

ANNUAL REPORT

2013





ANNUAL REPORT

2013

Skopje, April 2014

CONTENTS

EXECUTIVE SUMMARY	5
Address of the President	6
TAKING ACTION ON DISCRIMINATION COMPLAINTS	7
STATISTICAL DATA.....	7
Increased number of complaints filed to the Commission.....	7
Processed and Closed Cases in 2013	8
METHOD OF RESOLUTION OF A COMPLAINT	8
COMPLAINANTS	9
DATA PER AREA OF DISCRIMINATION	11
DATA ON GROUNDS OF DISCRIMINATION	12
EXAMPLES FROM THE PRACTICE.....	14
COOPERATION.....	20
Project “From Norm to Practice”	20
Cooperation with OSCE Mission to Macedonia	21
PUBLIC RELATIONS	26
Overview of participation at events	26
Publications	31
Public Information	32
Report on the implementation of 2013 financial plan.....	32
Budget limitations	33
ABOUT OUR WORK.....	37
About the Commission	37
CONCLUSIONS	39

This Annual Report was prepared with support from the European Union as part of the project activities “From Norm to Practice”, within the Employment and Social Solidarity Programme – PROGRESS 2007 – 2013. The content of this report is sole responsibility of the Committee for Protection against Discrimination and in no way reflects the views of the European Union and the Macedonian Center for International Cooperation.

VISION

Implementation and promotion of human rights and their protection, overcoming of stereotypes and eliminating all forms of discrimination, in accordance with legal regulations in the Republic of Macedonia.

MISSION

Creating and building of fair and just society without discrimination, with direct support to victims of discrimination, informing and educating citizens about the phenomenon of discrimination, capacity building of other organizations and institutions to recognize and combat discrimination and other activities that will enable maximum utilization of available resources to achieve the vision.

VALUES AND PRINCIPLES on which the work of the Commission is based are: independence, consistency, legitimacy, accountability and objectivity, fairness and constructive approach in reaching the opinions and recommendations, transparency, cooperation and solidarity.

The Commission for Protection against Discrimination was established with the Law on Prevention and Protection against Discrimination, adopted by the Assembly of the Republic of Macedonia on 8 April 2010 (Official Gazette of RM no. 50/2010 as of 13.04.2010).

EXECUTIVE SUMMARY

Observance of human rights and freedoms, non-discrimination and equality are the fundamental values of a democratic society such as ours.

Pursuant to the Law on Prevention and Protection against Discrimination as part of the legal system in Macedonia, the Commission for Protection against Discrimination was established, as a central national authority for prevention and protection against discrimination as well as an institution for affirmation and promotion of equality, non-discrimination and tolerance.

On the basis of this information one can see that slowly but surely the Commission has been established among the institutions dealing with the issue of discrimination, and has found its place beyond, among the citizens. Indicative of this is the growth of the number of complaints filed to the Commission. Thanks to the database, the Commission analyzes the state of discrimination in the country and monitors the trends that can further help in dealing with the phenomena of discrimination on any ground and in any area.

During 2013, CPD had intensive cooperation with the OSCE Mission to Skopje as a result of which two conferences, one public event, a training and a survey were organized. Two publications were published, one of which was prepared for the CPD, and the other one was a translation of a book originally published by ECTHR. A media campaign was launched to promote the concepts of equality, tolerance and non-discrimination.

The Commission was part of the project "From Norm to Practice" within which it actively participated in the implementation of six debates and five training sessions. In addition, capacity building activities of the Commission were implemented. Dozens of informative workshops were held by the Commission within the project "Best Practices for Roma Integration."

Besides the active projects, the members of the Commission actively participated in several workshops, debates, seminars and trainings.

In terms of organizational work, the members of the Commission held 33 meetings and sessions on current issues within the scope of CPD.

This year the Commission faced again the problem of small funding which affects the efficient performance of its activities. In addition, another problem is the lack of professional service whose formation requires finances, but also an appropriate legal basis. These issues will remain a challenge for the Commission for the next period of its operation.

ADDRESS OF THE PRESIDENT

Dear citizens,

This is the third regular annual report of the Commission for Protection against Discrimination which covers the period from January 1 to December 31, 2013. This report is conceptually different from the previous two reports. These changes are the result of our efforts for this report to be comprehensive, systematic, easily readable, and understandable, in order to be useful for all those who are involved in the implementation of anti-discrimination policies. The report shows the latest trends and practices of discrimination, citizens and groups that are most vulnerable to discrimination, as well as the extent to which negative stereotypes and discriminatory attitudes and prejudices are widespread.

The report will allow you to familiarize yourself with the work of the Commission, with the achieved results and actions taken by the Commission in the past year, including the number of complaints, the areas in which discrimination prevail and the most common grounds for discrimination according to the complaints of the citizens. The report contains data on proactive action, on projects implemented by the Commission in cooperation with the public bodies, non-governmental organizations financially supported by international organizations in order to raise public awareness of the problem of discrimination, monitoring the cases of discrimination, creating a culture of respect for human rights, equality, tolerance and increasing the effective legal protection. The report contains recommendations of the Commission directed to the perpetrators of discrimination, and if these recommendations are observed the causes of discrimination may be eliminated, the process for gender equality may be accelerated and stable, open, inclusive and tolerant society may be developed, in which diversity is respected and all citizens are given equal rights and equal opportunities.

Dusko Minovski
President of the Commission for
Protection against Discrimination

TAKING ACTION ON DISCRIMINATION COMPLAINTS

The Commission for Protection against Discrimination is authorized to act upon complaints, as well as to give opinions and recommendations on specific cases of discrimination. In this way its protective functions is carried out.

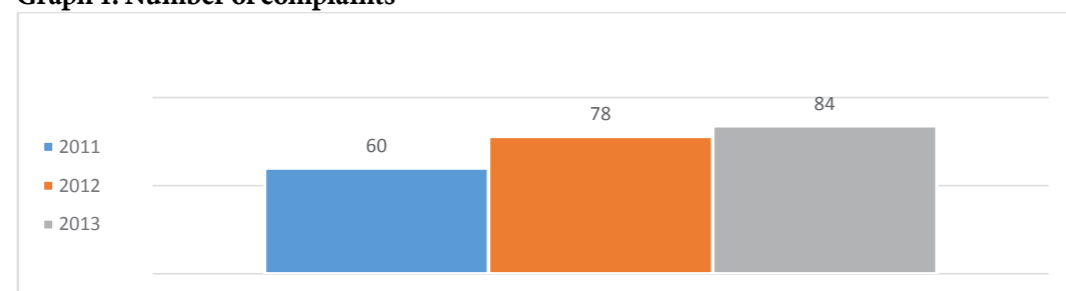
STATISTICAL DATA

Data on received and processed complaints or cases and their final outcome are registered in a database. This allows tracking trends in the field of discrimination in terms of forms, areas of discrimination, etc.

Increased number of complaints filed to the Commission

In the period from January 1 to December 31, 2013, the Commission received 84 complaints. Compared with 2012, the number of complaints has been increased for six, i.e. 24 compared for 2011. This data can be indicator of the growing awareness of citizens and other entities about their rights and familiarity with the work of the Commission in the past period.

