

An overview of the North Macedonian Non-discrimination Law

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Abstract

Research Question (RQ): The research question is whether the legislation alone is a *conditio sine qua non* for preventing discrimination in a society? Is North Macedonian Law aligned respectably with European standards in the field of prevention and protection against discrimination? Is there an effective and efficient application of non-discrimination legislation in practice? Is it necessary to supplement and amend this legislation in the direction of improving the protection of basic human rights and freedoms in North Macedonian society and in which trend?

Purpose: This paper aims to assess the North Macedonian non-discriminatory legislation, examine citizens' perceptions on discrimination-related matters, and identify potential measures that could be taken in order to prevent discrimination.

Method: For the purposes of this paper, several methods will be applied: method of normative analysis, empirical research, using survey data from 316 citizens, method of comparison, method of analogy, and case law method.

Results: The results indicate that legislation alone is not condition *sine qua non* to eliminate the discrimination within the society. Although, the Republic of North Macedonia has legal regulations that comply with European standards, the respondents' perception is that discrimination is present in our society, and it is most prevalent in the field of labour relations. Considering the low awareness of discrimination in the society, respondents are not sufficiently familiar with the legal means available to them and do not trust the institutions. The normative analysis indicates that it is necessary to amend the Law, especially in the direction of greater efficiency of the misdemeanour procedure conducted by the Commission for Prevention and Protection against Discrimination.

Organization: The results obtained from the conducted research indicate that competent institutions and organizations are not efficient and proactive enough in preventing discrimination in individual sectors. The respondent's perception particularly pertains to the Commission for Prevention and Protection against Discrimination.

Society: The respondents' perception is that North Macedonian society faces discrimination in all sectors (employment and labour relations, education, science, sports, social security, including the area of social protection, pension, disability insurance, health insurance, health care, justice and administration, housing, public information and media, access to goods and services, membership and activity in political parties, associations, foundations, trade unions, or other membership-based organizations, culture) and that an efficient mechanism is needed to minimize the number of cases of discrimination and to implement efficient procedures in which responsibility will be individualized.

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Originality: The research presents new and original data related to empirical research and recommendations related to the new North Macedonian non-discrimination legislation, appropriate for future comparison.

Limitations / further research: Many people in North Macedonia still do not fully understand the various forms of discrimination, nor they are able to recognize it in everyday interactions, suggesting low awareness of it on a societal level. In addition, the research was conducted using an online survey, so as limiting factors we would mention all the weaknesses of this type of research, compared to the survey in person. A limiting factor is the fact that there are not enough cases related to the new Law, so in the future, the focus should be put on the judicial practice and the Commission's practice related to discrimination.

Keywords: commission, discrimination, equality, human rights, law, non-discrimination, survey.

1 INTRODUCTION

The Republic of North Macedonia is a sovereign, independent, democratic and social state, with a Constitution adopted on November 17, 1991, following a referendum on independence and separation from the Yugoslav federation on September 8, 1991. The Republic of North Macedonia is a unitary republic that places a high value on social equality, freedom, the rule of law, and human rights for all citizens, regardless on their ethnicity. The political system is based on the separation of powers into three branches: legislative, executive, and judicial. It operates as a parliamentary democracy, with the president serving as the head of the state both domestically and internationally. North Macedonia is a diverse society with multiple ethnic groups and religions, including Macedonians, Albanians, Turks, Serbs, Vlachs, Roma, Orthodox Christians, Muslims, Catholics, and others. The Republic of North Macedonia is an EU candidate country since 2005.

The North Macedonian legal system places significant emphasizes on the principle of equality and the principal of non-discrimination, as fundamental mechanisms for protecting individuals from discrimination and unequal treatment in the exercises of their rights and freedoms. The new Law on Prevention and Protection against Discrimination (hereinafter: LPPD) was adopted on October 27, 2020, and entered into force on October 30, 2020, after the signing of the Decree by the President (Official Gazette, No.258/2020). The new LPPD is a fundamental, *lex generalis* act against discrimination, but also it is a *lex specialis* act to other acts that govern the protection against discrimination, which implies that they must be substantially harmonized with its text. The new LPPD has replaced the previous LPPD from 2010 (Official Gazette, No.50/2010), which was practically the first non-discrimination Law adopted after the North Macedonian independence.

In the North Macedonian legal system, there are four independent mechanisms that are designed to protect human rights and freedoms against discrimination: a) Submitting a request for the protection of rights and freedoms due to discrimination to the Constitutional Court; (Article 51 of the Rules of Procedure of the Constitutional Court of the); b) Submitting a petition for the protection of the constitutional and legal rights and freedoms to the Public Attorney; (Article

13 of the Law on the Public Attorney); c) Submitting an application about suffered discrimination to the Commission for Prevention and Protection against Discrimination; (Article 23 of the Law on Prevention and Protection against Discrimination); and d) Submitting an application for violation of the rights recognized by the ECHR to the ECtHR (Article 25 of the Law on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, The First Protocol, Protocol No. 4, Protocol No. 6, Protocol No. 7 and Protocol No. 11).

According to the EU Commission Progress Report 2022, the North Macedonia has a numerous logistical and financial challenges regarding the non-discrimination issues (North Macedonia Report 2022, p. 31). The Report generally indicates that the legal framework on the protection of fundamental rights is largely in line with European standards. The Report emphasizes that “there has been criticism concerning the lack of independence of the Commission for Prevention and Protection against Discrimination” and that “the Ombudsman’s Office and the Commission for the Prevention and Protection against Discrimination still need to establish regular and effective coordination in order to ensure that the non-discrimination principle is properly addressed” (North Macedonia Report 2022, p. 32). Additionally, the Report also states that “there should be a systematic practice of collecting data on hate speech and a more proactive and holistic approach in addressing hate speech and hate crime is needed” (North Macedonia Report 2022, p. 32). In summary, the EU Commission suggests that despite progress in the legal framework, there are practical challenges that need to be addressed in order to ensure effective implementation of non-discrimination measures and protection of fundamental rights in North Macedonian society.

The paper has a two-fold purpose. Firstly, it aims to analyse the non-discrimination legal framework in North Macedonia. Secondly, it seeks to evaluate the effectiveness and efficiency of North Macedonian institutions in cases related to protection against discrimination, through the citizens’ perception. This research is intended to contribute to the efficient reform of the legal system and the evolutionary development of a non-discrimination judiciary. This research falls within the field of human rights law.

2 THEORETICAL FRAMEWORK

Throughout the history, the prohibition of discrimination, the principle of equality, and the principle of non-discrimination have sparked thought-provoking discussions, within social communities, that continue to this day. While, these terms are often considered as synonymous, each has its unique characteristics and specifics. Nonetheless, their shared attribute is their vital connection to the exercises of human rights and freedoms.

