

STRUCTURAL BARRIERS TO THE IMPLEMENTATION OF EQUALITY

ANALYSIS OF THE IMPLEMENTATION OF THE LAW ON PREVENTION AND PROTECTION AGAINST DISCRIMINATION 2023-2026

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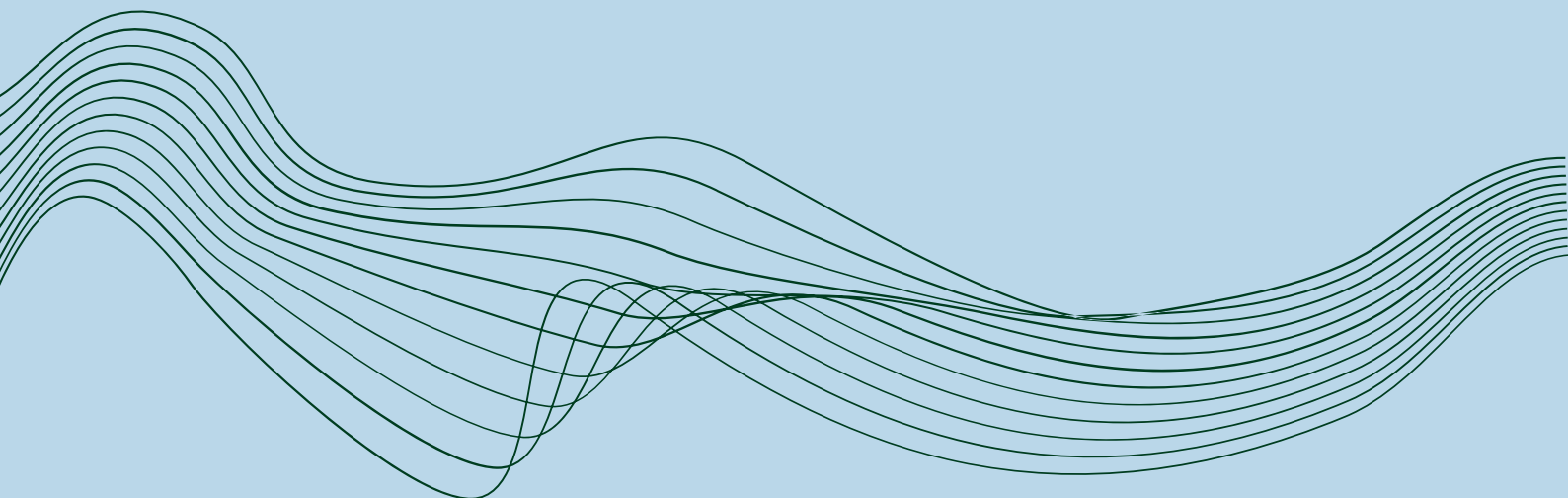


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Introduction

This analysis follows on from the Report on the Implementation of the Law on prevention and protection against discrimination 2019-2022 prepared by the Network for Protection against discrimination. The previous report covered the period in which the Law was just adopted and the new Commission for Prevention and Protection against Discrimination was formed. During that period, there was an increased focus in the area of equality and non-discrimination by key stakeholders from the executive and legislative government, civil society and the international public. The interest was due to several factors, including the final adoption of the long-awaited new Law on prevention and protection against discrimination, which represented a significant improvement in terms of substantive law, the regulation of the procedure for protection against discrimination and the improvement of the institutional framework for the establishment of the equality body. The period was marked by a more favorable political climate for the promotion of rights-based and equality policies due to the return of the EU integration process to the political agenda, under whose framework the new Law on prevention and protection against discrimination was adopted, accompanied by greater participation of civil society in decision-making processes in this area.

Civil society took advantage of the slightly opened window for advocacy and participation in decision-making. During this period, in addition to the Law on prevention and protection against discrimination, amendments were also adopted to the Criminal Code regulating hate crimes and gender-based violence; a new Law on prevention and protection against violence against women and domestic violence was adopted, which was preceded by the ratification of the Istanbul Convention; a new Law on free legal aid; the legal framework in the field of education was improved in terms of inclusion of persons with disabilities, protection from violence and promotion of equality; as well as improvements in other social areas such as health, social protection; and improving the framework for minority rights by adopting a new Law on the use of languages. However, key laws, important for the framework for social rights and gender equality, such as the Law on labour relations and the amendments to the Law on equal opportunities for men and women (draft Law on gender equality), were also not changed during this period. Amendments to the Law on civil status records that would have enabled legal recognition of gender in personal identification documents based on self-determination were also not adopted. The relatively increased political will to promote equality was partly translated into more favourable policies for marginalized groups such as LGBTI people, Roma, sex workers, people who use drugs, rural women, women victims of violence, people with disabilities, and others. Moreover, these policies, including the Law on prevention and protection from discrimination and other measures in several strategic documents and laws, are largely based on formal equality or integration measures, as opposed to social rights, social transformation and redistribution.

However, the space for opportunities to advance policies based on rights and equality soon began to narrow, due to several factors, of which the barriers in the EU integration process have the most significant impact. The failure to achieve significant results in EU integration, especially in the context of the constitutional amendments that changed the country's name, reopened the possibility of political success for right-wing and populist narratives that resulted in the return to power of the right-wing VMRO-DPMNE. The renewed stagnation of EU integration due to the Bulgarian veto and the coming to power of VMRO-DPMNE significantly narrowed the space for advancing policies based on rights and equality. The space for action to advance human rights began to narrow significantly with the second SDSM government in 2022, and was completely closed with the VMRO-DPMNE government in 2024. Additionally, the withdrawal of the Open Society Foundation, which was one of the key donors in the field of equality and non-discrimination, as well as the termination of USAID grants, had a major impact on the narrowing of the space for civil society.

In the meantime, starting with the reforms in education and in the context of the Covid 19 crisis, the mobilization of the anti-gender movement began, which had the greatest impact on the failure to adopt the new Law on gender equality, but also the amendments to the Law on civil registration for legal change of gender. The Anti-gender movement successfully advocated against reforms in the field of education, with a focus on the removal of equality and non-discrimination measures, prevention and protection from peer violence, especially on the grounds of gender, sexual orientation and gender identity, as well as against the introduction of comprehensive sexuality education.

As a result of the above processes, since 2024, civil society for human rights has been in a state of reduced scope of activities, reduced resources and capacities, as well as an unfavourable political climate for participation in decision-making and advocacy for the advancement of rights through the adoption of new policies and the advancement of administrative practices. Moreover, the civil society sector is in a state of defensiveness, focused on preserving the policies that were adopted in the previous period.

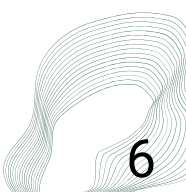
Hence, in the reporting period 2023-2026 there have been no positive changes in the legal framework and policies in the area of equality and non-discrimination. Moreover, amendments were adopted to the Law on primary education that rolled back the provisions on prevention and protection from discrimination, in order to terminate the policies for the promotion of gender equality and protection from violence of LGBTI youth, which were in their early stages with the law of 2019. The analysis will address the amendments to the Law on education, as they were supposed to implement the judgment of the European Court of Human Rights on the desegregation of education in relation to Roma students, while the process of implementing the judgment was used to promote the demands of anti-gender movements and the return of retrograde policies in relation to protection from violence.

In the area of European anti-discrimination law, two important directives were adopted in 2024 that set minimum standards for equality bodies.



A key area for which civil society organizations continuously react is the procedures for selecting members of the Commission for Prevention and Protection from Discrimination, which mainly result in the selection of members who do not meet the legal criteria, appointed through party influence. Hence, this analysis will largely address the selection and appointment of members of the Commission for Prevention and Protection from Discrimination. Furthermore, the selection of inappropriate and unprofessional members affects the quality of the Commission's work. The report analyzes the key mechanisms through which the selection of unprofessional party personnel contributes to the decline in the quality and scope of the Commission's work and the reduction of its relevance and legitimacy.

This analysis is done within the framework of the project "Equality Now - Empowering marginalized communities for social inclusion and non-discrimination" supported by the Government of Switzerland through Civica Mobilitas implemented by the Helsinki Committee for Human Rights, HOPS - Healthy Life Options and the MARGINI Coalition, whose objective is to contribute to improving access to justice and strengthening anti-discrimination protection mechanisms for the most vulnerable groups in society.



Methodological and theoretical framework

The purpose of the analysis is to describe and explain the conditions and processes in the field of equality and anti-discrimination in the period from 2023 to 2026, with a focus on the implementation of the Law on Prevention and Protection against Discrimination, primarily in relation to the work of the Commission for Prevention and Protection against Discrimination. Hence, the purpose of the analysis is to contribute to shaping the next steps for advancing policies in the field of equality and anti-discrimination. The report is focused on analysing the political and social processes in the reporting period that have an impact on equality and non-discrimination policies.