Graph 1: Number of complaints



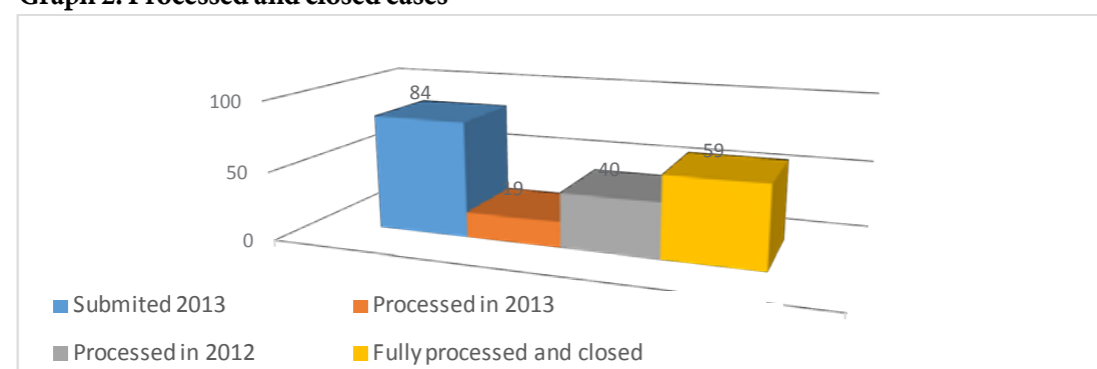
Although the number of complaints is increasing, however, the Commission considers that it is still small. This small number of complaints is result of, among other things, the fear of secondary victimization, lack of trust in state institutions, and lack of public information about the existence of a body such as the Commission.

In this respect the Commission has engaged more during 2013, mainly through active participation as a partner in implementing the project "From Norm to Practice" supported by the PROGRESS programme of the European Union and in several activities of the OSCE Mission to Skopje. In this way the Commission has worked to strengthen public awareness.

Processed and Closed Cases in 2013

In 2013, total of 59 cases were fully processed and closed, of which 19 were received in 2012, while 40 were initiated and completed during 2013.

Graph 2: Processed and closed cases



METHOD OF RESOLUTION OF A COMPLAINT

The main function of the Commission for Protection against Discrimination is acting upon complaints and making opinions and recommendations for specific instances of discrimination. Under the Rules of Procedure, the Commission may decide not to initiate proceedings, to initiate proceedings or to terminate the procedure.

During 2013, the Commission for Protection against Discrimination received 84 complaints. After reviewing them, the Commission has initiated a procedure for a total of 44 complaints.

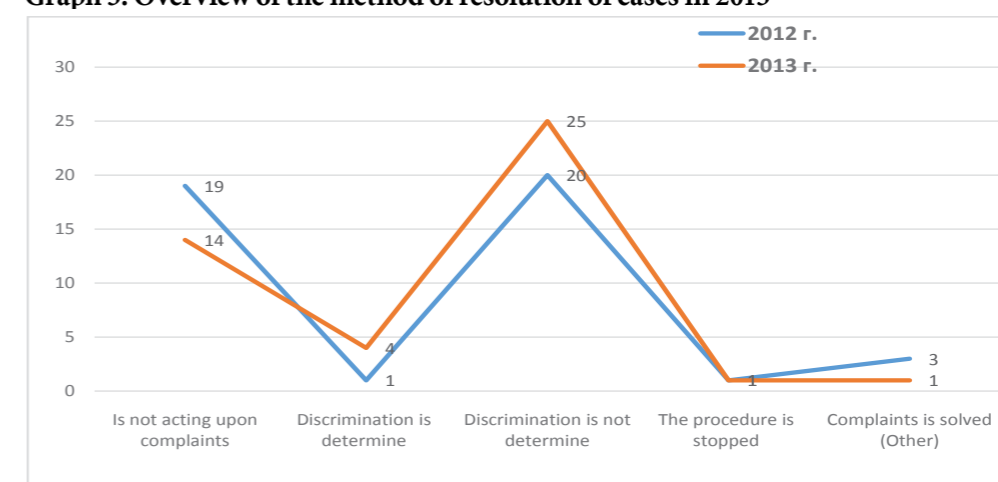
In this period, based on Article 28 of the Law on Prevention and Protection against Discrimination, in most of processed cases, or 25 in total, following an investigation and establishment of facts, the Commission did not determine or concluded that there was no discrimination. While in 4 cases it concluded that there was discrimination. In this context, the Commission found discrimination on three different grounds: ethnic belonging, belonging of a marginalized group, and health.

In two cases, pursuant to Article 31 of the Rules of Procedure of the Commission, the procedure was terminated because the Commission succeeded to provide contractual solutions to the problems of the complainants. In such cases, the Commission stops further proceedings by adopting a conclusion, which explains the actions taken and the results thereof that removes the violation of law.

Furthermore, pursuant to Article 26 of the Law, in 14 cases the Commission did not act upon the complaints because litigation was already initiated, there was lack of grounds for discrimination or because the Commission had no jurisdiction to act upon them.

Comparative overview of how the complaints were resolved between 2012 and 2013 is as follows:

Graph 3: Overview of the method of resolution of cases in 2013



COMPLAINANTS

During this year's operation the Commission noted that the majority of complaints were filed concerning discrimination made by state agencies, local governments and other public institutions. This finding is worrisome because it is about authorities from which it is expected to ensure and promote equal treatment and non-discrimination as part of their work, as well as to demonstrate understanding of the principles of equality.

It is positive that the majority of potential perpetrators of discrimination - state authorities - on the recommendation of the Commission have shown willingness to remove the violation, while some of them in the process of taking action about the complaint have withdrew the act of discrimination, so some of the complaints were resolved successfully and become redundant. Unfortunately, there are also those who ignore the recommendations of the Commission.

Of the submitted complaints one can see that discrimination by individuals is usually performed consciously, where certain statements or conducts violate the dignity of a person or a group of persons

because of their personal characteristics. Often such behavior is motivated by hatred towards certain ethnic groups, marginalized groups, LGBT, etc.

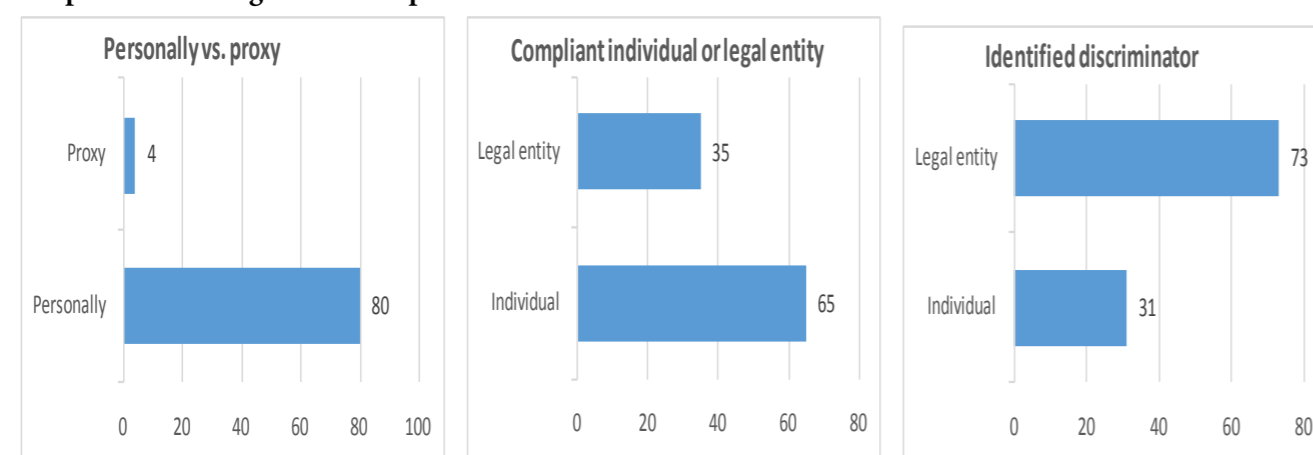
However there are individuals who are not aware that their behavior is unacceptable and prohibited. In these cases, it is about people who publicly express certain views and ideas on the basis of prejudice, which are generally not condemned by the public and are deemed as acceptable. Therefore it is essential to continue working on strengthening the awareness of citizens, but also educating citizens to better understand the types of discrimination, hate speech, harassment and bullying, and more.