Discrimination (Latin: *discriminare*), in its broadest sense, may be defined as the treatment of one person less favourably compared to other persons, based on their characteristics. In the 1980s the term discrimination acquired an unambiguously negative meaning. It conjures up the

image of racial and/or sexual prejudice. Strictly speaking, however, the term is neutral in the application. Discriminatory behaviour may have consequences that are benign, malevolent, or innocuous (Becker, Sowell, Vonnegut, Jr., 1982, p. 6). According to Sowell (2018, p. 21), discrimination can be conceptualized in two distinct ways: a broader meaning and a narrower meaning. In its broader sense, discrimination refers to the capacity to differentiate between people and things based on their unique characteristics and selecting accordingly (Discrimination I), which involves fact-based distinctions. The more commonly used meaning of discrimination, however, pertains to treating individuals unfairly or negatively due to an arbitrary basis or prejudices related to their race or gender, which is referred to as Discrimination II. This type of discrimination has resulted in the implementation of non-discrimination laws and policies. The principle of non-discrimination, as an integral part of the principle of equality, represents a mechanism for equal treatment of subjects and the absence of discriminatory behaviour towards them. By Besson (2005, p. 436) “the principle of non-discrimination prohibits discrimination as an intentional unjustified distinction of similar situations and prohibits, unintentional distinctions which result in an effect in a discrimination.” Castellino (2010, p. 40) considers that the fundamental basis of human rights law is the principle of non-discrimination, which asserts that every human being is entitled to human rights, regardless of personal characteristics such as gender, race, religion, ethnicity, nationality, descent, class, caste, membership of a minority or indigenous group, age or disability. The principle of non-discrimination also applies regardless of an individual's current personal or civil status or their particular circumstances.

The principle of equality, in general terms, may be defined as the equal treatment of human beings, regardless of their differences. As Solanke (2017, p. 160) explains “the principle of equality for all is a popular idea in modern democracies. Thus, there has in recent years been public support for the introduction of legal protection against discrimination for groups united, for example, by religious or political belief, sexual orientation, and age.” The principle of equality, in a legal context, encompasses a wider scope than the principle of non-discrimination.

Currently, discrimination is explicitly forbidden in both national and international frameworks. Meanwhile, the principles of equality and the principle of non-discrimination act as underlying foundations for national and international measures aimed at protecting human rights. Judge Tanaka, based on the court's reasoning in the advisory opinion on *Reservations to the Genocide Convention*, concluded that treaties do not create human rights, but rather declare them, as they exist independently of the will of the state. Furthermore, he observed that the principle of equality and non-discrimination were explicitly included in the list of human rights recognized by the legal systems of almost every country and had been incorporated into the constitutions of the majority of the world's civilized nations (Shelton, 2013, p. 195). The obligation of non-discrimination law places four distinct responsibilities on states, which include: (a) guarantee equality before the law, by ensuring that law enforcement authorities shall treat all people without discrimination; (b) guarantee the equal protection of the law, by removing any

discriminatory provision from applicable laws and regulations; (c) prohibit any discrimination in private relationships; and (d) guarantee to all persons equal and effective protection against discrimination, if necessary, by the adoption of positive action measures in response to situations of structural discrimination (De Schuter, 2010, p. 674).

In addition, this paper will also present decisions delivered by the North Macedonian Constitutional Court, the North Macedonian Public Attorney, the Commission for Prevention and Protection against Discrimination, and ECtHR regarding cases where discrimination has been proven in particular cases.

3 METHOD

In general, the methodological framework is centred around the normative assessment of the non-discriminatory legislation in North Macedonia, including its alignment with European and international standards, with the focus on discrimination protection, i.e. the efficiency of legislation in protecting individuals against discrimination in practice, as well as the level of protection of basic human rights and freedoms in North Macedonian society. The mediating factor used to assess the legislation efficiency is citizen perceptions, attitudes, and awareness regarding discrimination-related matters in North Macedonia.

In general, the research adopted a mixed-methods approach, combining qualitative methods and statistical descriptive method to assess the relationship between legislation, discrimination, discrimination protection, human rights and freedoms, and perceptions on discrimination in North Macedonia. Data on legislation, discrimination prevention, discrimination protection, human rights and freedoms were collected through a thorough review of existing laws, policies, regulations, and relevant acts from North Macedonia and European standards, while the quantitative data on perceptions on discrimination were collected through structured survey administered online. A sample of 316 individuals from North Macedonian society participated in the study. However, main drawback is the online character of the questionnaire that was used in order to initially assess their awareness of discrimination. In addition, it should be mentioned that the sample was imbalanced in several categories, posing serious caution in drawing conclusions and generalization of the results. Finally, the sample size did not allow for multivariate analysis, hence, the descriptive statistical analysis is provided.

The main characteristics of the sample are summarized in the following Table.

Table 1. Sample Characteristics

Category	Category	Frequency	Ratio (%)
Gender	Female	213	67.4%
	Male	103	32.6%
Age (years)	Under 18	5	1.6
	19 – 30	176	55.7
	31 - 50	92	29.1
	Over 51	43	13.6
Education	Primary education	4	1.3
	Secondary education	101	32
	High education	187	59.2
	Graduate or master	17	5.4
	Doctor of philosophy	7	2.2
Ethnicity	Macedonian	254	80.4
	Albanian	20	6.3
	Turkish	13	4.1
	Roma	13	4.1
	Bosniak	3	0.9
	Vlahos	6	1.9
	Serbian	6	1.9

The data were analysed using descriptive statistical techniques and thematic analysis to identify patterns and themes related to perceptions on discrimination, and to generate qualitative evidence to support the research findings. The mediating role of perceptions on discrimination in the relationship between legislation and the discrimination protection helped in understanding the mechanisms through which legislation influences the outcomes related to discrimination.

Perceived discrimination is usually defined as a negative attitude, judgment, or unfair treatment toward the subject that is reporting the discrimination (Pascoe & Richman, 2009). The meaning

and measurement of perceived discrimination are debatable regarding the possible biases that can occur due to fact that it is perceived and reported by subjects without any verification of actual events. Perceptions of discriminatory treatment based on self-reporting are usually used in psychological studies or as a last resort in other fields. The latter is especially in cases of lack of data, which is our case. One of the most widely used measures for perceived discrimination is the Everyday Discrimination Scale (EDS) which has been developed by Williams et al. (1997). Originally, the EDS consisted of 10 questions on a 6-point Likert-type response format, which had to capture aspects of interpersonal perceived discrimination. Later modified versions of EDS have been developed, having different numbers of questions or response formats. Questions included in the EDS are daily experiences with unfair treatment such as being treated with less respect, being treated with less courtesy, being called names or insulted, and being threatened or harassed.

Drawing from the EDS survey this paper explored similar questions to assess the level and types of perceived individual discrimination by the respondents, as well as their awareness of the role of institutions and laws and their effectiveness. Furthermore, the effort was made to assess with the conducted online survey consisting of 17 items that asked participants to indicate whether they had experienced various forms of day-to-day mistreatment, and also whether they were informed and aware of any legal and institutional support. Main questions included: "Are you aware of the term discrimination?", "Are you familiar with a concrete example of discrimination?", "Have you ever felt discriminated?", "In which sphere of everyday life have you felt discriminated?" and "Do you refer to some institution for help?", "Were you satisfied with the help provided?" The responses were kept simple, as Yes, No and Do not know.