The analytical framework against which the situation is analysed is based primarily on international human rights law. Hence, the report is an analysis based on the human rights approach. The analysis uses a top-down approach, i.e. it primarily analyses, explains and describes the behaviour of decision-makers, referring to the impact of their behaviour and decisions on other actors such as civil society organizations and discriminated groups.

Concepts from mainstream political science theories, especially from the field of implementation studies, which explain the gaps between the legal framework and social reality, are used to analyse and explain problems with the implementation of laws and policies in the field of equality and anti-discrimination. Some of the key theoretical concepts are described in the following paragraphs. The effectiveness of policies depends less on the content of the norms, and more on the processes of institutionalization of the norms, i.e. their translation from law into institutional and social practice. These processes are shaped by the behaviour of political actors, the administration responsible for implementation, civil society, which can have different roles (from implementers to mobilizers and monitors), as well as the behaviour of social movements and groups that use the law to exercise their rights, but also to promote them and to place political demands through legal mobilization. The connections and relationships between the different actors relevant to the implementation of the policy are crucial for its implementation.[1] Hence, policy as an instrument and its implementation is relational and networked, although the relationships are asymmetrical and hierarchical, composed of multiple actors with different power, interests and goals. Within the framework of this theory (network theory), the preservation of connections and relationships between key actors part of the policy-making network is a key factor for its implementation.[2]

[1] Karin Ingold, Manuel Fischer, and Dimitris Christopoulos. 2021. "The Roles Actors Play in Policy Networks: Central Positions in Strongly Institutionalized Fields." *Network Science* 9 (2): 213–235.

[2] Hill, Michael, and Peter Hupe. 2002. *Implementing Public Policy: Governance in Theory and in Practice*. London: SAGE Publications, 61.

Implementation studies challenge the assumption that actors involved in policy making have a common goal that mirrors the policy objective. Rather, actors may have different goals that complement, intersect, and even conflict with each other to produce policy, which in turn influence the outcomes of implementation.

“Implementation processes involve many actors with diffuse and competing goals, operating in the context of an increasingly complex mix of government programs that require participation from multiple levels and units of government and that are influenced by powerful factors beyond their control.”[3] (Ripley and Franklin 1982, 9)

The process of policy implementation should be understood as a political process, rather than as a practice free from political agendas, values, and ideologies. Dominant societal values, power structures, and exclusion necessarily shape implementation practices. But the process is political and from the perspective of a narrower understanding of the political, i.e. implementation is necessarily politically sensitive in conditions of partisan institutions with weak democratic capacities that instrumentalize administrative implementation processes for the realization of party interests.

Organizational capacities are also crucial for implementation, understood not only as the number of employees to exercise of competences, but also capacities in a qualitative sense such as knowledge, skills, relationships, but also personal and organizational values aligned with the cause of equality and non-discrimination.

From a methodological perspective, the analysis uses process monitoring, a widely used method in political science that allows for the sequential monitoring of events and their key characteristics, in order to describe the causal relationships between them and explain the mechanisms through which certain phenomena contribute to certain results.[4] Monitoring the process is used in the broad sense of the word without the ambition to determine causality, but rather to recognize multiclausal relationships between different events and phenomena.

Legal or doctrinal analysis is used to analyse the laws and describe the meaning of the norms according to the manner of their implementation.

Key data collection methods are:

- Literature review in the field of equality and non-discrimination from the period 2023-2026, including publications by civil society organizations, national institutions, international and regional human rights bodies.
- Four semi-structured interviews with: a member of the Commission for Prevention and Protection against Discrimination, two employees of the Commission's expert service, and a legal advisor from a civil society organization, a member of the Network for protection against discrimination.
- Review of media releases by key stakeholders in the field of equality and anti-discrimination.

[3] Ripley, Randall B., and Grace A. Franklin. 1982. *Bureaucracy and Policy Implementation*. Homewood, IL: Dorsey Press,

[4] Trampusch, Christine, and Bruno Palier. 2016. “Between X and Y: How Process Tracing Contributes to Opening the Black Box of Causality.” *New Political Economy*, 5.

Key policies that are subject to legal analysis are:

- The Law on prevention and protection against discrimination 2020
- The two EU directives on standards for equality bodies from 2024
- Amendments and supplements to the Law on primary education 2025
- National Strategy for equality and non-discrimination (2022-2026)

A key limitation of the analysis is the small number of interviews conducted with key stakeholders, despite the fact that the interviewees are experts in the field who work on equality and non-discrimination on a daily basis. Hence, a small number of stakeholders were interviewed, the Commission for Prevention and Protection against Discrimination and the Network for protection against discrimination. Also, the author of the analysis is a former member of the Commission for Prevention and Protection against Discrimination and coordinator of the Network for Protection against Discrimination. Hence, the analysis is also written based on work experience in these bodies.

Situation with policies and laws in the field of equality and non-discrimination

This section will address the National Strategy for equality and non-discrimination (2022-2026) and the amendments to the Law on primary education, as a key legislative amendment in the reporting period significant for the area of non-discrimination. The focus on the National Strategy for equality and non-discrimination is due to the fact that the strategy represents a general policy directly related to the implementation of the LPPD and the timeframe coincides with the reporting period. However, this section does not aim to evaluate the strategy nor to address the implementation processes in detail, but to analyse the structural aspects at the institutional level, to assess the measures and to describe the shortcomings in the implementation. The analysis of the strategy has been made according to publicly available information and data obtained from interviews.

National Strategy for Equality and Non-Discrimination (2022-2026)

The Strategy is an insufficiently significant and visible policy for equality and non-discrimination. Key actors in the field, such as the Commission for Prevention and Protection against Discrimination and civil society organizations, who participated in the interviews, do not see it as a significant instrument, hence they do not have enough information about its implementation.

The competent institution for coordinating the implementation of the Strategy is the Ministry of Social Policy, Demography and Youth (MSPDY), which coordinates the National coordinating body for monitoring the situation with non-discrimination and the Implementation of laws, by-laws and strategic documents in this area (NCB). Two consecutive action plans have been adopted for the implementation of the Strategy, namely an action plan for the period 2022-2024 and an action plan for the period 2025-2026, which was adopted in January 2026 with a one-year delay. The NCB prepares annual reports on the implementation of the strategy, while reports for 2023, 2024 and 2025 are publicly available, hence the missing report for 2022, which has not been prepared or is not publicly available.

Representatives of the CPPD are not satisfied with the functioning of the NCB and point out that the body meets irregularly. The member of the Commission believes that it would be more appropriate for the Commission to coordinate the NCB. This would allow them to have more direct contact with state bodies and other institutions and to discuss the established practices of discrimination and ways to overcome them. However, the Commission also faces a lack of financial and human capacities. On the one hand, as an independent body, it has no direct relations with the Government that adopts the Strategy, and cannot be responsible for coordinating a national policy aimed at improving the work of the administration in the area of non-discrimination. On the other hand, the Commission has greater expertise in the area and should have a greater role in the content of the Strategy and in overseeing its implementation, as opposed to the current solution according to which the Commission participates with one member in the NCB. Hence, a hybrid solution should be adopted that would strengthen the role of the CPPD, while reporting on the implementation of the Strategy would continue to be coordinated by the MSPDY.

The process of adopting the Strategy and the subsequent action plans, the work of the NCB, and a significant part of the activities in the strategy are financially and technically supported by the OSCE Mission in Skopje. Hence, the strategy suffers from the same structural obstacle as most rights-based policies, related to the lack of domestic ownership of the process and subsequently of the final instrument and its implementation. Because of this institutional structure, the practices, relations and norms that should emerge from the strategy do not come to life and fail to be institutionalized. The strategy does not become an instrument that is implemented on a daily basis, but an isolated and self-sufficient instrument, the existence of which, let alone implementation, is a key objective. A key recommendation and implementation-related deficiency that is repeated in each subsequent implementation report is precisely the lack of funding from the budgets of the institutions responsible for implementing the activities, which makes the implementation of the strategy dependent on international donors. The annual reports directly speak of insufficient commitment of the competent institutions in implementing the strategy and reporting on implementation, etc. Hence, these are formal rather than substantive challenges that persist and for which there is no adequate response, although they represent key prerequisites for implementation. The capacities that the competent institutions allocate for implementing the strategy are insignificant and are mainly reduced to participating in NCB meetings and filling out forms for preparing an implementation report. The representatives of the institutions, members of the NCB, are formally appointed, while they work on other tasks on a daily basis. Also, the members most often do not have sufficiently high positions in the institutions they represent and therefore do not have the opportunity to significantly influence the improvement of coordination or the change of internal practices and organizational culture in terms of equality and non-discrimination.