Furthermore, in 2013 the complaints submitted to the Commission were mainly filed in person, i.e. 80 complaints or 91%, while 4% or 9 complaints were filed through a representative of the applicant.

Most of the applicants are physical rather than legal entities. On the other hand, one-third of the applicants were women and one-third were legal entities.

Within the filed complaints, most perpetrators of discrimination are indicated among the legal entities, against which generally most of complaints to the Commission were filed

Graph 4: Main categories of complainants



NOTE: More than one legal or physical entity may file one complaint, so it is possible the number of filed compliants not to match the number of physical and legal entities.

DATA PER AREA OF DISCRIMINATION

Law on Prevention and Protection against Discrimination is define areas of discrimination¹.

The analysis of complaints filed to the Commission in 2013 shows that they mostly relate to alleged discrimination in the area of work and labor relations, with a total of 36 complaints or 45% of the complaints. Further, 10 complaints or 12%, are complaints in the field of education, science and sports, 9 (11%) for social security, 9 (11%) for access to goods and services, 7 (8%) for judiciary and administration, etc.

¹ work and labor relations; education, science and sports; social security, including the area of social protection, pension and disability insurance, health insurance and health care; judiciary and administration; housing; public information and media; access to goods and services; membership and acting in trade unions, political parties, NGOs and foundations or other organizations based on membership; culture and other areas designated by law.

Table 1: Number of complaints per area of discrimination

Area of discrimination	2012	2013
Work and labor relations	29	36
Education, science and sports	6	10
Social security	12	9
Judiciary and administration	11	7
Housing	1	1
Public information and media	8	2
Access to goods and services	11	9
Membership and acting in trade unions, political parties	0	2
Culture	0	1
Area not defined	2	1
Other areas designated by law	4	6

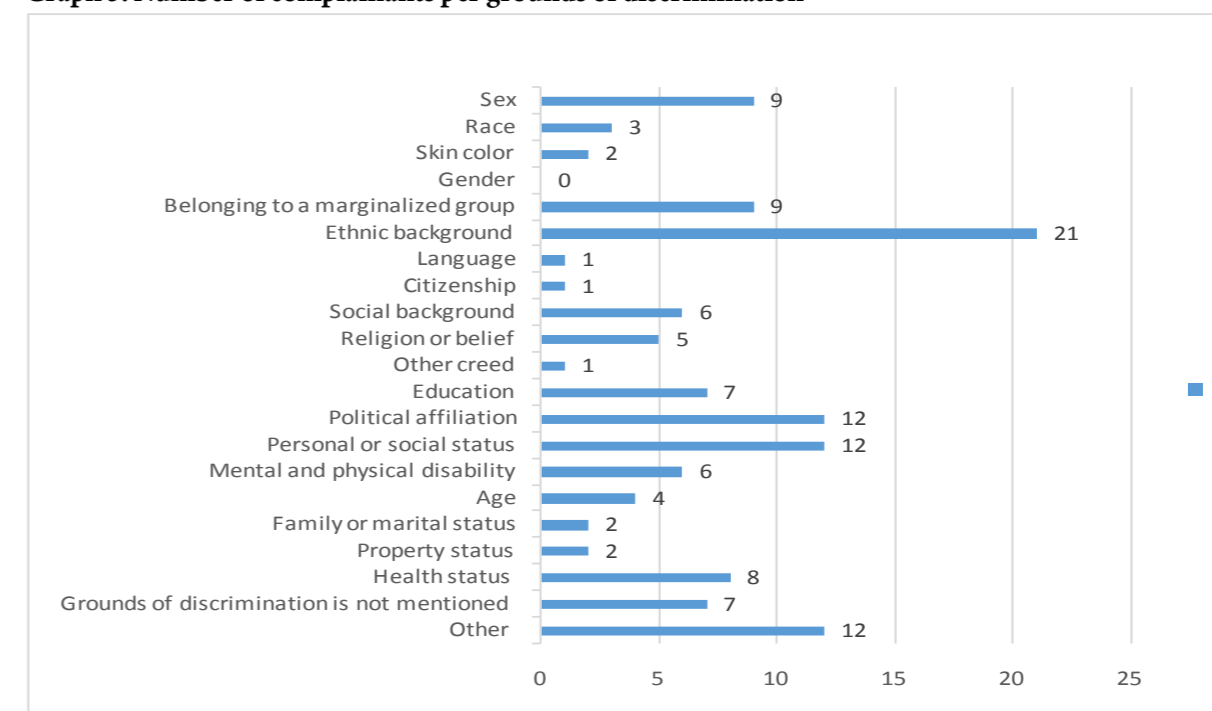
As noted from the table of comparative data for 2012 and 2013 there is a slight decrease or increase in some areas over the previous year. The number of complaints has mostly increased in areas of work and labor relations as well as in the field of education, science, and sport. On the other hand, in the area of public information and media as well as in the field of social security the number of complaints has decreased.

DATA ON GROUNDS OF DISCRIMINATION

Commission for Protection against Discrimination has jurisdiction to deal with complaints and cases of discrimination on all grounds² prescribed by law.

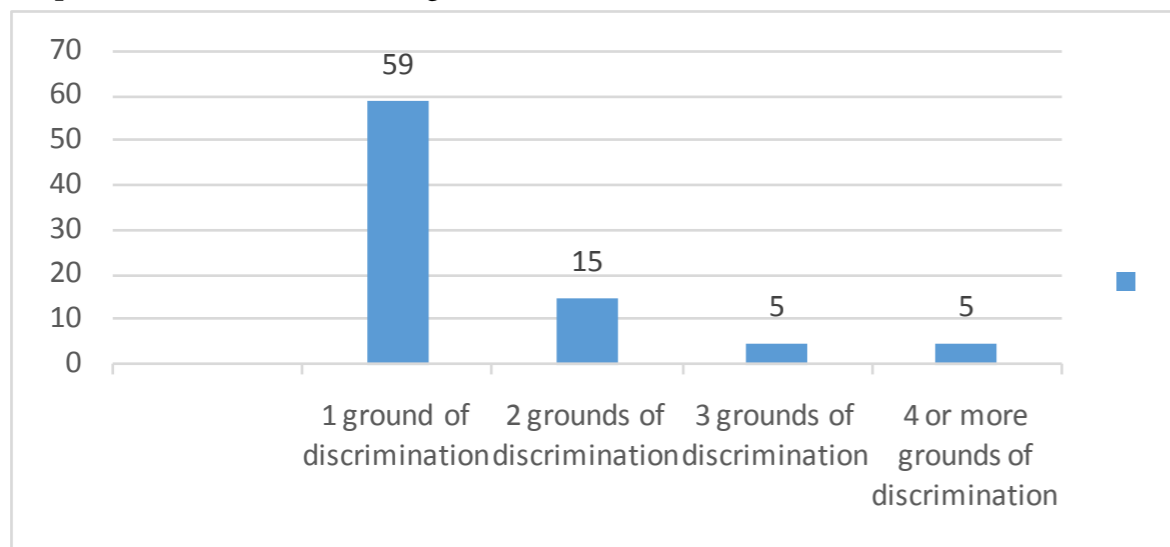
The largest number of complaints in 2013 related to discrimination were on the basis of ethnicity - 21, followed by political affiliation - 12, personal or social status - 12, health - 8, belonging to a marginalized group - 9, disability - 6, education - 7, social background - 6, gender - 9, religion and religious belief - 5, age - 4, family and marital status - 2, other beliefs - 1, race - 3, color of skin - 2, language - 1, citizenship - 1, property status - 2, other grounds - 12. In 12 complaints, the complainants did not state any basis for discrimination.