Education was used as a marker of socioeconomic status rather than income, because of potential misreporting of the income. The background characteristics of the respondents varied. With most of the respondents belonging to the age group of between 31 and 50 years and satisfactory representation of the main ethnical groups, the survey led to several main indicative implications. Statistical descriptive analysis was conducted concerning the main forms of discrimination given in the literature, with graphs being accompanied by appropriate tables with the 95% level of confidence and standard error indicator. The results of the conducted analysis are not conclusive, due to sample limitations mentioned above, but they are indicative of the general societal sensitivity to the issue of discrimination.

The methodological framework is depicted in the Figure below.



Figure 1. Methodological framework

Some study limitations should be noted at this instance. Because the issue of discrimination is relatively novel in North Macedonia, not only in terms of its scientific analysis but also in terms of its recognition and treatment in real life and legal framework, this study made an effort to discuss mainly the legal aspects as well as to make an initial assessment of the perception of discrimination in North Macedonia. The main limitation of the conducted analysis is the fact that the questionnaire was conducted online, hence not a completely random sample and cannot be considered representative of the whole population. Hence, the results could be taken only as illustrative and descriptive. 316 respondents in total responded to the online survey. The weakness of the sample and data did not allow for econometric modelling, but only for

indicative descriptive analysis. Additionally, the self-assessment surveys are prone to self-reporting bias when the respondents are prone to respond following the expectations of the questionnaire.

4 RESULTS AND DISCUSSION

The North Macedonian Constitution includes the three aforementioned terms - the prohibition of discrimination, the principle of equality, and the principle of non-discrimination – within the different context, but with the same objective of upholding the human rights and freedoms. The Article 9 of the Constitution defines the principle of equality by stating that: “Citizens of the Republic of North Macedonia are equal in their freedoms and rights, regardless of sex, race, the colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law.” Furthermore, Article 54 paragraph 3 of the Constitution establishes the prohibition of discrimination in the context of limitations on human rights and freedoms by stating that: “The restriction of freedoms and rights cannot discriminate on grounds of sex, race, the colour of skin, language, religion, national or social origin, property or social status.”

The term “prohibition of discrimination” is used again in Article 110 paragraph 1 item 3 of the Constitution when defining the jurisdiction of the Constitutional Court. It states that the Constitutional Court “protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation.” In Amendment XI of the Constitution, the term “non-discrimination” is used to define the scope of competence of the Ombudsman. It states that “the Public Attorney protects the constitutional rights and legal rights of citizens when these are violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.”

The new LPPD is systematized into seven parts and includes a total of 49 articles. This law is harmonized with the following EU equal treatment directives, as secondary sources:

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2 December 2000).
- 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 (OJ L 373, 21 December 2004).
- 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) (OJ L 204, 26 July 2006).

Also, the new LPPD, *de iure*, is allegiant with the following international acts and standards: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocol 12, the case law of the European Court of Human Rights, the Paris principles relating to the status of national human rights institutions and specific attention was paid to ECRI's General Policy Recommendation (GPR) No. 2 on Equality bodies to combat racism and intolerance at the national level, adopted on 7 December 2017, and ECRI's GPR No. 7 on National legislation to combat racism and racial discrimination, adopted on 13 December 2002 (Venice Commission Opinion, 2018, p. 4-5).

Ratione materiae of the LPPD is defined in Article 1, according to which, this Law regulates the following areas: a) prevention of discrimination; b) prohibition of discrimination; c) forms and types of discrimination; d) the procedures for protection against discrimination and e) the composition and work of the Commission for Prevention and Protection against Discrimination (hereinafter: CPPD). The new LPPD, unlike the previous one, explicitly states its objective, which is to ensure the principle of equality and prevent and protect against discrimination in the enjoyment of human rights and freedoms (Article 2).

An improvement in the new LPPD is evident in the Article 3, which specifies the entities that are protected by the Law, (both natural and legal persons), those that are required to comply with it (including state authorities, local self-government bodies, legal entities with public authorities and all other legal and natural entities), and the areas to which it applies (identical to the previous LPPD as outlined in Article 2):

- Employment and labour relations.
- Education, science, and sports.
- Social security, including the area of social protection, pension, disability insurance, health insurance, and health care.
- Justice and administration.
- Housing.
- Public information and media.
- Access to goods and services.
- Membership and activity in political parties, associations, foundations, trade unions, or other membership-based organizations.
- Culture and
- Any other areas.

So, comparing Article 3 of the LPPD with Article 9 of the Constitution it can be concluded that while, the LPPD provides protection against discrimination for all natural and legal persons, the Constitution only protects the citizens of the Republic of North Macedonia. Therefore, legal entities, foreigners, stateless persons, recognized refugees, persons under subsidiary protection,

and persons under temporary protection are not covered by the Constitutional principle of equality in the exercises of human rights and freedoms.

A significant improvement that aligns with international and European standards is reflected in Article 5 of the Law, which specifies the prohibited discriminatory grounds: “Any discrimination based on race, skin colour, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, nationality, social background, education, religion or religious belief, political conviction, other beliefs, disability, age, family or marital status, property status, health status, personal capacity, and social status, or any other grounds shall be prohibited.” The new LPPD includes an expanded list of prohibited discriminatory grounds, which now includes gender identity and sexual orientation, in addition to the list of grounds that were present in the previous version. Moreover, the new LPPD has replaced the previous provision of Article 3 which addressed discrimination based on mental and physical disability, with a broader category of disability that covers all types of disabilities. Regarding this provision, a note was submitted by the OSCE/ODIHR (Comments, 2018, p. 5), suggesting that it would be more effective for the Law “to adopt a shorter list of discriminatory grounds” and to provide clarity on the meaning of “any other grounds” to avoid arbitrary interpretations. When compared to Article 9 of the Constitution, it can be inferred that the constitutional provision lists only a limited number of discriminatory grounds, namely gender, race, skin colour, national and social origin, political and religious belief, property, and social status.

The new LPPD provides a definition of the term discrimination in Article 6: “Discrimination shall mean any distinction, exclusion, restriction, or preference based on any discriminatory grounds, whether by doing or not, aimed at or resulting in preventing, restricting, recognizing, enjoying or exercising the rights and freedoms of any person or group on an equal basis with the others. This shall cover all forms of discrimination, including disabling the reasonable accommodation and disabling the accessibility and availability of infrastructure, goods, and services.” According to the Venice Commission notes, the definition of the term discrimination in the new LPPD aligns with international acts, with the exception of the definition provided in Article 1 paragraph 1 of the International Convention on the Elimination of all forms of Racial Discrimination (Venice Commission Opinion, 2018, p. 7).

The new LPPD offers improved legal solutions compared to its predecessor, by defining the types of discrimination, distinguishing between intersectional and multiple, and introducing segregation as a distinct form of discrimination (Nikolovska, 2020, p. 11).

The new LPPD provides a more precise framework for the organization and competencies of the CPPD. The CPPD is an independent body with legal entity status, composed of seven members who are elected and dismissed by the Assembly of the Republic of North Macedonia. Each member of the CPPD serves a five-year term and is eligible for one additional re-election. CPPD members are appointed professionals and are prohibited from holding another public

office, profession, or political party position simultaneously. Article 21 of the LPPD outlines the powers of the CPPD, which includes the novel ability to request permission from a court to act as *amicus curiae*, at the request of a party or on its own initiative.