From a content perspective, the activities in the strategy and subsequent action plans are random, i.e. there is no clear connection between them, nor is it clear how they will significantly contribute to achieving the goals. Their key characteristic is formality, activities are described without going into a description of the changes that should be achieved with them. For example, in the key strategic goal for improving the legal framework, laws are listed and for the most part the activity is briefly described as “harmonization with the LPPD”. It is not explained what it means for a certain area to be harmonized with the LPPD, which approach to harmonization will be applied, minimal or extensive, or whether in a certain area, for example, labour

relations, harmonization with the LPPD means introducing paternity leave, or just copying the non-discrimination provision from the LPPD. The activities are repetitive, lack a transformative approach and are most often reduced to amendments to laws, campaigns that have a broadly defined goal – raising public awareness, training for public administration and establishing mechanisms for inter-institutional cooperation. It is also noticeable that the competent institutions plan to implement activities independently of the strategy, but within the framework of other strategies and programs (such as ongoing activities of the Ministry of education and science for the inclusion of students with disabilities). Activities that are currently being implemented in accordance with the competencies of other institutions are also foreseen, such as the implementation of legal provisions for unhindered access and movement to and within buildings and the application of urban planning standards.

Hence, on the one hand, there is a lack of systemic coordination of the strategy with related policies in the field of equality and non-discrimination, and on the other hand, coordination is understood as copying already existing measures. The key is the lack of a clear vision of the role of the Strategy in relation to existing policies in different areas, such as, for example, what is the role of this strategy in relation to the gender equality strategy or the Roma inclusion strategy. Hence, it is unclear why multiple strategies are needed that would foresee the same or similar measures. In conclusion, the strategy does not have its own, unique role in the multitude of rights-based policies under the jurisdiction of different institutions. The key shortcomings of the institutional structure behind the Strategy condemn it to failure in implementation and contribute to insufficient relevance and impact.

Amendments to the Law on Primary Education

In 2024 and 2025, the Parliament adopted laws amending and supplementing the Law on primary education (LPE)[5]. The first amendments from December 2024 were proposed by the Ministry of Education and Science, while the second amendments from April 2025, by a group of MPs from VMRO-DPMNE.[6] These amendments can serve as a unique example of how the implementation of a judgment of the European Court of Human Rights (hereinafter: the ECHR or the Court) has been abused to regress rights and standards in the protection against discrimination and the promotion of equality. The amendments to the law served to restore retrograde policies in the field of education of non-recognition and silence regarding discrimination and violence against LGBTI youth, gender equality and gender-based violence. In drafting these amendments, anti-gender movements played a key role, advocating for their adoption and actively demanding that VMRO-DPMNE MPs propose and adopt them.[7]

[5] In 2025, the Parliament adopted several amendments to the LPE, the amendments in focus of this analysis are from 3.1.2025 and 8.4.2025 according to the publication in the Official Gazette.

[6] The subject of this analysis are the aforementioned amendments to the LPE which were followed by several other amendments to the same law that have no direct connection to equality and non-discrimination.

[7] Coalition for Child Protection. 2025. Letter of support to Antonijo Milososki. Letter. April 1st. <https://short-url.cc/1xPgq>

In the area of inclusion of students with disabilities, the law takes a step back, leaving room for the resumption of work at so-called resource center schools, i.e. special schools for children with disabilities, as opposed to the inclusion that began with the 2019 law. Regarding its original purpose, desegregation of so-called Roma schools, a situation largely enabled by the emergence of white-flight (the flight of non-Roma children from schools where Roma study), the law first of all failed to explicitly name segregation and thus recognize it as a practice based on racism and racial exclusion, although it is recognized in the LPPD, as well as in numerous ratified international instruments.

The amendments to the Law deal the least with racial desegregation, to which three articles are dedicated. Hence, it is arguable to claim that these amendments would not have been adopted in the absence of the obligation to implement the judgment *Elmazova and Others v. Macedonia*[8] (hereinafter: *Elmazova*).

The rollback of education reforms related to equality, inclusion and non-discrimination was a key demand of anti-gender movements[9] that are ideologically close to the ruling party VMRO-DPMNE. Before the change of power in 2016, during the period when VMRO-DPMNE remained in power for a whole decade and turned the country into a so-called captive state, a semi-autocracy[10], anti-gender ideology was the mainstream policy. These amendments represent a continuity of the same policies of VMRO-DPMNE from the period until 2016, while the intensified mobilization of anti-gender movements further legitimized their adoption.

The Law on Primary Education was adopted in 2019 as part of a broader education reform aimed at modernizing education, including the introduction of more progressive rights-based policies regarding the inclusion of children with disabilities, the promotion of gender equality, and the prevention and protection from discrimination and violence. The policies were not exclusively aimed at LGBTI youth, but they did not exclude them. Based on the law, a bylaw was adopted, the Guidelines[11], which detailed the measures and activities in primary education for the prevention and protection from all forms of violence, where gender-based violence, the vulnerability of children with disabilities to violence, and violence motivated by homophobia and transphobia were explicitly recognized. Hence, the law and the bylaw became the target of anti-gender movements that advocated for the withdrawal of these policies. Regarding children with disabilities, the law provided for inclusion in regular schools, finally provided for the discontinuation of classes in special schools and transformed them into resource centers to support regular schools in working with children with special educational needs. This measure did not find widespread support from disability associations, who believed that special schools could better respond to the needs of children with disabilities.[12] However, despite numerous positive policy changes, it failed to address the issue of ethnic and racial segregation.

[8] European Court of Human Rights. 2022. *Elmazova and others v. North Macedonia*, no. . 11811/20 and 13550/20, Judgment of December 13, 2022.

[9] Coalition for Child Protection. 2025. Written request to the President of the Republic of Macedonia regarding the amendments and supplements to the Law on Primary Education. Public request. April 4. <https://www.zadecata.org/post/pismo-na-baranje-do-pretседatelot-na-makedonija-vo-vraska-so-zakonot-za-osnovno-obrazovanie>

[10] Auerbach, Kiran Rose, and Jennifer Kartner. 2022. "How Do Political Parties Capture New Democracies? Hungary and North Macedonia in Comparison." *East European Politics* 38 (4): 664–684.

[11] MES. 2020. Guidelines for the procedure for reporting and protecting a student victim of any form of violence, abuse and neglect. Post-legislative act. July 6.

[12] Alpha. 2024. "Menuvame" demands the return of specialized schools: While children play basketball in physical education, blind children guard backpacks. Press release. July 24. <https://vesti.alfa.mk/od-menuvame-baraat-da-se-vratat-specijalizirane-uchilishta-dodeka-deczata-igraat-basket-na-fizichko-slepите-dete-chuvaat-ranczi/>

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From the beginning, it became obvious that the MES did not intend to actually deal with solving the problem, but to do a formal minimum. From the beginning, the MES insisted on replacing the term “segregation” with “physical separation”, thus depoliticizing the term, denying the racist and anti-Gypsy background of the problem. Racial segregation is a form of structural violence, a consequence of long-standing racist subordination, othering and dispossession of elementary resources for existence, opportunities for social reproduction and conditions for upward social mobility. Hence, it is a fundamentally political issue, requiring the facilitation of broad social transformation, reparation measures, comprehensive compensation, guarantees that it will not happen again, but also symbolic measures such as a public apology. Even comprehensive implementation of measures in laws and public policies can only contribute to a limited extent to solving the problem of racist segregation. Broader social action and the implementation of far-reaching policies are needed to change anti-Gypsy attitudes and behaviors, but also to improve social well-being. Contrary to the social reality of a deep-rooted and complex issue, related to issues of social justice and racialization, the Ministry of Education and Science adopted three articles to achieve desegregation, which all stakeholders assessed as inadequate. The law prohibited “physical separation on discriminatory grounds”, provided for an ethnically balanced distribution of students in classes, and obliged municipalities to determine regionalization in a way that would prevent segregation. The provisions do not have subsequent misdemeanor provisions nor is there a regulated obligation to monitor implementation, thus allowing the practice of white-flight to continue to exist. In the Assembly, no MP submitted amendments regarding (de)segregation. There is no Roma MP in the Assembly, but since May 2025, the Interparty Parliamentary Group for Support of Roma Rights, Their Inclusion and Integration was formed.[18]

The ERRC and the CPPD submitted Rule 9 communications to the Committee of Ministers regarding the implementation of the judgment[19]. They criticize the Government’s narratives that place the blame for segregation on the behaviour of the victims, rather than proactively taking decisive measures in line with the Committee of Ministers’ guidelines. According to the submissions, individual measures to enable access to integrated education for the applicant children have not been implemented and they continue to study in segregated environments. The ERRC and the CPPD[19] conclude that the measures taken by the Municipality of Bitola and the Municipality of Shtip are insufficient for de facto desegregation, but point out that the Municipality of Shtip is comparatively much more proactive, although it faces problems in implementing desegregation policies. Segregation practices continue in both disputed schools, and since the adoption of the amendments to the LPE, the Commission has determined segregation in primary schools and in other municipalities, which in itself is evidence of the ineffectiveness and inadequacy of the legal amendments.

