first** request referred to the total number of submitted requests related to the discrimination on the grounds of sex in the period from the establishment of the Commission, per year, the total number of complaints for discrimination on the grounds of sex submitted in person and the total number of complaints submitted by an authorised person in the period from the establishment of the Commission, per years. The **second** request referred to the total number of conducted procedures based on complaints for discrimination and unequal treatment in line with the Law on Prevention and Protection against Discrimination per years from the period of establishment of the Commission, the number of submitted complaints with positive and negative outcome, information related to concrete complaints on which the Commission took action in the period since its establishment, information about the manner and period of taken action by the Commission and copy of issued opinions. In the **third** request for access to information of public character, the Commission was requested to state whether it takes action about discrimination on the grounds of sexual orientation and gender identity, and whether the Commission is issuing its opinions and positions regarding the adoption of laws in R.Macedonia.

Table – overview of number of submitted requests per categories:

Requestor of information	Number of submitted requests	Number of adopted requests	Number of rejected requests
Citizens	-	-	-
Media	-	-	-
NGOS	3	3	-
Political parties	-	-	-
Authorities	-	-	-
Other	-	-	-
Total	3	3	-

In the process of providing information, the Commission paid special attention to the protection of personal data in accordance with the Law on Protection of Personal Data²⁵. The party in a procedure taken in front of the Commission is entitled to protection of all private data which is stated in the complaints. The confidentiality principle can be annulled only in cases specified by law.

The request for access to information of public character may be submitted in written. It is important that the request clearly states the requested information, i.e. what it precisely refers to or as precise information as possible. The request may but does not necessarily have to contain the reasons for submission of the request as well as other data which can alleviate the identification of the information. The access to the document that contains the requested information is free of charge in accordance with the Law on Free Access to Information of Public Character²⁶.

The request for access to information of public character may be submitted to the Commission for protection against Discrimination in written, at the following address: Kej Dimitar Vlahov bb, Skopje or by e-mail: contact@kzd.mk.

²⁵ „Official Gazette of Republic of Macedonia“ No. 7/05 and 103/08

²⁶ „Official Gazette of Republic of Macedonia,, Number 13/2006 and 86/2008

7. OTHER ACTIVITIES

7.1. ELECTRONIC DATABASE

In order to identify the trends in the society, the prevalence of forms of discrimination and the areas where discrimination most often occurs, as well as to take more detailed and focused action for prevention and protection against discrimination, it is of fundamental importance for the Commission for Protection against Discrimination to dispose of a database as a central national system that the Commission would use to obtain the necessary data.

In this regard, the most purposeful solution would be a database located in the Commission for Protection against Discrimination, as a central authority for prevention and protection against discrimination, whereby the data would be entered and used by the four central bodies that deal with anti-discrimination in Republic of Macedonia – Commission for Protection against Discrimination, Committee for equal opportunities of women and men at the Assembly of R.Macedonia, the Ombudsman office and the Sector for equal opportunities of women and men at the Ministry of labor and social policy.

However, given the restricted budget of the Commission which does not enable the establishment of such database, in the course of 2012 with the support from the OSCE Mission in Skopje, a software was installed for internal use which keeps record of statistical data and enables the collection, sorting and statistical analysis of data based on certain parameters.

It is of major importance for the Commission to provide funds for the design of a national integrated database of complaints in the framework of the Commission for Protection against Discrimination, and as previously stated, the information in the database will be entered by all relevant institutions.

7.2. COMPETENCIES OF THE COMMISSION IN ACCORDANCE WITH THE LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION

7.2.1. 2011 Annual Report

In accordance with Article 24, line 4 of the Law on Prevention and Protection against Discrimination, the Commission for Protection against Discrimination is obligated to draft a report about the work and the situation in the area of prevention and protection against discrimination and the promotion of equality and tolerance.

The Commission for Protection against Discrimination drafted its 2011 Annual Report and submitted it to the Assembly of Republic of Macedonia in the first half of April. The Assembly is obligated to consider the report and take adequate measures and activities in compliance with the competencies.