The new LPPD also sets forth the procedures for filling complaints with the CPPD and the civil courts. Individuals who believe they have been subject to discrimination may submit a written or oral application to the CPPD, without paying the fee or other compensation. They may also be represented by an association, foundation, or trade union with prior consent. Additionally, associations, foundations, unions, or other civil society organizations and institutions, that have a justified interest in protecting the interests of a specific group or work towards preventing discrimination, may submit an application to the CPPD on behalf of individuals who have been subject to discrimination by a larger group or entity. Individuals who believe they have experienced discrimination may file a lawsuit with a competent civil court, with the process being urgent. Additionally, Article 35 allows for the possibility of a joint lawsuit (*actio popularis*). The burden of proof differs significantly depending on the situation. If the civil court or CPPD finds that the discrimination claim is likely, the burden of proof shifts to the respondent (as stated in Articles 26 and 37). However, when the criminal court decides in misdemeanour and criminal proceedings, the burden of proof is on the plaintiff (as noted in Article 37). According to the OSCE/ODIHR notes, this provision is partially in line with the EU *acquis*, which, however, excludes only criminal proceedings from the scope of this rule (Comments, 2018, p. 25-26). The adoption of the new LPPD is considered a significant step towards promoting the rule of law and strengthening legal reforms in North Macedonia, and it presents a challenging task for legal experts and the judiciary alike.

This section of our study focuses on the decisions delivered by the Constitutional Court, the Public Attorney, the CPPD, and ECtHR regarding cases related to discrimination. In the case U. no. 116/2017, the Constitutional Court held a public hearing on May 3, 2018, to address a request for the protection of freedoms and rights under Article 110 paragraph 3 of the Constitution. The request was submitted by G.M and G.M from Skopje, who claimed that their right to freedom of thought and public expression of thought were violated, and that they were discriminated against based on their political affiliation. The request was made in relation to peaceful protest organized by the petitioners, who were members of the “Left” political party, along with two others, during the presentation of military equipment by the United States and the Macedonian Army on July 29, 2017. The protesters wanted to convey a message by displaying a banner with words “Against the war for profits” on canvas. The members of the political party aimed to demonstrate their opposition to the militarization of society and the demonstration of power by the USA in North Macedonia. They believed that displaying their slogan would convey the message that the country is incapable of handling major threats and that the resource should be allocated to education and healthcare instead. While moving through the “Macedonia” square towards the Triumphal Gate, they were approached by police officers responsible for monitoring the military equipment presentation event. The officers instructed

them to remove the banner from the square, but they proceeded towards the City Shopping Center - Skopje and attempt to display the banner on the second floor. At the time, the police officers had their freedom taken away when handcuffs were placed on them. They remained in that state for approximately 15 minutes before they were identified, and the handcuffs were removed in consultation with their superiors. According to the claim, the deprivation of their liberty hindered them for displaying their banner and conveying their message to the public. The Constitutional Court ruled that the right to freedom of thought and public expression of thought, as well as the prohibition of discrimination based on political affiliation, were breached in accordance with Article 110 paragraph 3 of the Constitution of the Republic of Macedonia. The Court stressed that the police officers' discriminatory behaviour in using physical force, handcuffs, and depriving them of their freedom, was a form of discrimination that placed the claimants at a disadvantage and unequal position compared to other present at the event. This included those who publicly expressed their opinions with military equipment, who were treated no less favourably and had none of their civil rights restricted unlike the applicants. Based on the established legal and factual circumstances, the Court concluded that there was discrimination in the exercises of rights guaranteed by the Constitution of the Republic of Macedonia and the ratified international agreement. Specifically, the discrimination was due to the political affiliation of the claimants while exercise in their right to freedom of thought and public expression of thought, which violates Articles 9, 16 and 21 of the Constitution of the Republic of Macedonia, Articles 3 and 6 of the 2010 Law on Prevention and Protection against Discrimination, as well as Article 14 in conjunction with Article 10 of the European Convention on Human Rights.”

According to the Annual Report of the Public Attorney, 43 citizens have submitted petitions in 2021 for protection against discrimination and implementation of the principle of equitable representation. One of the cases presented involved the Public Attorney taking action to eliminate irregularities that resulted in segregation of Roma pupils in a primary school in Shtip. It was discovered that the Decision on the rezoning public primary schools in the Municipality of Shtip was not adhered to, as parents of Macedonian pupils enrolled them in other primary schools in the city, instead of the OOU “Goce Delcev”, where the largest Roma community resides. This practice was found to be a violation of Article 63 paragraph 3 and 9 of the Law on Basic Education, and leads to segregation, a specific form of discrimination, where people are separated based on discriminatory factors without a legitimate purpose. As a result of the established violations that led to segregation and discrimination based on ethnicity, race, and skin colour against the Roma community in the Municipality of Shtip, the Public Attorney recommended taking measures to address this issue. The mayor of Shtip accepted the recommendations and reported that a meeting was held with a relevant authorities and primary school principals in the Municipality. They concluded that a team should be formed to develop an Action Plan to overcome the problem (Annual Report, 2021, p. 85).

On its website, the CPPD announced that it was able to secure a punishment for a discriminatory following a request that they have submitted, as per the new LPPD. Specifically, in Opinion no. 0801-111/14 of 15.10.2021, the CPPD acted on an application filed by person X against the employees of the Ministry of the Interior – SVR Kumanovo for direct discrimination based on a political conviction in the field of employment and labour relations. The CPPD identified harassment based on political conviction and recommended that discriminators should apologize to the applicant in the presence of a superior manager and should inform CPPD, within 30 days. Due to failure to act on the recommendation, CPPD initiated misdemeanour proceedings before the Basic Court in Kumanovo. Based on the evidence submitted by CPPD, the Court found the four discriminators guilty and imposed misdemeanour sanctions, which included a fine.

Person X submitted an application for prevention and protection against discrimination to CPPD against OOU “Goce Delchev” in Shtip, for protection against direct discrimination based on Article 8 of LPPD, which was carried out based on ethnic origin. This is the same case that the Public Attorney made a decision about. The CPPD adopted the same opinion as the Public Attorney, stating that the particular case involves indirect discrimination causing segregation based on ethnic origin in the field of education. The applicant noted that Roma pupils were being segregated from non-Roma pupils, which violated their constitutional right to education, and led to “ethnically clean classes.” The CPPD recommended to the competent authorities of the local self-government to take necessary actions.

In the case of *Elmazova and others v. North Macedonia* (Applications no. 11811/20 and 13550/20), the ECtHR found “that there has been a violation of Article 14 of the Convention in conjunction with Article 2 of Protocol No. 1 to the Convention” emphasizing that the segregation of Roma children in the primary schools during the relevant period cannot be considered as objectively and reasonably justified by a legitimate aim. The case involves allegations of segregation of Roma pupils in two public primary schools in Bitola and Shtip. The applicants argued that their rights under Article 1 of Protocol No. 12 to the Convention and Article 14 of the Convention were violated (Judgment, 2022, p. 20-23).