[18] Assembly of the Republic of North Macedonia. 2025. Interparty Parliamentary Group for Support of Roma Rights, Their Inclusion and Integration Formed. News. May 6. <https://www.sobranie.mk/ns-newsarticle-formirana-interpartiskata-parlamentarna-grupa-za-poddrska-na-pravata-na-romite-nivna-inkluzija-i-integracija.nspx>

[19] ERRC. 2023. Elmazova and Others v North Macedonia (2022). Blog post. 15 June. [ERRC. 2023. Elmazova and Others v North Macedonia (2022). Blog post. 15 June] <https://www.errc.org/cikk.php?cikk=5499>

[20] ERRC and CPPD. 2025. Rule 9 submission with regard to the execution of: Elmazova and others v. North Macedonia (Applications nos. 11811/20 and 13550/20), judgment of 13 December 2022 (final 13/03/2023). Document. 13 October.

Regarding the amendments to the law from January 2025 (the first amendments, proposed by the MES), in the report on the assessment of the regulation[21] and in the explanatory memorandum submitted to the Parliament[22], the MES relies entirely on the need to enforce the judgment, and hides the other goals it wants to achieve with the amendments. The CPPD assessed that "The Ministry is using the law to make amendments to the detriment of the inclusion of children with disabilities in education, to the detriment of gender equality and to the detriment of the protection from violence and discrimination of young people with a different sexual orientation and gender identity[23]." The Network for Protection from Discrimination reacted[24] to the amendments to the law by focusing on the removal of the terms gender, sexual orientation, gender identity and gender equality and on the changes in the area of prevention and protection from violence that exclude girls and LGBTI youth and refuse to take into account their needs and realities. Opposition MPs submitted an amendment to prevent the amendment regarding prevention and protection from violence, but they also hid their purpose in submitting the amendment.[25] Only MP Daniela Nikolova criticized the law in a plenary session[26], using the arguments of the Commission for Prevention and Protection from Discrimination and the Network for Protection from Discrimination. However, the submitted amendment to repeal the article, which aims to introduce a legal basis for repealing the Guidelines that provided for comprehensive measures for prevention and protection from all forms of violence in schools, was not explained in a substantive way, but rather formally with the "purposefulness and easy understandability" of the text. There was a complete lack of public debate on this issue, the amendment was pushed through non-transparently by the government, and the opposition failed to decisively oppose the curtailment of the rights of girls and LGBTI youth in education. Hence, the stigma and tabooing of issues related to gender and LGBTI equality persist, most likely in a strengthened form as a result of the increased anti-gender mobilization, but also the behaviour indicates insignificant political support for gender equality and LGBTI rights in the Parliament.

But the anti-gender movements were not completely satisfied with the first amendments to the law, because it left the terms "sexual and reproductive health" and referred to the Law on Prevention and Protection from Discrimination, which contains the basics of gender, gender identity and sexual orientation. Hence, through a group of VMRO-DPMNE MPs led by MP Antonijo Milošovski, their demands were translated into a second law on amendments and supplements to the LPE, which deletes the above-mentioned terms. Opposition MPs, led by MP Daniela Nikolova, submitted amendments and opposed the changes in a plenary session[27] using arguments in defense of gender equality and the rights of LGBTI youth related to protection from discrimination and violence, although with certain reservations regarding gender identity.

[21] Government of the Republic of North Macedonia. 2024. Regulatory Impact Assessment Report. Document. 12th September.

[22] Government of the Republic of North Macedonia. 2024. Draft Law on Amendments to the Law on Primary Education. Document. December 3.

[23] Commission for Protection and Prevention of Discrimination. 2024. Reaction from the Commission for Prevention and Protection of Discrimination following the amendments to the Law on Primary Education. Press release. December 5th

[24] Margini Coalition. 2024. Reaction to the draft law amending and supplementing the Law on Primary Education and the Draft Law on Secondary Education. November 1. . <https://coalition.org.mk/archives/12736>

[25] Assembly of the Republic of North Macedonia. 2024. Amendment archive no. 08-5945/14. Document. December 18th.

[26] Parliament of the Republic of North Macedonia. 2024. 24th Session of the Parliament of the Republic of North Macedonia. Video recording. December 16th. <https://www.sobranie.mk/media1.nspk>

[27] Parliament of the Republic of North Macedonia. 2025. 42nd Session of the Parliament of the Republic of North Macedonia. Video recording. April 1st. <https://www.sobranie.mk/media1.nspk>

The proposer, Antonijo Miloševski, used anti-gender rhetoric to argue against gender equality and scapegoated transgender people by talking about the hypothetical discrimination of biological women in school sports due to the alleged participation of transgender women. The focus of the VMRO-DPMNE discussions was once again the previous minister, Mila Carovska, who initiated the educational reforms through which the demonization of the civil society sector that promotes gender equality continues.

Subsequently, the Ministry of Education and Science adopted a new bylaw, the Rulebook[28] regulating protection from violence, to which the Network for Prevention and Protection from Discrimination reacted again[29] with a focus on the failure to recognize violence related to the personal characteristics of students. The Rulebook was largely based on the Guidelines. The Rulebook, unlike the Guidelines, has a legally binding character, which was not necessary in this case because the failure to implement the Guidelines, i.e. failure to report violence, was associated with a misdemeanor obligation. The choice of the form of the bylaw, a rulebook instead of a guideline, imposes greater formality and rigidity of the content. The guideline, unlike the rulebook, also had an educational character in order to contribute to the recognition of the various forms of violence, especially violence based on hatred and prejudice, incorporated the approach based on human rights, and was based on building an environment of empathy, mutual support and cooperation. The key principles in the implementation of activities for the prevention and protection from violence, such as the best interest of the child, respect for diversity and prohibition of discrimination, respect for the right to self-determination, privacy, confidentiality, non-accusation of the victim, expertise and responsibility, due diligence and prohibition of nepotism and corruption, have been removed from the text of the rulebook. The rulebook leaves room for adopting measures for "prevention of repeated inappropriate behavior"[30] by the victim, which leaves room for strengthening the practices in schools of blaming victims and shifting responsibility for violence to them, which is traditionally used in cases of gender-based violence, violence against children with disabilities, LGBTI children and other marginalized groups.

The amendments to the law also took a step back in the inclusion of children with disabilities, special schools would once again be able to provide education. In this area, the Law accepts the narrative of parents' rights, and with a legal provision it provides for the right of parents to decide between an inclusive (regular) school and a segregated (special) school. Such a right is not known in international human rights law, but the right to inclusive education is protected and guaranteed. Ironically, in the context of racial desegregation, "physical separation on discriminatory grounds" was prohibited, but the practice of physical separation on discriminatory grounds - disability - was reintroduced, with the return of education in special schools. The CPPD reacted to these amendments and assessed that the principle of the best interest of the child is reduced to the best interest of the parent.[31]

[28] MES. 2025. Rulebook on the manner of reporting and protecting a student victim of any form of violence, abuse and neglect. Bylaw. July 7.

[29] Voice Against Violence. 2025. Reaction: Dealing with violence has no place in the policies of the Ministry of Education and Science. Press release. September 12. <https://glasprotivnasilstvo.org.mk/reaktsija-spravuvaneto-so-nasilstvoto-nema-svoe-mesto-vo-politikite-na-mon/>

[30] MES. 2025. Rulebook on the manner of reporting and protecting a student-victim of any form of violence, abuse and neglect. Article 17 paragraph 1 point 4.

[31] Commission for Protection and Prevention of Discrimination. 2024. Reaction from the Commission for Prevention and Protection of Discrimination following the amendments to the Law on Primary Education. Press release. December 5th.

Furthermore, similar amendments were also adopted in the Law on Secondary Education, and a Law on Textbooks in Primary and Secondary Education was also adopted, which was also insufficiently harmonized with the Law on Prevention and Protection against Discrimination. Also, comprehensive harmonization with the LPPD was missed in the Law on Adult Education, the Law on Educational Inspection, and the Law on the Bureau for the Development of Education, which were amended during the reporting period. The Network for Protection against Discrimination and other associations that advocated for the advancement of human rights are continuously excluded from these processes, and their reactions and requests do not receive an appropriate response.

The Network for Protection against Discrimination and ECRP submitted an initiative to the Constitutional Court challenging the constitutionality of the provisions introduced by the amendments to the Law that removed gender, sexual orientation, gender identity, and gender equality as protected grounds and principles. The initiative also challenges the use of the term "physical separation" instead of "segregation" and raises concerns over the removal of the reference to the Law on Prevention and Protection against Discrimination.

In conclusion, the amendments to the Law on Primary Education represent a step backwards in terms of the implementation of the Law on Prevention and Protection against Discrimination and a reduction in standards in the area. The 2019 Law on Primary Education was a rare regulation that was comprehensively aligned with the LPPD, which required further improvement, especially with regard to racial segregation. Ironically, the legislative amendments to the Law on Secondary Education and the Law on Textbooks are described as a success in terms of aligning legislation with the LPPD in the report on the implementation of the Strategy for Non-Discrimination for 2025[32]. Education, due to its role, is a key area of alignment with the LPPD for which an extensive model of harmonization[33] should be applied in order to ensure the implementation of a system of prevention and protection against discrimination in schools; transforming discriminatory attitudes and behaviors and promoting equality through education; and adopting solutions that will overcome existing discriminatory practices in education. The crucial importance of education is recognized by the right-wing populist VMRO-DPMNE, which continues to instrumentalize and usurp it to promote a conservative ideology.