Graph 5: Number of complainants per grounds of discrimination



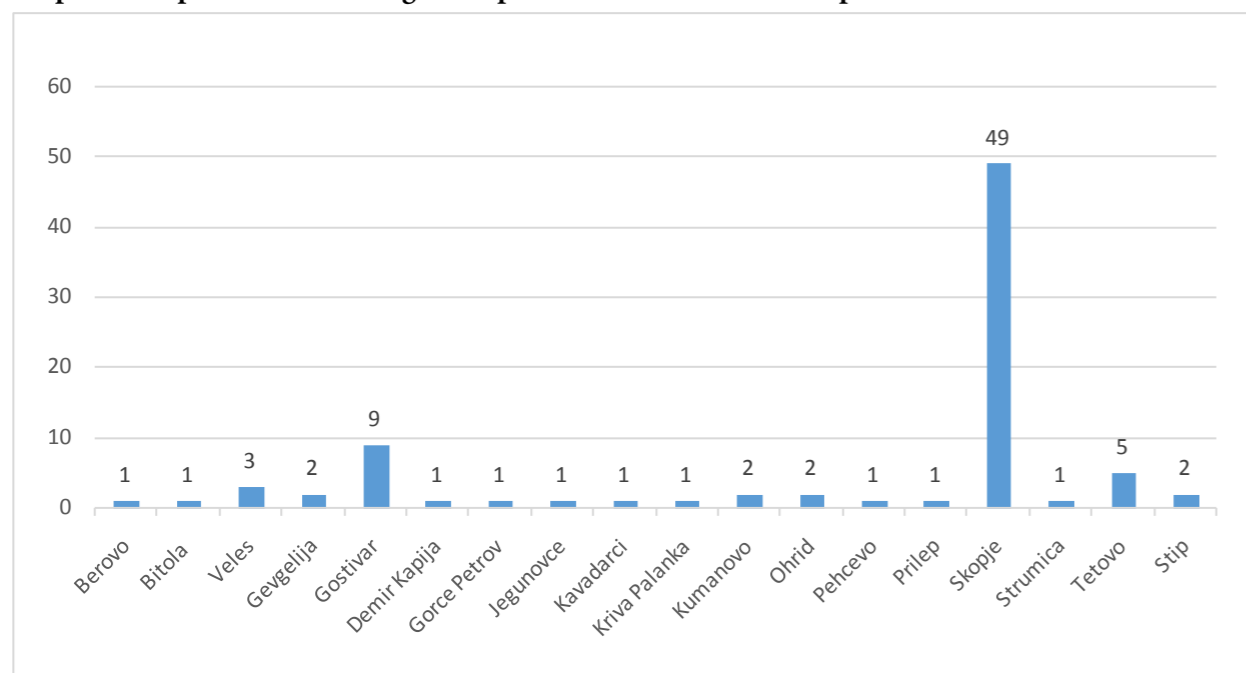
² "...sex, race, skin color, gender, belonging to a marginalized group, ethnic background, language, citizenship, social background, religion or belief, other creed, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or any other grounds foreseen by law or by ratified international agreement." (Law on Prevention and Protection against Discrimination, article 3)

Graph 6: Cases with one or several grounds of discrimination



According to the place of residence of the complainants, in 2013, similarly to the previous year, the largest number of complaints were filed by persons residing in the city of Skopje and the surrounding communities of the capital, with a total of 51 complaints. This is an indication that the Commission for Protection against Discrimination is most visible in Skopje and the surrounding area.

Graph 7: Complainants according to the place of residence of the complainant



EXAMPLES FROM THE PRACTICE

By removing Roma employees discrimination on ethnic grounds committed

The Company for Real Estate Management "MACREM" DOO Skopje, which manages the Skopje City Mall, asked the agency that provides cleaning services for the Mall - Land Service - to remove all employees of Roma nationality from the food department. The reason for this request was the alleged theft of food. Although the agency has hired staff in the same department from other nationalities as well, only Roma employees were fired.

The Commission reviewed the request and after inspecting the documents found that the Real Estate Management Company "MACREM" DOO Skopje has committed direct discrimination on grounds of ethnicity in the field of work and labor relations of Roma employees.

The Commission recommended to return the jobs to the evicted workers in order to prove that Real Estate Management Company "MACREM" DOO Skopje has no discriminatory intent. Furthermore, the Commission recommended "MACREM" DOO Skopje to refrain from any prejudices in the internal communication and to restrain from separating Roma employees from other people, to pay more attention to any adverse treatment, differentiation, exclusion or restriction which could result into deprivation, violation or restriction of equal recognition and exercise of human rights and fundamental freedoms, compared with treatment that has or could have another person under the same or similar conditions. It is further recommended, in its future work the company that performed discrimination to respect the individuals and the community they come from.

Forbidden entrance for Roma in Snoopy swimming pool

Twenty people from Roma community were not allowed to enter the swimming pool "Snoopy" in Veles. Their entrance was blocked by the person selling entrance tickets upon an order of the pool owner. The staff told them that entry is not allowed in the pool to Roma from Šuto Orizari settlement.

The Commission has reviewed the evidence and established that such actions were direct discrimination on ethnic ground in the area of access to goods and services committed by the staff of Snoopy swimming pool.

The Commission adopted opinion and urged the employees, the responsible persons and the owner of the pool Snoopy in Veles not to act with prejudice against Roma people and to allow them access to the pool, while refraining from differentiation, exclusion or restriction, which could result into deprivation, violation or restriction of equal recognition and exercise of human rights and fundamental freedoms, compared with treatment that has or could have another person under the same or similar conditions.

Prosecutor's Office to discuss threatening and hostile contents published on FB

Person M. N. posted on his Facebook page a status from L. F. and published comment with offensive content. Person J.I. in a TV show communicated the opinion of L. F. and read the statement of M. N. With the abovementioned actions, the persons M. N. and J. I. intended to offend the dignity of the complainant and her family, which resulted into discrimination on ethnic and religious grounds and injury to her dignity, violation of privacy and the right to personal and family life. These actions resulted into a threatening, hostile content, based on which harassment was made.

The Commission did not initiate proceedings, because criminal charges were previously filed to the Public Prosecutor's Office.

Setting lower retirement age limit for women not considered a discrimination

Person D. R. believed that men were put in an unequal position in relation to women's right to use pension based on age. According to D. R. this was discriminating on the basis of gender and was contrary to the Constitution, according to which the citizens of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national or social origin, political and religious beliefs, property and social status.