The initial findings of the first group applied methods (method of normative analyses, method of comparison, method of analogy, and case law method) indicate that the constitutional provisions should be reviewed, specifically Article 9, in order to broaden protection against discrimination to a wider range of individuals. Additionally, several amendments should be made to the LPPD, including shortening the list of discriminatory grounds to increase the effectiveness of the law, clarifying the phrase “any other grounds” in Article 3, aligning the definition of discrimination in Article 6 with Article 1 paragraph 1 of the International Convention on the Elimination of all forms of Racial Discrimination and excluding the shift of the burden of proof only for criminal proceeding in Article 37 paragraph 2, to align with EU law.

Given that discrimination is a relatively new issue in North Macedonia, both in terms of academic analysis and recognition and treatment in real-life and legal contexts, this study aimed to provide an initial assessment of its perception in North Macedonia, especially with respect to main types of discrimination – gender, ethnical, or with respect to spheres of discrimination. In general gender discrimination usually encompasses exclusion or restriction based on gender that creates barriers for people in recognizing and exercising their human rights is the most prominent topic nowadays. However, in the traditional patriarchal setting in the Western Balkans, North Macedonia including, gender discrimination become an issue of research only recently. Our research confirmed the previous studies' findings suggesting that females feel more discriminated against as compared to males, with almost 48 percent of females responding that they have been discriminated against, while 12 percent of them gave an indecisive answer, suggesting that they possibly do not understand the term, they have fear to respond, or cannot recognize discrimination even if it happens to them. On the other side, males revealed a lower level of being discriminated against, with 38% of them answering that felt discriminated against. The reported finding aligns with Browne's perspective, which affirms that the Western Balkans remains a region dominated by patriarchal gender norms (Browne, 2017, p. 2). In similar vein, Primorac (2019, p. 3) suggested that women in general feel less privileged in all aspects of gender equality-related human rights in the workplace in the case of Slovenia. He related this situation with the strong presence of gender stereotypes in the Slovenian society, according to which women are responsible for family and care responsibilities. Therefore, it is more difficult for women to achieve the balance of work and life which does not apply to men. This women's issue is even more emphasized in other Balkan countries, hence higher the level of perceived discrimination.

Table 2. Have you ever felt discriminated?

	Female					Male				
	Count	Column N %	95.0% Lower CL for Column N %	95.0% Upper CL for Column N %	Standard Error of Column N %	Count	Column N %	95.0% Lower CL for Column N %	95.0% Upper CL for Column N %	Standard Error of Column N %
Yes	99	47,6%	40,9%	54,4%	3,5%	39	37,9%	28,9%	47,5%	4,8%
No	83	39,9%	33,4%	46,7%	3,4%	56	54,4%	44,7%	63,8%	4,9%
Do not know	25	12,0%	8,1%	17,0%	2,3%	7	6,8%	3,1%	12,9%	2,5%

Unfair, differential treatment based on ethnicity was and seems to remain the main hot topic in Western Balkans, North Macedonia especially (Contrada et al., 2000). It can involve a spectrum of discriminative experiences ranging from systemic or structural inequities to indirect forms of day-to-day mistreatment. Many studies have found a link between ethnic discrimination and poor societal outcomes, on a societal but also individual level (Pascoe & Smart Richman, 2009). Concerning ethnic discrimination in our survey, the perceived discrimination is highest among the Roma population, with 91.7% of Roma people responding that they have experienced day-to-day discrimination, among Albanians the percentage is lower – 50%, among Macedonians the percentage is 43.6%. The results are in line with the previous studies that treat specifically the discrimination of the Roma population in North Macedonia (Sali et al, 2023). Interestingly, the ethnical group of Macedonians feels a comparably high level of discrimination to other ethnical groups, suggesting that the reasons for discrimination originate mainly from reasons other than ethnicity (Table 1 in Appendix).

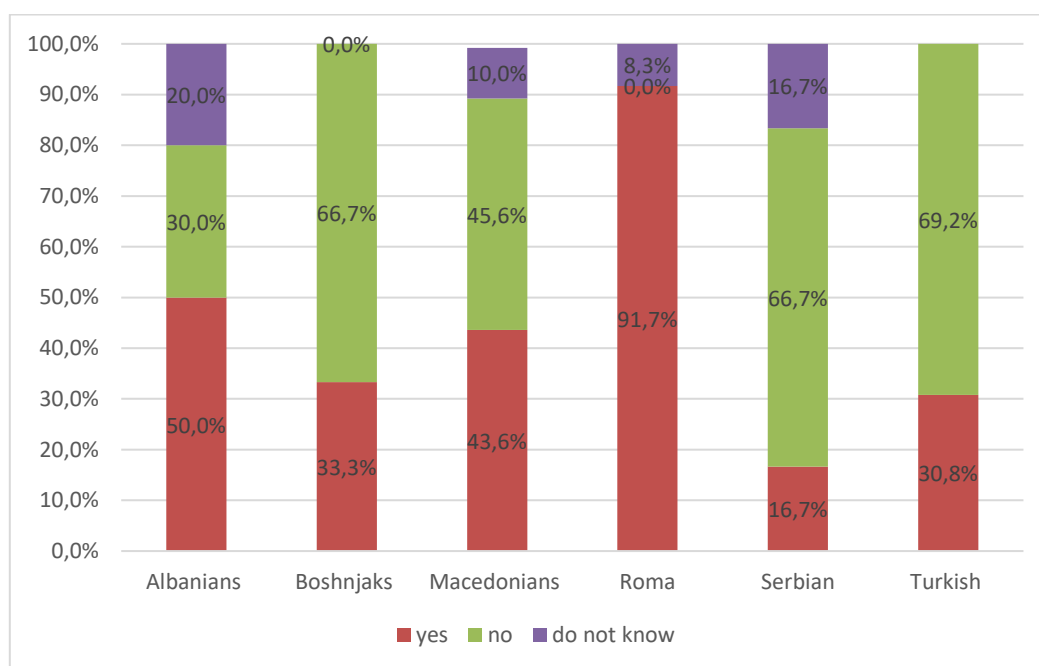


Figure 2. Ethnic discrimination in North Macedonia, (2022, in percent of the group)

Interestingly, the survey reveals that among the main reason for discrimination, two main reasons are listed with around 18% naming them as the reason for discrimination such as gender and political beliefs. The discrimination on the basis of political beliefs is not very much known nor explored in European countries; however, it seems relevant for Balkan countries, where specific social conditions created a relatively peculiar form of discrimination. According to MCMR, almost 90 per cent of Macedonians believe discrimination based on political affiliation is widespread (Macedonian Centre for International Cooperation, 2011, p. 20). Ethnic origin

comes as the third reason, with 14% of respondents naming it as the main reason for feeling discriminated against, amongst which most respondents come from Roma and Albanian origin.