[32] The National Coordinating Body for Monitoring the Situation with Non-Discrimination and the Implementation of Laws, By-Laws and Strategic Documents in this Area. 2025. Annual Report on the Implementation of the Activities of the Action Plan 2025-2026 for the Implementation of the National Strategy for Equality and Non-Discrimination 2022-2026. Document. March. 8.

[33] Drndarevska, Dragana. 2021. Analysis of the legal framework in the field of education from the aspect of prevention and protection from discrimination and violence, with a focus on gender-based violence and discrimination based on gender, sexual orientation and gender identity. Skopje: Coalition Margini. 50.

Implementation of the Law on Prevention and Protection against Discrimination

Procedures for the election and appointment of members of the Commission for Prevention and Protection against Discrimination

In the reporting period, the biggest changes in the functioning of the CPPD relate to changes in the composition, through several procedures for the election and appointment of new members. In the composition of the Commission from the first reporting period, only one member is still in the Commission.

In 2023, the Commission operated without two members, while the mandates of two other members expired in January 2024. In February 2023, the Parliament published an announcement^[34] for the election of two members, but did not make the election without explaining the reasons. In accordance with the announcement published in November 2023^[35], at the end of the year, the Parliament adopted a decision to elect four members of the CPPD. Although the previous elections were also problematic because candidates who did not meet the legal criteria were given mandates, this election was assessed as even more problematic than the previous ones by the Network for Protection from Discrimination. From the registered candidates, the Assembly had the opportunity to select members who are professionals in the field and meet the legal criteria. Two out of four elected members did not meet the legal criteria. The most suitable candidate from those elected, who met the requirements and is recognized in the public through her work in the field of equality and non-discrimination, received the shortest mandate of one year and two months. At the same time, she was the only independent member who had not been appointed through party affiliation and whose previous professional experience and public engagement could not be linked to any political party, but rather to her work in civil society in the fields of human rights and non-discrimination. All other members received a mandate of 5 years. The Network for Protection from Discrimination reacted sharply to the selection and granting of the shortest mandate to Dragana Drndarevska, assessing it as humiliating and unacceptable.^[3] Representatives of the network pointed out that from the public debate at which the registered candidates presented themselves and answered questions, professionals in the field stood out significantly, among whom there were suitable candidates representing various social groups, such as people with disabilities, LGBTI and Roma.

[34] Parliament of the Republic of North Macedonia. 2023. Decision on publishing a public announcement for the selection of members of the Commission for Prevention and Protection against Discrimination. 15 February. Available . [here](#)

[35] Parliament of the Republic of North Macedonia. 2023. Decision on publishing a public announcement for the selection of members of the Commission for Prevention and Protection against Discrimination. 2 November. Available [here](#).

[36] Meta. 2023. Network for Protection against Discrimination: Members of the CPPD to be selected impartially. 23 December. Available [here](#)

The network emphasized that:

“they are not seeking positions for representatives of civil society organizations in the Commission, nor are they asking MPs and political parties to do them a favour and elect them. Instead, they say they are seeking a fair, transparent and legal election for all positions in the Commission for Prevention and Protection from Discrimination. But according to them, this Parliament has not had the political will to do that for years.”[37]

The granting of a short mandate to the most suitable candidate represents a democratic decoration of an otherwise non-transparent and partisan appointment of laypeople to an independent equality institution. The selection of candidates took place during the second government led by SDSM, in conditions of declining cooperation between the government and the civil society sector.

After the expiration of Dragana Drndarevska's short-term mandate at the beginning of 2025, the Assembly, in which VMRO-DPMNE now has a majority of MPs, immediately announced an announcement for a new member. The election was the most problematic so far, because the member elected was Vecko Zdraveski, a non-expert in the field of non-discrimination, close to VMRO-DPMNE and an ardent supporter of the party who announced on social networks "VMRO is the fate and future of the homeland"[38]. He was a member of the so-called Lustration Commission, which was instrumentalized by the VMRO-DPMNE-led government to persecute political dissenters. Hence, it is more appropriate to describe the appointed member as having experience in committing politically motivated violations of human rights, rather than in their protection and promotion.

Towards the end of the year, another position became vacant, while as of January 2026, the mandates of two more members ended. At the end of 2025, the Assembly published an announcement for three members[39], and in January 2026, it adopted a draft decision for selection and appointment[40]. One of the selected candidates is a former member of the Commission who has been given a second mandate. Furthermore, a candidate who meets the requirements was also selected. In third place, the candidate Jihan Ahmed was proposed, who does not meet the criteria, and in the public interview she showed complete ignorance of the field.[41] Considering that the selection and appointment process was over, she publicly thanked the political party for the selection.[42] Under pressure from the public who shared the video of the public interview from which the lack of basic competencies is obvious, as well as due to criticism directed at the political party Verdi for proposing inappropriate candidates, she withdrew her candidacy. This was the first time that the decision to select a member of the CPPD was changed under public pressure. Until then, the Network for Protection from Discrimination and the media regularly published criticism and reactions for the selection of incompetent candidates, who did not meet the requirements and did not adequately answer the interview questions.

[37] Meta. 2023. Network for Protection against Discrimination: Members of the CPPD to be selected impartially. 23 December. Available

[38] Voice against violence. 2025. The Assembly destroys the essence of the CPPD by appointing members under a party key who do not meet the legal requirements. April 4. Available [here](#)

[39] Parliament of the Republic of North Macedonia. 2025. Decision on publishing a public announcement for the selection of members of the Commission for Prevention and Protection against Discrimination. 3 December. Available [here](#)

[40] Assembly of the Republic of North Macedonia. 2026. Proposal-decision for the election of members of the Commission for Prevention and Protection from Discrimination 08-517/1. January 25. Available [here](#)

[41] Sloboden Pecat. 2026. How did Jihan Ahmed slip through the Parliamentary Elections and Appointments Committee unnoticed? Available [here](#)

[42] Center for Change Management. 2026. Lessons Learned - What Did the Procedure for Selecting a Member of the Discrimination Commission Show Us? January 29. Available [here](#)

Namely, this was also the case with Vecko Zdraveski, the elected member from VMRO-DPMNE with experience in the Lustration Commission. He meets even less of the legal criteria because he has no experience in the field of human rights, while his behavior is suspicious for participation in their violation because he was accused in the "Moknik" case related to the work of the Lustration Commission (the case is statute-barred)[43]. The controversial candidate, on the other hand, has limited experience in the field of human rights, works as a law professor in a high school, but there is no information linking her to politically motivated crime. Unlike the selection of Jihan Ahmed, the selection of Vecko Zdraveski did not arouse particular interest among the public or among MPs. Jihan Ahmed was the target of an avalanche of comments on social media that mocked and insulted her, while on many occasions the comments had sexist and Islamophobic content. Although the public reaction was motivated by obvious incompetence, it was intertwined with prejudices based on gender, ethnicity and language. Hence, compared to Vecko Zdraveski, Jihan Ahmed as a minority woman faced double standards and exclusion enabled by the intersection of sexist and ethnic biases.

In February 2026, the Assembly again published the announcement[44] for the election of one member, but the election procedure did not continue. The Network for Protection against Discrimination reacted because the Assembly did not accept the candidacies of two candidates from the civil society sector and publicly requested an explanation for this decision. In the case, the Assembly embarked on a document review and decided that the candidates had not submitted the necessary documents. One candidate did not submit a confirmation of her current job in a citizens' association, a member of the NPD, although she submitted a personal biography and a letter with which the association supports her candidacy. The other candidate did not submit a diploma for undergraduate studies, but submitted a diploma for completed master's studies. Hence, the reasons for not accepting the candidates have nothing to do with the legal criteria, but the Assembly generally determines additional formal conditions with which it will justify the decision to exclude two competent candidates. The documents due to which the Assembly decided not to accept the candidacies are not explicitly stated in the announcement, but a personal biography and supporting documents are required that will prove the fulfillment of the legal criteria.

Subsequently, in April 2026, the Assembly again announced an announcement[45]. After the session with public interviews was held in June 2026, the Assembly selected the candidate Ismail Sinani. He also does not meet the legal requirements for experience in the field of human rights and non-discrimination and did not adequately answer the questions asked during the interview. He has work experience in the media and in that capacity published texts with misogynistic, anti-gender and homophobic content, in which LGBTI people are presented as destructive to the "Albanian family fabric", and the feminist struggle is responsible for the allegedly increased use of drugs, HIV, suicides and family breakdown. However, this time there was also a lack of reaction from the public and the MPs, so the draft decision for selection was adopted by the Assembly. The Network for Protection from Discrimination once again reacted sharply[46] to this election and assessed that the Parliament uses their participation in public interviews as a democratic decor.