7.2.2. Opinion about the Proposal – Law on changes and amendments to the Law on Traffic and Road Safety

On 09.03.2012, the Commission for Protection against Discrimination, in accordance with its authorizations from Article 24 paragraph 9 of the Law on Prevention and Protection against Discrimination (Official Gazette No.50/2010 dated 13.04.2010) submitted the opinion to the Assembly of

R.Macedonia, whereby it is stated that in Article 5 of the Proposal – Law on changes and amendments to the Law on Traffic and Road Safety, the new Article 368-a paragraph 1 item 6 is a discriminatory provision. The Commission was of this opinion because it considers that the success achieved at school does not influence the development of motor skills in juveniles aged 16, which are indispensable to acquire the techniques for driving a motor vehicle. This provision implies unfavorable treatment of the students with lesser achievements at school regardless of their motor skills and therefore they are put in unequal position.

7.2.3. Promotion and education for equality, human rights and non-discrimination

In the context of taking activities for promotion and education about equality, human rights and non-discrimination, and as part of the teaching for the subject Vulnerable groups and prohibition of discrimination, the undergraduate fourth-year students from the Faculty for security, Department for human rights were present in the premises of the Commission. The members of the Commission presented the work, competencies and activities of the Commission, as well as examples of submitted complaints in which discrimination was established. The second part was reserved for the students to present questions to the members of the Commission. The visit enabled the students to acquire practical knowledge about the functioning of the Commission, and especially about the processing of complaints, the access to the Commission and the results from undertaken activities.

8. CONCLUSIONS

One of the basic goals and tasks of the Commission is to proceed with taking action towards creation and building of just and fair society free of discrimination, direct support for the victims of discrimination and informing and educating the citizens about the phenomena of discrimination, and strengthening the capacities of other organizations and institutions about the recognition and fight against discrimination.

From its establishment until nowadays, the Commission actively works on raising the public awareness through participation at round tables, trainings and conferences for interinstitutional cooperation with state institutions and non-governmental organizations.

Although the legal framework provides a quality platform about the important role of the Commission in the fight against discrimination in R.Macedonia, given the numerous problems encountered by this institution, the potential for its broadly legally prescribed mandate is reduced. Hence, this report is an attempt to identify the problems that the Commission encounters and what needs to be taken into consideration in future. The Commission for Protection against Discrimination may be efficient means for protection of individuals against discrimination – as it is specialised and available. With regard to the judicial protection, the procedure in front of the Commission may be simplified and faster and that would ensure efficient ways to provide protection against discrimination. This body gradually develops the necessary expertise and experience, which can influence the law and its application. For the Commission, which is entrusted the role of central national authority for prevention and protection against discrimination, in order to become a real catalyst of social changes in this area, it would be

necessary that conditions for its smooth, independent and efficient functioning are provided and above all, the financial and human resources.

The problems of the Commission for Protection against Discrimination in RM largely overlap with the problems of the equality bodies in other countries, in particular with regard to the limited resources and the attitude of the authorities that approve the budget, which is further illustrated by the fact that the proposed budget by the Commission in the second year of its functioning is not approved, especially the budget item foreseen for the Commission's functioning.

This directly impacts the efficiency in the realization of the Commission's competencies, among others, the timely resolution of complaints, presence on the field, organization of activities for raising the public awareness, conducting different research, etc.

Recommendations for fight against discrimination and promotion of equality

1. It would be necessary to provide the funds which are required for efficient fulfillment of the mandate of the **central national authority** for prevention and protection against discrimination as specified by the LPPD.

Given the limited resources available to the Commission, there is an overall conclusion that if the funds from the budget of Republic of Macedonia are allocated to the Commission in the same or similar amounts for the following years, the Commission shall not have the capacity to perform its basic competence – taking action about complaints. The increased number of complaints shall exhaust the capacities for taking efficient, fair and correct action about the complaints. On the other hand, it shall prevent the use of resources for other competencies of the Commission, such as public outreach, raising the public awareness, cooperation with local, national and international organizations and institutions. In other words, it shall completely block the functioning of the Commission.

The fulfillment of the legal obligation of RM from Article 16 paragraph 3 of the LPPD is of crucial importance, i.e. adding a separate budget item that is indispensable for the functioning of the Commission in the fight against discrimination. There is a remaining possibility to strengthen this body through ensuring additional funds from some available European Union programs, that will be aimed to strengthen the effectiveness in the protection against discrimination.