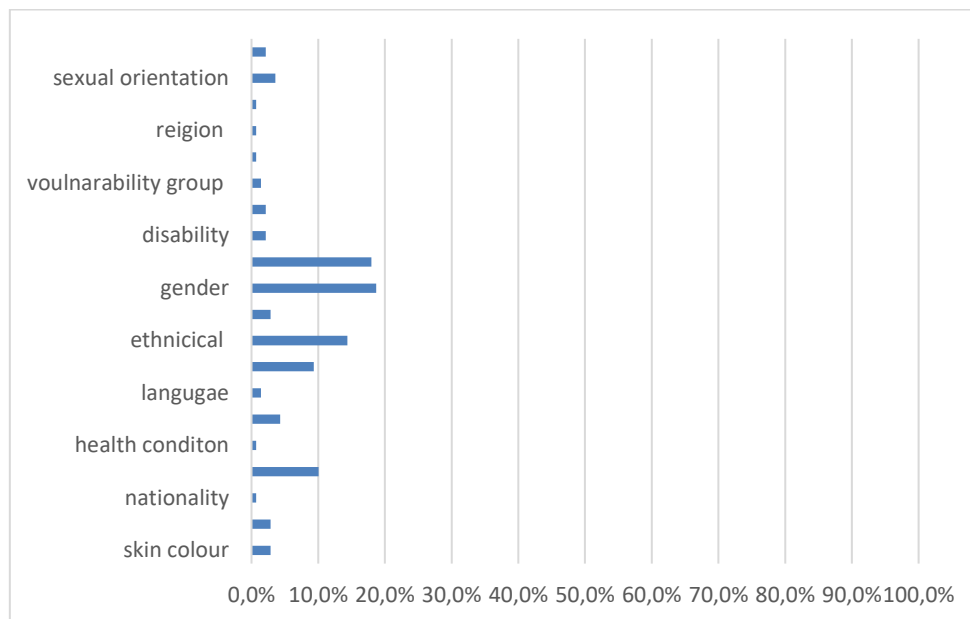


Figure 3. The reasons for discrimination In North Macedonia (2022, in percent of the respondents that felt discriminated)

Finally, the findings suggest that the main sphere of discrimination as identified by the survey responses, is employment and labour relations, with approximately 64.8 % of respondents identifying it as the main sphere they felt discriminated against. Access to education, science, and sport is the second sphere of discrimination, with the rest spheres having smaller shares. It seems that economic discrimination or discrimination based on economic factors predominate Macedonian society. The factors usually include job availability, differences in wages, differences in availability of goods and services, and the amount of capital available to people for business. Discrimination in the labour market should be of particular concern because labour earnings are by far the most important source of income that people can obtain. The reported findings align closely with the results put forth by the North Macedonian CPPD (Annual Report, 2021, p. 18). Specifically, regarding complaints where CPPD has issued an Opinion on Discrimination, the majority of them pertain to labour and labour relations (15 cases) as well as access to goods and services (11 cases), accounting for more than 65% in total.

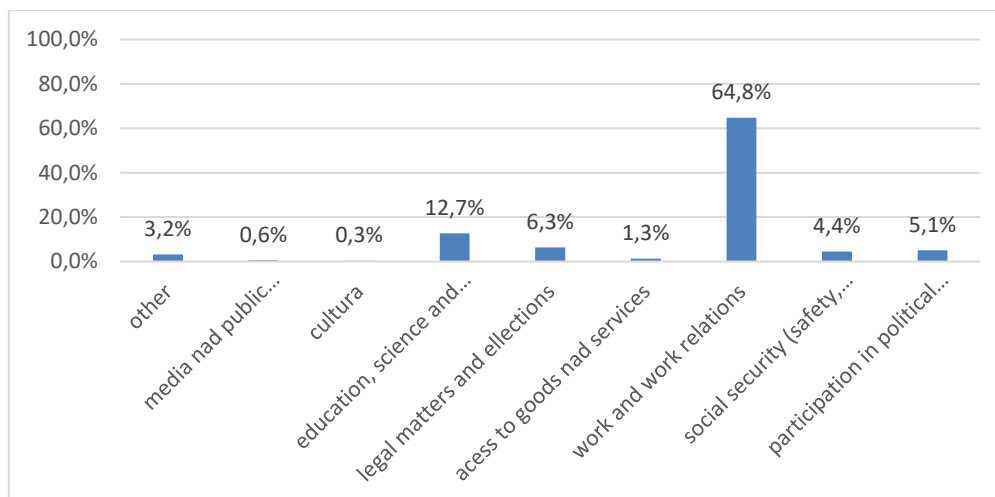


Figure 4. The spheres of discrimination in North Macedonia
(2022, in percent of the respondents that felt discriminated)

Concerning perception of the efficiency of the institutions and the precision and execution of relevant Laws concerning discrimination, the vast majority of respondents (around 90%) responded that they are not satisfied with both, suggesting low trust in the institutions and also a low level of awareness of the relevant Laws, as well as low level of the prevalent rule of law. Concerning awareness of the existing LPPD and special body – CPPD, high 40 and 48% of the respondents responded that they are not aware of the Law, or the Commission. This is similar to the findings of Gacesha (2021, p. 113) for the case of assessment of age discrimination in Croatia, where 76% of respondents, mainly highly educated group in her specific research, said that are not familiar with the contents of the Law and therefore neither with their rights. Stingingly, in our research, vast 73.3 percents of the respondents believe that the Commission is not effective in doing its work, while above 50 % believe that the Law is not very precise to ensure discrimination prevention and protection. Interestingly, around third of the respondents cannot make judgments of the Law, probably because they are not aware of it. In similar vein, Gacesha (2021, p. 118) research showed that similar distrust in legal institutions in Croatia, where 44.74% of the respondents in her survey would not go to court because they do not trust it, while 42.86% of them would not go to court due to the length of the proceedings.

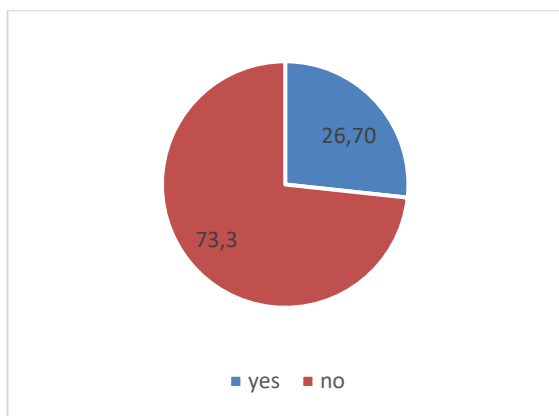


Figure 5. Do you believe that the Commission is effective in doing its work?

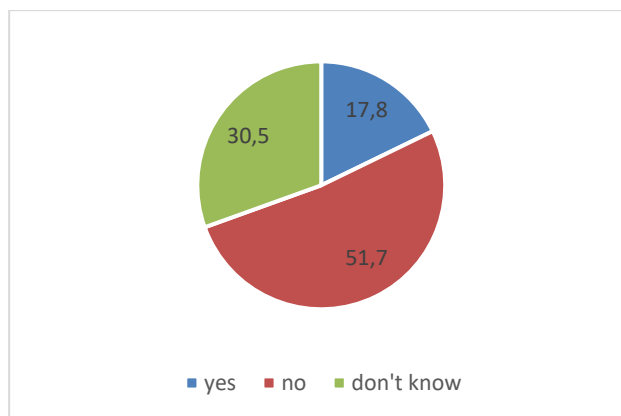


Figure 6. Do you believe that the non-discrimination Law is precise and effective in prevention and protection from discrimination?