The Commission initiated a procedure for properly ascertaining the situation, and forwarded the complaint for response to the Ministry of Labour and Social Policy. After reviewing all evidence, the Commission for Protection against Discrimination determined that Articles 18 and 228 of the Law on Pension and Disability Insurance was not discriminatory on grounds of gender, in favor to women compared with men. Setting up a different age limit for men and women for eligibility of retirement is a justified basis and did not violate the constitutional principle of equality of citizens or the rule of law.

University Dental Clinical Center committed direct discrimination

People who are diagnosed with opiate addiction are continuously disabled and their access to treatment is made difficult by the staff of the Health Institution - University Dental Clinical Center of St. Panteleimon in Skopje. Prior to any checks, the staff immediately referred these patients to do some tests for Hepatitis B and C and HIV. Persons with positive results received the health services in a separate room where other patients were not treated, and the dentist and other medical staff used special protection, which was paid by the patients as an extra cost, because the health insurance did not cover them.

For properly ascertaining the facts, the Commission forwarded the complaint for response to the University Dental Clinical Center St. Panteleimon - Skopje, which did not respond. The Commission reviewed the statements made in written by some patients that were submitted together with the complaint. The Commission also analyzed the legal framework related to the protection of patients from discrimination.

After all the evidence was examined, the Commission for Protection against Discrimination determined that the University Dental Clinical Center St. Panteleimon - Skopje has committed direct discrimination based on the health status in terms of using various financial procedures and criteria for patients who use the same dental service.

Commission for Protection against Discrimination recommended in its opinion for the University Dental Clinical Center St. Panteleimon - Skopje to provide wider application of the prohibition of discrimination in allowing access to patients in accordance with existing anti-discrimination legislation of the Republic of Macedonia and to provide equal and appropriate treatment for exercising the rights of the medical and dental services, without any different financial procedures and criteria among patients who use the same service.

Discrimination in the third-grade textbook

The authors of textbook for Introduction to the Environment for 3rd grade, nine-year basic education, in the lesson about the peoples who live in Macedonia, have left out the Boshniak people, although Boshniaks as a separate people who live within the borders of Macedonia, are recognized in the preamble of the Constitution.

The Commission requested response from the Ministry of Education and Science and from the authors of the textbook and reviewed the response provided by the Ministry of Education and Science. After reviewing all the evidence, the Commission determined that discrimination on the basis of ethnicity is committed against the person A. B., under Article 3 of the Law on Prevention and Protection against Discrimination. In its opinion the Commission recommended to the Ministry of Education and Science to fulfill its obligations under Article 3 of the Law on Prevention and Protection against Discrimination and Article 26 paragraph 2 of the Law on textbooks of primary and secondary education.

Discrimination on grounds of age

Person S.A. believed he was discriminated on the basis of age (52) in the area of labor relations. He has based his complaint on the fact that in the past four years he was not allowed to attend training, he was constantly harassed by the commander and superintendent, humiliated and insulted publicly in front of all of his colleagues.

The Commission submitted the complaint for response to the institution in which the complainant was employed and the internal affairs department. After reviewing the evidence, the Commission did not establish any discriminatory action against S.A.

Tardiness of judges may be considered as discrimination

A complaint was filed against a judge of the Basic Court Skopje 2 because in the period of six months a decision was not adopted for pronouncing interim measure of protection against domestic violence of the person A.M. With this decision, the judge committed direct discrimination on grounds of belonging to a marginalized group as a victim of domestic violence. The judge also prevented timely and effective legal protection against domestic violence, which can be achieved by the imposition of provisional measures as soon as possible.

After the complaint was initiated for properly establishing the facts, the Commission forwarded the complaint for response to the President of the Basic Court Skopje 2 and the judge and reviewed the plea by the President of the Basic Court. The Commission decided to terminate the proceedings against the judge because in the meantime the Court acted upon the request of the complainant and imposed provisional measure.

Discrimination on grounds of health status

Director of "Alpine Sport - hi" Ltd - Tetovo has fired I.H. without any justification during his sick leave. I. H. believed that this has caused discrimination on basis of gender and health status in the area of work and labor relations.

The Commission reviewed the copy of the report on the worker being temporary disabled for work and forwarded the complaint for response to the potential discriminator. The Commission did not establish any elements of deprivation, violation or restriction of equal recognition of human rights and fundamental freedoms. Labor disputes relating to termination of employment may be resolved in the civil court proceedings.

Education, race, and belonging to a marginalized group as bases for discrimination

The complaint from S. C. against the Director of Inter-municipal Center for Social Work - Berovo is based on director's conduct that caused discrimination on the basis of belonging to a marginalized group, race, and education in the area of work and labor relations. According to the complainant, the director was humiliating him daily because she controlled and inspected him at the workplace with other employees. The complainant argued that he notified the Director in writing about the professional attitude to work and the employees. He performed all the tasks against the schedule and program of the Centre.

After all the evidence was individually examined, the Commission did not find elements of deprivation, violation or restriction of equal recognition of human rights and fundamental freedoms compared with treatment that has or could have another person under the same or similar conditions on the grounds of belonging to a marginalized group, race, and education in the area of work and labor relations.

Multiple discrimination in the area of work and labor relations (2011 case)

Director and his assistants in a municipal public institution - kindergarten are indicated as potential discriminators on the basis of political affiliation, but also causing harassment in the area of work and labor relations against the complainant employed in the kindergarten.

The complainant further alleged that she was reassigned to another job, from a position of administrative worker to the position of a caregiver, thus being discriminated and put at a disadvantage. The complainant also stated that she was humiliated and her dignity was harmed.

In order to properly establish the facts, the Commission forwarded the complaint for response to the institution's director, reviewed the evidence submitted by the complainant, inspected the response from the Director, a Member of the Commission had a conversation with the complainant, and telephone conversation with the director's assistant referred to in the complaint, and inspected the work place.

The Commission found that the institution did not respect the Act for job systematization, tasks and work program, and hierarchy. In other words, there were no organizational requirements necessary to perform the duties and tasks of a job.

Furthermore, the Commission found indirect discrimination on the basis of personal and social status. In this context, the Commission found that discrimination on the basis of political affiliation, cited by the complainant, is not valid.

The Commission recommended to the Director of the institution to put into active use the Act of jobs systematization, which is adopted by the Management Board or to adopt a new Act of jobs systematization, adopt a work program, and to refrain from all possible acts of harassment directed towards the employee, which would contribute to the creation of a threatening and humiliating environment.

The institution did not apply the recommendation of the Commission. With the assistance of the Commission and the Association of Young Lawyers, court proceedings for discrimination were initiated before the Basic Court Štip. In this case the Commission appeared as an involved party and participated in hearings in order to clarify to the court on which facts and evidence it had brought its opinion. Unfortunately, the Commission's opinion, the facts and evidence presented by the Commission were not taken into account. The Basic Court Štip had rejected the claims as unfounded i.e. found that the right to equal treatment of the complainant was not violated and she was not put in a disadvantageous position compared to other employees on the basis of her personal social status.“

COOPERATION

The cooperation with the bodies competent for exercising equality and protection of human rights on local, national, and international level is a primary interest of the Commission for Protection against Discrimination.