[43] Radio Free Europe. 2024. The "Moknik" case, in which Antonijo Milososki is accused, has expired. February 22. Available [here](#)

[44] Parliament of the Republic of North Macedonia. 2026. Decision on publishing a public announcement for the selection of members of the Commission for Prevention and Protection against Discrimination. 25 February. Available [here](#)

[45] Parliament of the Republic of North Macedonia. 2026. Decision on publishing a public announcement for the selection of members of the Commission for Prevention and Protection against Discrimination. 22 April. Available [here](#)

[46] Telma. 2026. NGOs warn that Ismail Sinani, a candidate for member of the Commission for Prevention and Protection from Discrimination, has no experience and has controversial views on LGBT and feminism. June 10. Available [here](#)

With the last election, the composition of the CPPD was completed, but a large number of the members in this composition have no experience or knowledge in the field of non-discrimination. In conclusion, the experience from the procedures for the selection of members again speaks of the provisional nature and partisan nature of the process and the formal conduct of the interviews, while the decisions about which candidate will be selected have already been made in party circles. Citizen associations also formally participate in public interviews, and their participation is used to legitimize the process.

The LPPD provides that for the election and appointment of members of the CPPD, “The Commission for elections and appointments of the Assembly of the Republic of North Macedonia shall determine a proposal - a list of the registered candidates, after a previously conducted public debate[47]”. In practice, there is no public debate at which representatives of the civil society sector and other interested parties together with the MPs would discuss the election of members. The public debate is applied as a public interview of the candidates, i.e. presentation and then answering questions, most often by citizens' associations. Then, the MPs from the Commission for elections and appointments decide at a session without the presence of citizens' associations.

There are also numerous shortcomings on the part of the Parliament in the administrative-technical organization of the procedure, which, although of a formal nature, shape the institutional structure of the election procedure and from there can have a significant impact on the election. The key shortcomings are the late publication of the materials for the public interviews containing the candidates' biographies. Very often, the period from the publication of the materials to the scheduled public session is only one day, which in itself speaks of the decorative and formal nature of the procedure. It also happens that the Assembly begins the selection procedure, while not completing it without a transparent explanation of the reasons. This was a common practice in the Assembly where the SDSM had a majority because they did not have a sufficient number of MPs to decide independently, which made it more difficult to reach an agreement. The Assembly today, where the VMRO-DPMNE MPs have a majority, carries out the procedures more quickly and publishes advertisements in a timely manner, but the result is the selection of even more incompetent personnel who have questionable values related to equality and non-discrimination. MPs are most often not even present during public interviews. It also happens that certain MPs come to the interview only to hear “their” candidate and then leave the hall. It happens even more rarely that MPs ask questions of candidates.

Although they usually do not listen to the interviews, MPs very often make the selection decision immediately after that.

There is also a (bi)ethnic split in the party nomination of members of the CPPD. In general, the ruling party from the Macedonian bloc appoints Macedonians, the coalition partner from the Albanian bloc appoints Albanians. So far, members of smaller ethnic communities such as Roma, Turks and Croats have also been appointed, but always men. The provision of the law stipulating that the composition of the Commission should reflect the diversity in society is understood as ethnic diversity. No candidate with a disability has been elected so far, and men are also predominantly elected. Out of seven members, more than two women have never been elected to the Commission. Of the mandates assigned so far, only 5 mandates have been assigned to women, of which only one is a minority woman, and 10 to men.

[47] Official Gazette of the Republic of North Macedonia. 2020. Law on Prevention and Protection against Discrimination. October 30. Article 81 paragraph 3.

Amendments to the articles of the LPPD that regulate the procedure for selecting members are necessary. The Network for Protection against Discrimination, following the manner in which the procedure was implemented in accordance with the Law that was in force since 2019, proposed a change to the text in accordance with the procedure for selecting members of the Commission for the Prevention of Corruption. The articles were accepted by the then Ministry of Labor and Social Policy, but were not accepted by the Government. The Network reacted that by not accepting articles that regulate a more transparent procedure with more substantial participation of representatives of the civil sector, an intention for party-based appointment of members is clearly communicated[1]. The proposed amendments to the selection procedure envisaged several changes, the key of which was to form a Selection Commission composed of seven members – two MPs from the government and the opposition, two representatives of civil society and one representative of the National Coordinating Body for Non-Discrimination, which will conduct interviews, evaluate candidates and propose candidates for selection. After the changes were not accepted by the Government, they were proposed as amendments in the Parliamentary procedure for adopting the law, but were not voted on.

Based on the experiences with the implementation of the procedures for the selection and appointment of members, some of the interviewees believe that it is necessary to specify the criterion of seven years of work experience in the field of human rights, of which five years in the field of equality and non-discrimination. They assess the criterion as good, but because it has no specific meaning in practice, they believe that it is necessary to specify what exactly it means, such as, for example, predicting work experience or engagements that have continuously lasted seven or five years in the field by listing the types of tasks that would be considered in the experience. Given the context, further specification may narrow the scope, but not eradicate the appointment of unprofessional personnel.

Representatives of the Network for Protection against Discrimination still believe that the procedure for selecting members of the CPPD should be regulated in a similar way to the procedure for selecting members of the Commission for the Prevention of Corruption. In conditions in which party-based appointment of personnel is the basic modus operandi, it is impossible to isolate the procedure for selecting members of the CPPD from party influences. However, by adopting provisions that increase transparency and enable more substantial participation of civil society organizations and other external members, the space for party action is narrowing and the parties themselves feel greater pressure to support more suitable candidates. Considering today's context of increased influence of anti-gender movements in decision-making processes, it is necessary to provide clear criteria for civil society organizations or other external members who would participate in the Selection Commission. The key stakeholders participating in the procedure, parliamentary political parties and civil society organizations for human rights, have irreconcilable opposing interests in this procedure. The former want to employ meritorious members from their ranks in attractive positions and/or to expand their influence in the institution, while the latter fight against this and seek independent and competent members who will protect marginalized groups, criticize the discriminatory practices of the government and prevent the Commission from being instrumentalized for party purposes. The selection procedure as it is currently regulated, asymmetrically concentrates decision-making power in political parties, while allowing only formal and decorative participation of associations.

[48] Helsinki Committee. 2020. The Network for Protection against Discrimination demands transparent selection of members of the KSZD. Press release. September 19. Available [here](#)

The demands for changes to the selection and appointment procedure should also be advocated in the context of harmonizing the legislation with the EU Directives on minimum standards for equality bodies. The Directives reiterate independence and expertise as key minimum standards.[49] However, the success of this avenue is determined by the dynamics of the EU integration process, by the EU's interest in actively monitoring and supporting the process and assessing its implementation in a more substantive manner.

The impact of the selection of incompetent members on the work of the Commission for Prevention and Protection against Discrimination

This section aims to analyse the impact of the selection of incompetent staff on the work of the Commission, and to explain the mechanisms through which the impact can lead to a significant decline in the quality and scope of the Commission's work.

Representatives of the professional service and civil society organizations share the view that the quality of the Commission's work has declined, and they explain this with the increasingly poor selection of members. The interviewed member does not agree with the view that the quality of the Commission's work has declined, but agrees on the key role of the selected members. Representatives of the professional service are particularly critical of the effects of the inappropriate selection of members on the internal processes of the Commission. Hence, they clearly express dissatisfaction with the situation, from which the inappropriate selection affects their satisfaction with the conditions at the workplace. They are put in a position to work with members who have no knowledge in the field, and comparatively they receive much higher salaries and even more so they have to implement decisions with which they do not agree professionally. In this way, there is a risk that the quality and professional staff of the service will leave for other jobs.

The selection of non-professional members also affects the motivation of civil society organizations to cooperate with the Commission. If civil society organizations consider that the Commission is not a relevant and professional body, they will not invest their capacities in supporting and promoting the work of the CPPD. The civil sector is a key domestic actor working in the field of discrimination. So far, the members selected who have been assessed as suitable because they met the selection criteria come from the civil society sector or have had close cooperation with it. They come to the Commission with an already acquired reputation and professional contacts with associations and international organizations and hence, they continue the cooperation, plan and implement joint activities with these stakeholders and provide additional funds for the work of the Commission, which are necessary for the realization of the promotional-preventive and expert-advisory function.

[49] The Directives provide that Member States shall ensure transparent procedures regarding the selection, appointment, dismissal and potential conflicts of interest of the staff of equality bodies holding decision-making or management positions, and where applicable, the members of the management board, in order to guarantee competence and independence. Official Journal of the European Union. 2024. Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU. Legal instrument. 25th May. Article 3. [Official Journal of the European Union. 2024. Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU. Legal instrument. 25 May. Article 3.]

Also, these members already have professional achievements in the field and are motivated to advance their career through the position in the CPPD, because after the mandate they will continue to work in the field.