(2022, in percent of the respondents that felt discriminated)

In our attempt to assess the overall discrimination in North Macedonian society, we found evidence for its presence, especially in employment and labour relations. This suggests that perceived discrimination regardless of the sources of perceived discrimination (e.g., ethnicity, gender, political beliefs) is in general perceived equivalently across society, except for the Roma population. Roma people by far feel most discriminated against in North Macedonian society. Similar, Bašić (2021) found out that in Serbia, Roma most often face discrimination in daily contacts with neighbours, colleagues at work, and while performing routine social activities. This situation seems to be common in the Balkan countries, although it should be mentioned that statistical offices and professional organizations do not collect ethnically disaggregated data on the situation and exercise of the rights of Roma, which makes it difficult to assess the real level of discrimination. In addition, it should be mentioned that discrimination is very often not reported by Roma people due to several reasons, among which low level of awareness and distrust in institutions are the main ones. However, findings suggest that the perceived discrimination construct needs to be adjusted to encompass the wider social context the society, which requires researchers' careful attention. The most intriguing finding was the similar level of discrimination among the Albanian population, suggesting that the society has made successful efforts in the past to decrease the systematic discrimination of this ethnical group (Griessler, 2014). When interpreting this figure, researchers should first understand that many Law reforms have been made in the past to decrease discrimination. Additional ethnic-specific findings warrant further discussion. Following previous research, evidence from the present study suggests that Roma people experience to a greater extent unfair treatment in their day-to-day life than all other ethnic groups, which may be related to their history of lower social status. Bašić (2021) suggests that also the prejudice that Roma are less worthy and unable to integrate into society due to their specific lifestyle is also to blame for the discrimination. This issue requires further research to understand the real causes of their discrimination.

Finally, it seems that economic discrimination is the biggest concern in Macedonian society. It can be long-lasting inequality in economic well-being among individuals based on their age, gender, family status, or ethnicity, but it can be also defined as differences or unequal treatment unavailability of jobs, and wages for equally productive groups. These definitions represent theoretical abstractions because “well-being” and “productive” are not easily assessed. Nevertheless, to assess the magnitude of the problem of discrimination carefully gather data and use statistics on, initially, visible economic outcomes for various groups, to subtle and delicate mistreatments and differences. It should be mentioned that the structural reforms in the course of the transition, have produced stark and persistent inequities in economic well-being in long term for some people. Eliminating these disparities will require long-term, targeted interventions to expand access to opportunities for various people. At a minimum, Government must defend workers' rights by repealing “right-to-work” laws, since at the present their execution is very weak. It must dismantle all exclusions from labour protections, especially on the grey labour market, and increase the minimum wage. They must also increase employment protections by including non-discrimination laws in all employment relations and matching spending on discrimination to EU spending. These steps are not a complete answer and will not solve the countless economic and social disparities that exist in North Macedonia, but they would put the country on a path toward approaching the EU standards, Laws, and reality.

It's important to note that discrimination in the Balkans is a complex and multifaceted issue, and the perspectives and findings of different authors may vary depending on their research focus, methodology, and context. Nevertheless, the literature generally highlights the presence of discrimination in various forms and against different groups in the Balkans, and the need for continued efforts to address and combat discrimination.

5 CONCLUSION

Notwithstanding the limitations, the present study holds significant implications and strengths. It should be emphasized that this may be one a broad and thorough review of the legal framework was conducted, accompanied by the assessment of the societal awareness of discrimination.

Given the objectives outlined in this paper, it can be inferred that there is a need to revise and augment the non-discrimination legal framework in North Macedonia and to redesign the relevant institutions, especially in the direction of greater efficiency of the misdemeanour procedure conducted by the Commission for Prevention and Protection against Discrimination. We believe that this will enhance the handling with cases related to discrimination within our legal system. Findings from the present study indicate that people, in general, perceive, experience, and report their everyday discrimination similarly, which may also imply that researchers can compare the concept of perceived discrimination meaningfully across different

ethnic groups with relatively little risk of cultural bias, with an accent on discrimination in employment and labour relations.

In addition, given the responses to day-to-day discrimination, the findings suggest that there is a perception of discrimination. Especially empathized is discrimination based on ethnicity, both historical and contemporary, this includes discrimination against ethnic minorities, such as Roma, Albanians, based on their ethnicity, language, religion, or culture. Gender discrimination is another area of concern highlighted by this research. This includes discrimination against women in various spheres, such as employment, education, politics, and domestic settings. Gender-based violence, unequal pay, limited access to leadership positions, and other forms of discrimination against women are usual ways of discrimination. Discrimination Against LGBTQ+ Communities is often related to social stigma, self-censure, discrimination, and limited legal protections in the region, North Macedonia including. Maybe that is the possible reason why the questionnaire was not able to capture any glimpse of it. Finally, as mentioned, discrimination in North Macedonia often occurs at the intersection of multiple factors, such as ethnicity, gender, religion, sexual orientation, disability, and socio-economic status. This intersectional discrimination can compound the challenges faced by marginalized groups, leading to further inequalities and injustices.

In conclusion, discrimination is an important issue, especially in Western Balkans countries. It's an issue that can raise tensions, and political problems, especially because it is hard to measure and assess, especially in such young democracies. Discrimination in North Macedonia is deeply entrenched in societal norms and practices, and the country lacks established mechanisms, organizations, and institutions to effectively address discrimination. In addition, the analysis provides valuable insights into how discrimination operates within institutional settings, and how organizations and institutions can play a role in addressing and preventing discrimination. In general, institutions, but also organizations, whether they are private, public, or non-profit, play a significant role in shaping societal norms, practices, and policies. They can serve as both perpetrators and victims of discrimination, and their actions and policies can have far-reaching impacts on individuals and communities. Therefore, analysing discrimination from an organizational perspective can offer important insights into the dynamics, causes, and consequences of discrimination. Further studying of discrimination with a focus in organizations can contribute to the development of strategies and interventions to address discrimination in the workplace, which was especially emphasized in this research.

Assessing discrimination is by large simplified in this paper; however, it needs additional research to assess the full picture. Researchers should pay more attention to measuring perceived discrimination accurately and comprehensively. Given that discrimination experiences are influenced by many factors and thus should be understood in cultural, historical, and social contexts, cross-national studies of the perceived discrimination should be further conducted with representative samples and also with data collection on regular basis.

Studying discrimination in North Macedonia bears huge importance. It can help identify the various forms and manifestations of discrimination that occur. Understanding how discrimination operates can shed light on the mechanisms and processes that contribute to discriminatory practices, policies, and behaviours, and help identify potential areas for intervention. Discrimination can have serious consequences, including negative effects on mental health, well-being, career opportunities, and social relationships. By examining the impacts of discrimination researchers can better understand the magnitude and nature of these impacts and identify strategies for mitigating or preventing them. It can inform policies and practices that promote equality, diversity, and inclusion in various settings, and contribute to efforts to prevent and address discrimination at various levels. There are several reasons why future research is needed. A review of the literature could help quantify the actual size of the discrimination as well as indicate the possible outcomes and proposed pathways. In addition, existing reviews have left some questions unanswered, taking into account the peculiarities of discrimination in Western Balkan countries. One imperative remains, discrimination cannot be fought without the tools and the methods for adequately measuring and assessing it.

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Appendices: Online survey tables

Table 1. What is your ethnicity?