Project “From Norm to Practice”

During 2013 the Commission for Protection against Discrimination in cooperation with the Macedonian Center for International Cooperation, Polio Plus and the Ministry of Labour and Social Policy has implemented the project "From norm to practice" under the PROGRESS Programme of the European Union.

The main objective of the project was to contribute to the respect for equality and to promote the fight against discrimination, by raising awareness of the general public, but also the key stakeholders in society. Furthermore, the project has upgraded the national legal instruments and mechanisms, in order to overcome the greatest challenges in dealing with discrimination in practice.

One component of the project was fully focused on strengthening the capacity and increasing the visibility of the Commission by preparation of promotional materials, research, study visits, and other events. The Commission was financially supported in the implementation of ongoing activities, maintenance of the website and opening a special telephone line. As part of this project a special Guide was prepared "CPD operating for protection against discrimination".



Cooperation with OSCE Mission to Macedonia

Commission for Protection against Discrimination continued cooperation with the OSCE Mission to Skopje. With the help of this mission, different activities that are of great importance for capacity building of the Commission were implemented.

On April 29, 2013 a press conference was held to promote the 2012 Annual Report of the Commission. The Annual Report for 2012 was translated into English by the OSCE Mission to Skopje.



Two conferences for preparation of a guide entitled: "Grounds of discrimination, legislation, practice and challenges" was held. The first one put special emphasis on the grounds of discrimination, namely, the definition and elaboration of these grounds in terms of the legal framework, the practice, and the experience, both of the Commission and the other national human rights institutions, courts and public administration. The second one take into consideration the experiences of the civil society. The conference presented the challenges related to the specific matters that are part of the expertise of a professional with the Human Rights CRPRC Studiorum, hired for preparation of the Guide on Grounds of discrimination.



With the support of the OSCE Mission to Skopje, the Commission for Protection against Discrimination conducted research on discrimination in job advertisements. The survey was conducted in accordance with the research methodology, which was prepared by the expert on examining discriminatory advertisements and covered a period of 6 months, i.e. from April 15 to September 15, 2013. Subject of analysis of this survey were the job advertisements in print media and web portals, i.e. "Dnevnik", "Utrinskivesnik", "Lajme" and the websites to "Najdirabota" and "Agency for Administration". Research findings will be published in the next year 2014.

The Ministry of Labour and Social Policy (MLSP) conducted an assessment of the implementation (ex-post evaluation) of the Law on Prevention and Protection against Discrimination. This process is

conducted in accordance with the Methodology for assessing the implementation of the regulations adopted by the Government. As part of this project, the Commission for Protection against Discrimination hired one person to work as an assistant for a period of 6 months. The analysis of the collected and presented data provided recommendations to both stakeholders that are responsible for the implementation and promotion of the implementation of LPPD as follows:

1. To develop an action plan to implement LPPD with clearly defined objectives, activities and performance indicators;
2. To establish a system for coordination of activities for prevention and protection from discrimination;
3. To continue working on raising awareness and building capacity for recognizing discrimination;
4. To raise initiatives for harmonization of national legislation with LPPD;
5. To seek increased budget for CPD to fully implement the responsibilities outlined in LPPD, etc.

The analysis also provided legislative recommendation:

1. Establishment of the Administrative Office of CPD to perform professional, administrative, and technical operations and determining of the activities and duties of employees.
2. Using the institute "overcoming the burden of proof" provided in the proceedings and in proceedings before CPD in order to effectively and efficiently implement the LPPD.
3. Strengthen mechanisms to ensure greater accountability in the work of CPD.

Training for recognizing discrimination on the grounds of sexual orientation was held and has helped in capacity building of the Commission.

Polio Plus - Movement against Disability won the bid for the OSCE's media campaign of the Commission for Protection against Discrimination, which included the preparation and printing of promotional materials. In this context, a leaflet for CPD and one-pager for LPPD were printed. CPD bulletin was also developed. On October, the Commission held a press conference to launch a media campaign. The objectives of the campaign and the need for more intensive promotion of the concepts of equality, tolerance, and non-discrimination were presented at the press as well as the importance of raising public awareness of discrimination, its recognition, response to discriminatory conduct and practices, and the role of national CPD as a protection mechanism. The conference has urged the public outreach and media efforts for joint action and effective fight against discrimination, with an aim to encourage equality, tolerance, and non-discrimination at all levels and in all areas of social activity.

The Commission held a public event within the campaign to promote the concept of equality and non-discrimination. This promotional event included activities at two specially marked places. The first, "the communication" corner was aimed at establishing immediate and direct communication between the commissioners and all stakeholders, in order to get closer and more detailed information on the functioning and responsibilities of the Commission, and to instruct them how to recognize discrimination and how to present a case to the Commission when they were subject or have witnessed discrimination and unequal treatment. The second so-called "media" corner was reserved for all those who were encouraged and inspired by the campaign, and who expressed a desire in different ways and through different forms to express their opinions and impressions - through drawings, writing out graffiti, inspirational slogans, mottos and provided suggestions and ideas for concrete solutions and actions.

In order to bring the Commission closer to the common people, but also to demonstrate a personal approach and engagement of CPD, a promotional video for the Commission was filmed in 2013 which was aired on TV and online. Also, this shooting was used to prepare a documentary about discrimination.

Furthermore, with the support of the OSCE Mission to Skopje a publication on prejudice by ECtHR and CJEU was translated. They were published by the Academy for Judges and Public Prosecutors and Public Prosecutor's Office in late May.

Furthermore, the Commission, as part of its efforts for establishment and deepening the cooperation with local governments, specifically the mayors and representatives of local municipal commissions for equal opportunities, conducted 7 workshops on inter-institutional cooperation between the Commission for Protection against discrimination and LGUs in 7 cities in Macedonia: Tetovo, Kumanovo, Strumica, Štip, Veles, and Skopje.



With the support of the OSCE Mission to Skopje a Guide on the Grounds for Discrimination was prepared, as a systematic and analytical examination of the grounds for discrimination through a review of existing definitions (and their components) given in international and domestic law, international and domestic practice of courts and relevant bodies, as well as academic and gray literature. The Guide explains their meaning, scope, evolutionary path, open issues, and discussions about their meaning and scope, and gives examples of the practice of discrimination against certain grounds in order to help practitioners (primarily legal practitioners) in understanding, interpretation and application of the same.

Project: "Best Practices for Roma Integration"

Commission for Protection against Discrimination participated in the implementation of "Best Practices for Roma Integration" - a regional project funded by the European Union, supported by the OSCE and implemented by ODIHR. One of the activities of this project is providing technical support to the Commission. A dozen workshops and roundtables were organized throughout the Republic of Macedonia, mainly in cooperation with Roma NGOs or the participants of the Roma community and other communities to increase awareness of the Roma community of the existence of the legislation, particularly Law on Prevention and Protection from Discrimination, the separate bodies to combat discrimination such as the Commission for Protection against Discrimination and to familiarize them with its role and responsibilities.

In 2013, two members of the Commission delivered five training sessions for judges and five training sessions for the judicial administration, through a project supported by the British Council and the MLSP.



PUBLIC RELATIONS

Commission for Protection against Discrimination regularly informs the public about its work and activities through participation of its members and the member of the professional service at various events, such as press conferences, through public and media releases. Furthermore, the Commission communicates with the public through the developed promotional materials, special reports and its annual report.

During 2013, the members of the Commission participated at a number of seminars, workshops, debates, training sessions and conferences.