Incompetent members without previous experience in the field do not have such capacities. On the contrary, some are not even interested in significantly investing in their knowledge, skills and connections in the field because they did not receive the mandate on merit but through party channels. They do not have a professional connection with the field, they do not feel it as part of their professional identity and hence they had no intellectual interest in dealing with non-discrimination. Consequently, they do not invest enough effort in fulfilling their tasks. Despite the obligation to attend work every day, these members are not regular enough. Irregularity and lack of commitment have a demotivating effect on the rest.

Furthermore, incompetence, attachment to the network of party-nepotistic connections, is reflected in the competence, objectivity and impartiality in handling cases. These members do not decide on the basis of the discrimination procedure and do not apply the institutes of anti-discrimination law in their work, but rather decide provisionally on the basis of personal views, previously established opinions and relations. Some of them encounter the LPPD for the first time after becoming members of the Commission and do not distinguish between different types of discrimination. The employees of the expert service believe that, from this aspect, it is good that it is a collective body in which all members are elected in different periods, i.e. from different parties, which prevents the prevalence of someone's bias. In the case procedure, the reporting member has the greatest role because he controls the narrative, which has a key role in the decision-making of others, especially in conditions of lack of expertise. Most often, the remaining members do not delve into cases for which they are not the reporting member and base their decision on what they hear from the reporting member, unless they have some special interest in the case that may stem from external influences. However, given the large number of cases, it cannot be expected that all members will be thoroughly familiar with all cases, which requires all members to be professional and independent.

The risk of biased decision-making increases when a member's employment relationship with a state institution against which complaints are regularly filed is suspended. The suspension of a job position in a particular institution should be taken into account in the internal allocation of cases. The same would apply in a situation where a member's employment relationship with a citizens' association that regularly files complaints about discrimination is suspended.

The expert service believes that its role in the non-discrimination procedure should be strengthened, by providing guidance on procedural actions, providing preliminary guidance on the existence of indications of discrimination, in terms of shifting the burden of proof and providing guidance on which facts should be established in order to consider that a certain type of discrimination exists, in order to professionalize and standardize decision-making and prevent provisionality. They also believe that they should have a decisive role in filtering from the aspect of the orderliness of the complaint and jurisdiction. On the one hand, they believe that incompetent members rely too much on the expert service in their subject work, and on the other hand, they believe that they only take their opinion into account when it supports the position they have already developed. But two things can be true at the same time, although they seem contradictory, because members have different degrees of motivation, and also the interest is not the same for all cases. But the degree of attention paid to a case should depend on how strategic the case is, and not on personal interests.

The selection of non-expert members also affects the quality of the opinions, especially in the rare cases when the opinions are written by the members themselves. But also, an employee of the expert service cannot write a well-argued opinion when it is decided contrary to his professional opinion, i.e. when he believes that there is no discrimination in the case and it is decided that there is vice versa.

The creation of internal guidelines and guides for the appropriate application of certain institutes of anti-discrimination law does not play a major role in advancing the work of the Commission, since even those that have been adopted are not used by non-expert members, and for the rest this is already a familiar subject, and in case something is not sufficiently known, they know how to find relevant resources themselves.

Non-expert members do not get involved in promotional and preventive activities such as participation in conferences, public speeches, meetings with partners because they do not have positions on key issues or knowledge to be able to discuss and do not want to be exposed in that way. The implementation of these activities falls on the burden of the competent members, which means that this competence is not implemented at full capacity. The same can be said about advocating for changes in policies and laws, reporting to international human rights bodies and other competences of the advisory and expert function. Party-elected non-expert members not only lack the capacity to perform these tasks, but they would not confront the authorities and criticize them in front of the international public in order to advance a certain area. Consequently, the implementation of this function is at the lowest level.

In conclusion, the selection of non-expert members by political party influence affects the quality of the Commission's work through several mechanisms. In the protective function, the key mechanism is biased or provisional decision-making on cases instead of decision-making in accordance with the framework of anti-discrimination law and human rights law. The second mechanism is the lack of capacity to implement competencies such as writing opinions, participating as an intervenor, a friend of the court or initiating court proceedings. In the implementation of the advisory-expert and promotional-preventive functions, the key mechanism is incompetence and disinterest in performing these tasks. In the advisory-expert function, an additional mechanism is the reluctance to advocate for changes that require a critical attitude towards the policies of the authorities. At the institutional level, there are several mechanisms. Internally, the lack of commitment and incompetence of these members has a demotivating effect on the professional service and creates dissatisfaction with the workplace. Externally, non-professional members lack the capacity to cooperate with key stakeholders such as domestic and international civil society organizations and international human rights bodies. Their appointment effectively prevents the Commission from operating at full capacity, which is particularly visible in the advisory-expert and promotional-preventive functions. In the absence of human capacity in the professional service and finances for the implementation of these functions, proactivity on the part of the members is necessary. The quality and scope of work in these functions is also reduced by the fact that these members do not have the capacity or interest to raise additional funds for the work of the Commission. Insufficient implementation of the competencies reduces the relevance of the Commission in the eyes of to other state administration institutions, which makes it easier for them to ignore its work.



Other Challenges in the Implementation of the Law on Prevention and Protection against Discrimination by the CPPD

This section analyses other key challenges that the Commission faces in the implementation of the Law on Prevention and Protection against Discrimination.

Institutional and Organizational Constraints

One of the key problems is the insufficient funding of the Commission. Budgetary funds approved through the Ministry of Finance (MoF) are mainly directed towards salaries and ongoing operations, while funds for the advisory-expert and promotional-preventive functions are minimal or non-existent. The Parliament does not respect the provision of the LPPD for a separate vote on the budget section relating to the CPPD. As a result, the CPPD remains financially dependent on the Ministry of Finance. In this context, it is necessary to regulate the budgetary independence of equality bodies through amendments to the Law on Budgets, which would establish a separate mechanism for financing independent institutions.

In addition to financial constraints, insufficient human capacities remain a significant challenge. The Commission currently operates with 17 employees (in the previous reporting period there were 10 employees), which represents a partial realization of the systematization (37%). New employments are not approved by the Ministry of Finance, employments are by takeover, and the Ministry has not approved any employment for a vacant position. The lack of staff is particularly reflected in the development of the advisory-expert and preventive function, where analytical, research and advocacy capacities are needed, but there is also a need for more employees for the relevant work. At the same time, the Commission does not have fully developed administrative-technical capacities for the use of international and EU funds. In addition, the CPPD is not recognized in the Law on Public Servants and the Law on Public Sector Employees, along with other independent institutions. Interviewees indicate that the existing framework in which employees have the status of public servants provides some protection from partisanship and certainty that elected members will not arbitrarily change staff, but at the same time limits flexibility and independence in human resources management.

Cooperation with the Parliament

With regard to cooperation with the Parliament, some formal progress has been noticeable. A practice of presenting annual reports has been established and several meetings have been held with relevant working bodies and with the President of the Parliament. However, this cooperation remains mostly formal, without systematic monitoring of the recommendations of the CPPD and without a response to the submitted initiatives for amendments to the legislation.

Challenges in the implementation of competencies

A number of formal and substantive weaknesses have been identified in the Commission's protective function, the key ones of which will be described in this section. One of them is the short legal deadline of 60 days for deciding on complaints, which in practice is often insufficient, especially due to administrative constraints, including the absence of its own delivery service. The expert service believes that it should be extended to 90 days.

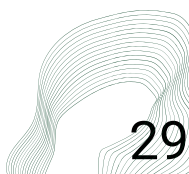
In this area, a key problem is the increased number of complaints for which the Commission is not competent, especially in the area of labour relations in the public sector and cases related to administrative disputes or other procedures before state bodies that citizens are not satisfied with. In this regard, the interviewees highlighted the need to introduce a legal mechanism for determining the Commission's lack of jurisdiction at an early stage of the proceedings, in order to avoid unnecessarily undertaking procedural actions in cases that fall outside the Commission's mandate. Ethno-political discrimination in labour relations in the public sector is a *modus operandi*, civil servants get jobs as a result of discriminatory practices and then lose them on the basis of the same practices. On the one hand, it is pointless to burden the Commission with these procedures, and on the other hand, the right to protection from discrimination in this area cannot be limited. In these complaints, the applicants very often do not disclose their political affiliation or the political affiliation of the person who allegedly discriminated against them, nor do they link the violation to the expression of certain political views. Hence, it is more appropriate to change the practice regarding the handling of these complaints in a way that requires more information related to the grounds of discrimination.

It is also pointed out the need to develop mediation mechanisms in cases where there is recognition of the violation by the discriminator at the initiation of the procedure and consent to its removal, which would contribute to more efficient protection and reduction of the volume of casework.

The recommendations in the opinions are very often inadequate, sometimes symbolic, unrelated to the violation of the law, unenforceable or their implementation cannot be monitored. The recommendations are made by the members, who, if they are not experts, do not have the capacity to make appropriate recommendations. The recommendations are only listed in the opinions. This practice needs to change towards explaining the recommendations and clearly linking them to the violation of the law in accordance with the standards of proportionality, preventive and deterrent effect.