Albanian				Macedonian				Roma				Serbian				Turkish				
95.0%	95.0%	Standa	rd	95.0%	95.0%	Standa	rd	95.0%	95.0%	Standa	rd	95.0%	95.0%	Standa	rd	95.0%	95.0%	Standa	rd	
0,0%	29,3%	70,7%	11,2%	0,8%	0,2%	2,5%	0,6%	0,0%	91,7%	67,2%	99,1%	8,0%	16,7%	1,9%	55,8%	15,2%	30,8%	11,4%	57,7%	12,8%
30,0%	13,6%	51,7%	10,2%	45,6%	39,5%	51,8%	3,2%	0,0%	0,0%	0,0%	0,0%	0,0%	66,7%	28,6%	92,3%	19,2%	69,2%	42,3%	88,6%	12,8%
20,0%	7,2%	40,7%	8,9%	10,6%	6,7%	14,1%	1,9%	8,3%	0,9%	32,9%	8,0%	16,7%	1,9%	55,8%	15,2%	0,0%	0,0%	0,0%	0,0%	0,0%

Table 2. The main reasons for discrimination (If you have responded Yes to the previous question, please name the grounds for being discriminated.)

		Column N %	95.0% Lower CL for Column N %	95.0% Upper CL for Column N %	Standard Error of Column N %
If you have responded Yes to previous question, please name the grounds for being discriminated	skin color	2,9%	1,0%	6,7%	1,4%
	age	2,9%	1,0%	6,7%	1,4%
	nationality	0,7%	0,1%	3,3%	0,7%
	other	10,1%	5,9%	15,9%	2,6%
	health condition	0,7%	0,1%	3,3%	0,7%
	wealth	4,3%	1,8%	8,7%	1,7%
	language	1,4%	0,3%	4,5%	1,0%
	personal characteristic	9,4%	5,3%	15,0%	2,5%
	ethnic	14,4%	9,3%	20,9%	3,0%
	education	2,9%	1,0%	6,7%	1,4%
	gender	18,7%	12,9%	25,8%	3,3%
	political beliefs	18,0%	12,3%	25,0%	3,3%
	disability	2,2%	0,6%	5,6%	1,2%
	origin	2,2%	0,6%	5,6%	1,2%
	Vulnerable group	1,4%	0,3%	4,5%	1,0%
	rase	0,7%	0,1%	3,3%	0,7%
	religion	0,7%	0,1%	3,3%	0,7%
	sex	0,7%	0,1%	3,3%	0,7%
	sexual orientation	3,6%	1,4%	7,7%	1,6%
	family status	2,2%	0,6%	5,6%	1,2%

Table 3. Main spheres of discrimination in North Macedonia

		Count	Column N %	95.0% Lower CL for Column N %	95.0% Upper CL for Column N %	Standard Error of Column N %
According to your opinion, what are the main spheres of discrimination	Street	4	1,3%	0,4%	3,0%	0,6%
	other	10	3,2%	1,6%	5,6%	1,0%
	media and public information	2	0,6%	0,1%	2,0%	0,4%
	culture	1	0,3%	0,0%	1,5%	0,3%
	education, science, and sport	40	12,7%	9,4%	16,7%	1,9%
	legal matters and elections	20	6,3%	4,0%	9,4%	1,4%
	access to goods and services	4	1,3%	0,4%	3,0%	0,6%
	work and work relations	204	64,8%	59,4%	69,9%	2,7%
	social security (safety, pension funds, health insurance)	14	4,4%	2,6%	7,1%	1,2%
	participation in political parties, associations, and other organizations	16	5,1%	3,1%	7,9%	1,2%

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Povzetek:

Pregled severno makedonskega zakona o nediskriminaciji

Raziskovalno vprašanje (VR): Raziskovalno vprašanje je, ali je zakonodaja sama po sebi *conditio sine qua non* za preprečevanje diskriminacije v družbi? Ali je severno makedonska zakonodaja ustrezno usklajena z evropskimi standardi na področju preprečevanja in zaščite pred diskriminacijo? Ali se nediskriminacijska zakonodaja v praksi uspešno in učinkovito uporablja? Ali je potrebno to zakonodajo dopolnjevati in spreminjati v smeri izboljšanja varstva osnovnih človekovih pravic in svoboščin v severno makedonski družbi in v katerem trendu?

Namen: Namen tega članka je oceniti nediskriminatorno zakonodajo Severne Makedonije, preučiti dojetje državljanov o zadevah, povezanih z diskriminacijo, in opredeliti morebitne ukrepe, ki bi jih lahko sprejeli za preprečevanje diskriminacije.

Metoda: Za namene priprave tega članka bo uporabljenih več metod: metoda normativne analize, empirična raziskava z uporabo anketnih podatkov 316 državljanov, metoda primerjave, metoda analogije in metoda sodne prakse.

Rezultati: Rezultati kažejo, da samo zakonodaja ni pogoj *sine qua non* za odpravo diskriminacije v družbi. Čeprav ima Republika Severna Makedonija pravne predpise, ki so v skladu z evropskimi standardi, anketiranci menijo, da je diskriminacija v naši družbi prisotna, najbolj razširjena pa je na področju delovnih razmerij. Glede na nizko ozaveščenost o diskriminaciji v družbi anketiranci niso dovolj seznanjeni s pravnimi sredstvi, ki so jim na voljo, in ne zaupajo institucijam. Normativna analiza kaže, da je treba zakon spremeniti predvsem v smeri večje učinkovitosti postopka o prekršku, ki ga vodi Komisija za preprečevanje in varstvo pred diskriminacijo.

Družba: Anketiranci menijo, da se severno makedonska družba sooča z diskriminacijo na vseh področjih - zaposlovanje in delovna razmerja, izobraževanje, znanost, šport, socialna varnost, vključno s področjem socialne zaščite, pokojninskega, invalidskega zavarovanja, zdravstvenega zavarovanja, zdravstva, pravosodja in uprave, stanovanja, javne informacije in mediji, dostop do blaga in storitev, članstvo in delovanje v političnih strankah, združenjih, fundacijah, sindikatih ali drugih članskih organizacijah, kultura, in da je potreben učinkovit mehanizem za zmanjšanje števila primerov. diskriminacije in izvajati učinkovite postopke, v katerih bo odgovornost individualizirana.

Izvirnost: Raziskava predstavlja nove in izvirne podatke v zvezi z empiričnimi raziskavami in priporočila v zvezi z novo severno makedonsko zakonodajo o nediskriminaciji, primerna pa je za nadaljnje primerjave.

Omejitve/nadaljnje raziskovanje: Mnogi ljudje v Severni Makedoniji še vedno ne razumejo popolnoma različnih oblik diskriminacije, niti jih ne morejo prepoznati v vsakodnevnih interakcijah, kar kaže na nizko ozaveščenost o tem na družbeni ravni. Poleg tega je bila raziskava izvedena s pomočjo spletne ankete, zato bi kot omejitvene dejavnike navedli vse slabosti tovrstne raziskave v primerjavi z osebno anketo. Omejitveni dejavnik je dejstvo, da je zadev, povezanih z novim zakonom, premalo, zato se je v prihodnje treba osredotočiti na sodno prakso in prakso Komisije v zvezi z diskriminacijo.

Ključne besede: Komisija, diskriminacija, enakost, človekove pravice, pravo, nediskriminacija, anketa

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