On May 14, 2013 the Commission held a press conference with the media to present the findings of the analysis of the survey on the existence of discriminatory elements in the job advertisements. The research was conducted by Dusko Minovski CPD President and state advisor in the Ministry of Labor and Social Policy. The aim of the research was to explore the practice of posting employment listings with discriminatory elements and to recommend changes to the practice in order not to discriminate on any basis in the field of work and labor relations and job search process. This research served as the base for the Commission's research about discrimination in job advertisements, realized from 15 April to 15 September 2013, with the support of OSCE - Mission to Skopje. This research report was prepared in November 2013 and will be launched in 2014.

Participation at the second meeting of the Work Group of the project "Best Practices for Roma Integration from Western Balkans", held in Sarajevo.

Participation at a news conference aimed at marking the start of implementation of the project "From Norm to Practice", which is implemented by the Polio Plus, the Macedonian Center for International Cooperation, Ministry of Labor and Social Policy and the Commission for Protection against



Discrimination. Within this project, the members of the Commission participated in the organization of six debates for analysis of the different grounds of discrimination. They also participated in the implementation of the five thematic training topics: discrimination on grounds of disability; issues related to Roma as a vulnerable group; multiple discrimination; internal procedures and (inter-institutional) communication, advocacy and communication with stakeholders. The purpose of the training was to provide exchange and enhancement of the knowledge on various issues of non-discrimination and equality.

Participation in training organized by EQUINET- European Network of Equality Bodies titled "EQUINET legal training" which was held in Berlin, Germany.



Participation in regional workshop on human rights of the LGBT community, equal opportunities, and combating discrimination, organized by the program of the European Commission in cooperation with the Office of Human and Minority Rights in Serbia and ILGA Europe. The regional workshop was held in Belgrade.

Participation in the "Training on Evaluation of Public Policies: Learning from Comparative Experiences", which was organized by the Regional School of Public Administration (ReSPA), from June 4-6, 2013 in Montenegro.

Participation in the regional forum on "Theoretical and practical application of the principle of equality before the law" in Bitola.

Member of the Commission attended a seminar for specialized bodies that fight racism and racial discrimination in the 47 Member States organized by the European Commission against Racism and Intolerance (ECRI) in Strasbourg. The theme of this seminar was the challenges faced by the equality bodies. The objectives of the seminar was for the national bodies to share their experience of good practice and to identify problems and give suggestions in relation to four topics of the seminar: independence of national equality bodies, efficiency and budgetary issues, how to divide labor or work in countries where there are more than one body for equality and access to equality bodies and their relations with NGOs.

Member of CPD attended the training for capacity building of the National coordinating body for implementation of the UN Convention on the Rights of Persons with Disabilities in the Republic of Macedonia, organized by the Office of United Nations Coordinator in MLSP of RM and Polio Plus - Movement against Disability. The purpose of this training was to support the implementation of the UN Convention on the Rights of Persons with Disabilities in the country. With the ratification of this Convention, the Republic of Macedonia has incorporated it into its national legislation and agreed to carry out the obligations arising from it.

A team member of CPD attended a seminar organized by SEA in collaboration with the United Nations Development Program (UNDP), the EU accession negotiations for Chapter 23 Judiciary and Fundamental Rights. The purpose was to transfer the Croatian experiences in the process of accession to the EU, to coordinate the negotiation process in the EU, as well as to provide elaboration in the area of fundamental rights of Chapter 23.

The Commission was involved in three working groups: elimination of discrimination and hate crime, hate speech, and discrimination against persons with disabilities.

Press releases

The Commission issued three special press releases about specific cases and phenomena of discrimination in the country such as the case of discrimination of Roma employees in the Skopje City Mall; the announcement regarding the membership in the Committee for complex analysis of the Ministry of Health; the case of discrimination against persons belonging to the Roma community and their restricted access to the Aqua Park pool, etc.

The opinions and recommendations adopted by the Commission are published on the website of the Commission. When informing the public, the Commission acts in accordance with the regulations to protect the privacy and confidentiality of data relating to the complainants.

Publications

Citizens' Guide - CPD operating for protection against discrimination

The past experience from the work of the Commission indicated that it is necessary to develop a document that will make the proceedings before the Commission clearer and therefore the work of the commissioners more effective. Given that citizens who usually complain of a violation of the law on the grounds of discrimination are not always sufficiently educated and expert on this issue, the guide follows a simple terminology to clarify the procedure before the Commission. This does not mean that it will not be useful for other stakeholders such as non-governmental organizations (NGOs) and other individuals and institutions that deal with this issue.

The guide "CPD operating for protection against discrimination" is a document that in part presents the Commission's role and its responsibilities, and in part provides systematical and experiential

examination of the procedure of filing a complaint by the person that is allegedly discriminated, the method of processing this particular case, to finally taking a stance in the form of an opinion by the Commission for Protection against Discrimination.

Starting documents for developing this guide were the Law on Prevention and Protection from Discrimination, Rules of Procedure of CPD as well as the Strategic Plan and Communication Strategy of CPD. Special attention was paid to information obtained from previous work of the Commission and the established work practices.

Public Information

The Commission for Protection against Discrimination provides free access to the general laws of its jurisdiction, information of public character and other information that enable citizens to become familiar with the work of the Commission.

According to the Law on Free Access to Public Information, the Commission has a duty to regularly keep and update a list of available information and to publish this list in a manner accessible to the public. The Commission, as a holder of information of public character, publishes the information on its website.

Throughout 2013, the Commission received four requests for access to public information, which according to the Law on Free Access to Public Information were answered in the statutory period of 30 days from their reception.

REPORT ON THE IMPLEMENTATION OF 2013 FINANCIAL PLAN

In the previous year, the Commission for Protection against Discrimination was approved the amount of 4,557,000 MKD, of which 44,489,421 MKD was spent. Following the rebalance from November 4, 2013, the budget remained the same.

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 2013, which refers to the funds foreseen for the Commission as well as the allocation per items.

During 2013, two new donor accounts were opened under the code 785 within the treasury account:

- The first account 785 14 referred to the project: "Best Practices for Roma Integration in the Western Balkans" with funds totaling to 207,725 MKD provided by the OSCE/ODIHR - European Union. These funds were fully utilized by the Commission for Protection against Discrimination for employment of 2 persons.
- The second account 785 29 was opened for the project: "From Norm to Practice of Equality" funded by the European Union, implemented in partnership with the Macedonian Center for International Cooperation (MCIC) and Polio Plus - Movement against Disability, totaling to 259,000.00 MKD. From these funds, the amount of 81,922.00 MKD was spent in 2013. The rest will be utilized in 2014.

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 the Republic of Macedonia has not provided adequate financial and human resources for the Commission in order to ensure efficient fight against discrimination.

The establishment 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. The extent to which the Commission can fulfill its competences foreseen by the Law on Prevention and Protection against Discrimination depends on the amount of funding available to the Commission. 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 fully perform its legal obligations, in particular the promotion of the Law, monitoring of the legal proceedings related to discrimination, conducting research in the area of discrimination and monitoring of the compliance with the legislation.

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

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.

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 plays significant role in the availability of the institution for protection of equality on the whole territory of the Republic of Macedonia.