The Commission does not have its own funds to implement the preventive-promotional function, where it depends on partners, associations and international organizations. This leads to a diversity of activities and a lack of a strategic approach. The Commission cooperates with other stakeholders, but does not have its own program that it can implement independently. A key shortcoming in this function is the insufficient monitoring of the implementation of the general recommendations. A positive step in this area is the project of the so-called CERV program that will enable systematic addressing of the problem of sexual harassment in the workplace through a series of research, analysis of the legal framework, implementation of preventive policies and campaigns.

The advisory-expert function is implemented the least. There are no employees in the service working in this function. The Commission advocates for changes in laws and policies in a very limited and unsystematic manner, and has not established practices for monitoring the implementation of key international human rights instruments nor continuous practices for participation in the processes of periodic reporting on implementation. Most often, the activities carried out are at the request or invitation of associations, international organizations or institutions that request an opinion or participation in a working group, rather than proactive action.



Conclusion

The implementation of the National Strategy for Equality and Non-Discrimination faces substantial institutional and substantive shortcomings that significantly limit its impact. Although a formal structure has been established and action plans and reports are prepared relatively regularly, the Strategy fails to establish itself as a relevant instrument for the creation and coordination of policies in the field of equality and non-discrimination. It lacks domestic institutional ownership, continuous political commitment and adequate financial and human resources, which is why its implementation remains largely dependent on international support and reduced to fulfilling formal obligations. In addition, the activities envisaged in the Strategy are mostly fragmented, repeat existing measures from other sectoral policies and are not linked to a clear theory of change that would explain how they will contribute to reducing discrimination. As a result, the Strategy fails to establish mechanisms for transformative institutional change, nor to assume the role of a central national policy for the coordination and promotion of equality and non-discrimination.

The amendments to the Law on Primary Education represent a unique example of the instrumentalization of the obligation to implement a judgment of the European Court of Human Rights for the introduction of policies that reduce standards of equality and non-discrimination. Although formally justified by the need to implement the Elmazova and others judgment, the legal amendments only address the issue of segregation of Roma students to a limited extent, without establishing effective mechanisms for its overcoming, monitoring and sanctioning. At the same time, the amendments led to a regression of the already established standards in the area of gender equality, protection from discrimination and violence against LGBTI students and inclusive education of children with disabilities, by deleting key concepts, repealing secondary legislation and reopening space for segregated education for children with disabilities. The process of adopting the amendments took place with limited transparency and without substantive dialogue with independent bodies and civil society organizations, while the arguments of anti-gender movements gained significant political influence. As a result, the legal amendments not only did not contribute to the effective implementation of the ECHR judgment, they also set the legislation back in terms of harmonization with the LPPD and represent an example of regression of equality policies through formal reference to international obligations.

The experience in the reporting period shows that the procedures for the selection and appointment of members of the Commission for Prevention and Protection against Discrimination remain one of the most problematic aspects of the institutional framework for protection against discrimination. Instead of ensuring the selection of independent and expert members through a transparent procedure based on merit, the processes are continuously marked by partisanship, formalism and limited influence of civil society organizations. Public interviews function as a democratic decorum, while decisions are clearly made outside the institutional procedure, based on party agreements.

At the same time, legal provisions and administrative practices do not provide sufficient guarantees against the appointment of candidates who do not meet the criteria for independence and expertise, nor do they allow for the substantive participation of associations in the process. In addition, the composition of the Commission does not reflect the diversity of society, in particular with regard to gender equality and the representation of persons with disabilities. Hence, the reform of the selection and appointment procedure remains a key prerequisite for strengthening the independence, credibility and effectiveness of the Commission, with the changes to be based on European standards for equality bodies. The reporting period shows that the quality and independence of the Commission for Prevention and Protection against Discrimination are directly conditioned by the manner in which its members are elected. The party-based appointment of incompetent staff does not only affect the quality of decision-making on individual cases, but also creates broader institutional consequences that weaken the overall work of the Commission. Incompetence and insufficient commitment contribute to provisional and inconsistent decision-making, demotivate the professional service, reduce trust and cooperation with civil society organizations and international partners, as well as the capacity of the Commission to carry out its responsibilities. In this way, the Commission gradually loses its role as an authoritative and proactive equality body, and its ability to influence public policies and institutional practices is also reduced. Hence, the reform of the procedure for selecting members is not only a matter of transparency, but also an essential prerequisite for preserving the independence and expertise of the Commission and for ensuring effective protection against discrimination.

In the reporting period, it was concluded that the Commission for Prevention and Protection against Discrimination faces a series of interrelated institutional, personnel and functional limitations that significantly reduce its capacity for effective implementation of the Law on Prevention and Protection against Discrimination. Insufficient and inadequate funding and limited human resources weaken the independence and operability of the Commission, especially in the advisory-expert and preventive function. Although there is some formal progress in cooperation with the Parliament, there is a lack of substantive follow-up of the recommendations of the Commission for Prevention and Protection against Discrimination and taking subsequent measures to change the laws that produce discrimination. In the protection function, procedural weaknesses are noted that need to be overcome by further regulating the procedure for protection against discrimination. A key problem in protection is overloading with non-strategic cases. In the other functions, dependence on external partners and the absence of strategic, proactive action dominate. Overall, these factors indicate that the existing structural constraints result in the incomplete exercise of the Commission's competences and undermine its effectiveness in providing protection against discrimination and promoting equality.

Recommendations

Recommendations to the Government regarding the Strategy for Equality and Non-Discrimination:

- Strengthen the coordination and regular functioning of the NCB by convening regular sessions.
- Strengthen the role of the CPPD in creating the Strategy and monitoring its implementation.
- Increase domestic funding of the Strategy through the budgets of the competent institutions, in order to reduce dependence on international donors.
- Ensure greater coherence and strategic linkage of activities through clearly defined objectives, results and indicators that show concrete changes, and not just formal implementation of activities.
- Distinguish the Strategy from other sectoral policies and define its added value in relation to other strategies in the field of equality and social inclusion.
- Introduce clearer definitions and operational guidelines for key activities such as the harmonization of legislation with the LPPD in order to avoid formal and unequal interpretation of obligations.
- To establish a system for monitoring the implementation of activities, with a focus on effects and results, and not only on the implementation of activities.

Recommendations regarding the procedure for selecting members of the CPPD (Recommendations to the Parliament and the Ministry of Social Policy, Demography and Youth and Human Rights for amendments to the procedure in the LPPD):

- To amend and specify the legal framework for selecting and appointing members of the CPPD in order to clearly define and verify the criteria for expertise in the field of human rights and non-discrimination, in accordance with international standards and the EU Directives on minimum standards for equality bodies.
- To establish a Commission for the selection of candidates composed of representatives of the civil society sector, the opposition and experts, following the example of good practices from other independent bodies, such as the Commission for the Prevention of Corruption.
- To strengthen the role of civil society organizations in the selection procedure, from formal to substantive participation, with a real opportunity to influence the ranking and selection of candidates, and to reduce the discretion in the decision-making of MPs.

Recommendations to the Parliament:

- Ensure the financial independence of the CPPD through amendments to the Law on Budgets and consistently apply the legal obligation to separately adopt the budget of the Commission.
- The Parliament should establish a mechanism for systematic monitoring of the implementation of the recommendations of the CPPD, acting on recommendations relating to amendments to the Legal Framework, organizing oversight hearings on systemic forms of discrimination and continuous inclusion of the CPPD in the work of the Parliament.

Recommendations to the Ministry of Finance:

- To initiate amendments to the Law on Budgets by ensuring the financial independence of the CPPD.
- To provide sufficient financial resources for the exercise of all responsibilities of the CPPD.
- To approve new employment in accordance with the systematization.

Recommendations to the Commission for Prevention and Protection against Discrimination:

- To strengthen the role of the expert service in the procedures for protection against discrimination, especially in relation to the assessment of procedural assumptions, deciding on procedural actions, the application of the burden of proof and the legal qualification of cases.
- To standardize case work through clear internal procedures and mandatory compliance with legal standards in the preparation and adoption of opinions.
- To improve the practice of acting on cases related to political discrimination by collecting information on political affiliation and its causal link to the alleged discrimination.
- To establish standards for drafting recommendations, whereby they will be reasoned, proportionate and directly related to the established violation, with a deterrent effect.
- Establish a system for planning and allocating responsibilities among the members to ensure their balanced participation in carrying out the Commission's promotional and preventive, as well as advisory and expert, functions.
- To proactively and continuously initiate legal amendments and policy adoption, through annual prioritization of areas.
- To establish practices for monitoring the implementation of general recommendations and for advocating for their implementation.
- To establish systematic mechanisms for monitoring the implementation of international human rights standards and for regular participation in international reporting processes.
- To develop administrative and technical capacities for the use of EU and international funds.

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