2. It would be necessary to ensure that all competent authorities in compliance with their authorisations work in a coordinated manner so as to suppress the media promotion of hate speech, violence, intolerance and discriminatory attitudes, in particular the broadcasting services and public enterprises. They should be the main promoters of the idea of equality, tolerance and non-discrimination, so that in this way they can actively contribute to raising the public awareness of the citizens and all relevant stakeholders in the society about the problem of discrimination, understanding of the anti-discrimination concept and to contribute to changes in the social and cultural models based on stereotypes and prejudices towards the minorities and marginalized groups in the society.

3. It would be necessary to establish a **Secretariat of the Commission**, because the experiences from 2011 and 2012 underline the necessity for existence of such Secretariat, which will be a professional

body within the Commission and will perform the needed tasks in the scope of its functioning. That would imply recruitment of at least 3 staff for this body, in order to ensure more comprehensive, efficient and professional functioning of the Commission for Protection against Discrimination.

That will ensure a kind of professionalization of the Commission, not of its members but of the body that will perform the professional, technical and administrative work of the Commission. Furthermore, the different profiling of the members of the Commission simply illustrates the non-discriminatory attitude of the Assembly of R.Macedonia during their selection. Finally, the different profiles of the members contribute towards the overall experience of the Commission as a collective body. Above all, one should not forget that discrimination appears in all segments of our society, which emphasizes the need and the desirability for different profiles of people – professionals in different areas – who will be the members of the authority for equality and non-discrimination in R.Macedonia.

4. It would be necessary to take all indispensable measures so that the curricula at all levels, as well as textbook and other teaching materials include topics that will develop the culture of peace, tolerance, solidarity, understanding and respect for diversities, gender equality and non-discrimination in all students, whereby all contents that support gender and other stereotypes and prejudices are eliminated from the teaching materials.

5. It would be necessary to design and conduct trainings for the teaching staff from the primary, secondary schools and the universities so as to raise their sensitivity about the problem of discrimination, to develop the spirit of tolerance, solidarity, understanding and acceptance of the diversities and non-discriminatory conduct so that throughout their work they can contribute towards the creation of friendly environment for all students.

Challenges in 2013

The Commission shall continue the cooperation which was established in 2011 and 2012 with the OSCE Mission in Skopje. To that end, a new Memorandum of Cooperation for 2013 was signed between the two parties. In this context, it is planned that the OSCE Mission in Skopje shall provide support in bringing the concept of discrimination closer to the local level. For that purpose, the Commission shall receive support for the realization of 8 round tables with the representatives of the municipal councils, civil servants from the units of local self-government and representatives from local non-governmental organizations. Furthermore, in accordance with the Memorandum of Cooperation, the following activities have been foreseen: preparation and printing of a Compilation of judgments and decisions by the European court for human rights in the area of discrimination; organization of a campaign that would include the design and printing of a brochure both in Macedonian and Albanian language; production of bilingual TV and radio spot and broadcasting; activities with EQUINET, press conference to promote the 2012 Annual Report; research about the discriminatory grounds.

Furthermore, with the financial assistance from the OSCE Mission in Skopje, the Commission for Protection against Discrimination in 2013 shall design the Communication strategy. This type of strategy shall include all phases and segments in the communication of the Commission with the relevant bodies, as well as the communication with the citizens. More specifically, the strategy will include the

procedures that the Commission will use to perform its competencies, in particular the communication of the Commission with regard to the raising of public awareness; communication with regard to the monitoring of the successful outcome of the cases in which discrimination was identified which is an important factor to perceive the serious role of the Commission in the society; manner of reporting, primarily to the Assembly of R. Macedonia as well as to the appropriate European authorities and association in which the Commission will acquire membership, etc.

With regard to the use of European funds, in the course of 2013, the Commission shall submit two applications for TAIEX expert missions, one TAIEX workshop, and one TAIEX study visit to appropriate foreign national equality body. Also, work will be done to independently include the Commission in the sector fiche for use of the EU IPA program, Component 1, in the part related to the fundamental rights if the matter related to the Secretariat of the Commission is resolved.