Given the small available funding, the Commission indicated that for most 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 2013 Budget of Republic of Macedonia, as well as the respective rebalance, the Commission used the following funds:

- Item 420:	0 MKD
- Item 421:	190,000 MKD
- Item 423:	12,000 MKD
- Item 424:	83,000 MKD
- Item 425:	4,194,511 MKD
- Item 426:	9,910 MKD

- Total	4,489,421 MKD
---------	---------------

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

- Item 421:	69,364 MKD
- Item 424:	10,410 MKD

- Total:	79,774 MKD
----------	------------

The lack of human resources has negative impact on the activities of the Commission. Primarily, although the proceedings before the Commission last 3 months, the Commission does not have enough human nor financial resources to fully and efficiently fulfill all obligations under the Act.

Section		BUDGET 2013					
Program Sub-program DESCRIPTION Category Item	Budget 2012	Expenditures from the main budget		Expenditures from self-financing activities	Expenditures from loans	Expenditures from donations	Total expenditures
02011 COMMISSION FOR PROTECTION AGAINST DISCRIMINATION	4.621	4.557	0	0	0	0	4.557
2 PROTECTION AGAINST DISCRIMINATION		4.557	0	0	0	0	4.557
20 PROTECTION AGAINST DISCRIMINATION		4.557	0	0	0	0	4.557
EXPENDITURES							
42 GOODS AND SERVICES	4.621	4.557	0	0	0	0	4.557
420 Travel and daily expenditures	10	0	0	0	0	0	0
421 Communal services, heating, communication and transport	76	125	0	0	0	0	125
423 Materials and petty inventory	15	12	0	0	0	0	12
424 Repair and regular maintenance	10	10	0	0	0	0	10
425 Contractual services	4 500	4.4	0	0	0	0	4.4
426 Other ongoing expenditures	10	10	0	0	0	0	10
2 PROTECTION AGAINST DISCRIMINATION		4.557	0	0	0	0	4.557
20 PROTECTION AGAINST DISCRIMINATION		4.557	0	0	0	0	4.557
42 GOODS AND SERVICES		4.557	0	0	0	0	4.557
421 Communal services, heating, communication and transport		125	0	0	0	0	125
423 Materials and petty inventory		12	0	0	0	0	12
424 Repair and regular maintenance		10	0	0	0	0	10
425 Contractual services		4 400	0	0	0	0	4.4
426 Other ongoing expenditures		10	0	0	0	0	10
		COMMISSION FOR PROTECTION AGAINST DISCRIMINATION					104

ABOUT OUR WORK

About the Commission

The institution Commission for Protection against Discrimination began its work as an autonomous and independent legal entity on January 1, 2011.

The Commission is comprised of seven members, appointed by the Assembly of the Republic of Macedonia with a five-year term of office, with a possibility to be re-elected. The members of the current composition of the Committee for Protection against Discrimination are:

- Duško Minovski (President)
- Rizvan Sulejmani
- Lenče Kocevski
- Jovan Ananiev
- Irena Mitevska
- Agim Nuhiu
- Daniela Paunova

The Commission has not established administrative professional service due to lack of legal basis for its formation.³

The work of the Commission is carried out through meetings and working sessions. Working sessions of the Committee are held once a week - every Thursday, and more frequently if necessary.

In 2013, the Commission for Protection against Discrimination held 33 work meetings and sessions.

At the meetings and working sessions held throughout the year, the following activities were carried out:

- Reviewing, acting upon and settling complaints of specific cases of discrimination;
- Technical matters and implementation of ongoing activities
- Cooperation with other institutions and organizations
- Participation at public events, debates, training and workshops
- Participations in projects and other activities
- Requests for access to information of public character

In the third year since its establishment and functioning, the main challenge of the Commission remains to be the insufficient funds, which prevented it from fully exercising its competences as well as the lack of funds for the establishment of a Secretariat or professional service of the Commission, which would be responsible for the expert, administrative and technical matters within the Commission's scope of work.

In order to ensure proper functioning, the Ministry of Labour and Social Policy provided the Commission with one person responsible for technical and administrative duties.

³ The Law on Prevention and Protection against Discrimination stipulates that the professional, administrative and technical matters of the Commission will be performed by the Commission

CONCLUSIONS

The Commission is to proceed with taking action towards creation and building of equitable and fair society free of discrimination, by providing 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.

The Commission actively works on raising the public awareness through participation at roundtables, trainings, and conferences for inter-institutional cooperation with state institutions and non-governmental organizations.

The cooperation with OSCE Mission to Skopje has continued as well as the cooperation with the other civil society organizations that have successfully implemented majority of the Commission's activities in 2013.

The legal framework provides a quality platform about the important role of the Commission in the fight against discrimination. The Commission is facing with numerous problems that reduce the potential for its broadly legally prescribed mandate. The Commission for Protection against Discrimination may be efficient tool for protection of individuals against discrimination – as it is specialized and available. In order to enable the Commission, which is entrusted the role of central national authority for prevention and protection against discrimination, to become a real catalyst of social changes in this area, it would be necessary to provide conditions for its smooth, independent and efficient functioning primarily, the financial and human resources.

In the second year of its functioning the proposed budget by the Commission is not approved, especially the budget item foreseen for the Commission's functioning.

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

As to judicial protection, the Commission's proceedings may be simpler, faster, and thus enable efficient protection against discrimination. This body in time has developed special expertise and experience that can influence the law and its application.

RECOMMENDATIONS

1. It would be necessary to provide the funds which are required for efficient fulfillment of the mandate 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 the 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 upon 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. The fulfillment of the legal obligation 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.

2. It would be necessary to ensure additional funds.

The Commission should continue its cooperation with other institutions and civil society organizations in order to provide additional funds through joint application for available programs of the European Union. It will also work on independent involvement of the Commission in sectoral fishes for utilization of IPA European Union, component 1 in the area of fundamental rights, if the issue is resolved with the Secretariat of the Commission.

3. Coordinated activity is needed in the fight against hate speech, violence, intolerance and discriminating attitudes

It is necessary all competent authorities in compliance with their authorizations work in a coordinated manner so as to suppress the media promotion of hate speech, violence, intolerance, and discriminatory attitudes. 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.

4. It would be necessary to establish a Secretariat of the Commission.

The experiences from the previous years underline the necessity for existence of such Secretariat, which will be a professional body within the Commission and will perform the 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. Members of the Commission should still be people of different profile.

5. It would be necessary to integrate antidiscrimination themes in curriculums

It would be necessary to take all necessary 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, and to eliminate all contents from the teaching materials that support gender and other stereotypes and prejudices.

6. It would be necessary to sensitize teachers in antidiscrimination

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 they can contribute throughout their work towards the creation of friendly environment for all students.

CHALLENGES FOR 2014

The Commission shall continue the cooperation which was established in the previous years 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, with support of the OSCE Mission in Skopje it is planned to bring the concept of discrimination closer to the local level. For that purpose, the Commission shall receive support for continuation of the workshops with the representatives of the municipal councils, civil servants from the units of local self-government and representatives from local non-governmental organizations (8 workshops); organization of a press conference for promotion of the Annual Report for 2013, for promotion of research report on discrimination in job advertisements and promotion of the Guide on Grounds for Discrimination; meetings with social partners; conducting research by the CPD; support for the promotional campaign on anti-discrimination and concept of equality of CPD.



Commission for Protection against Discrimination

Boul. "Goce Delcev" bb., 1000 Skopje, Macedonia

tel: +389 2 323 2242

e-mail: contact@kzd.mk

<http://www.kzd.mk>