

Policy brief

Protection from discrimination in practice: the gap between the legal framework and effective access to justice

Access to protection from discrimination is not limited by a lack of rights, but by structural barriers that turn formal equality into unequal practice.



Civica Mobilitas is a project of the Swiss Government to support civil society in North Macedonia, implemented by the Macedonian Center for International Cooperation (MCIC), NIRAS from Denmark and FCG from Sweden. The goal of the program is social change in North Macedonia that is driven by a strong civil sector, active citizens and good cooperation with the authorities, resulting in an expanded civic space, more sustainable civil society organizations and more transparent, accountable and socially inclusive governance at the central and local levels.

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1. Introduction

This policy document has been developed 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 and implemented by the Helsinki Committee for Human Rights, HOPS - Healthy Life Options and the MARGINI Coalition, which aims to contribute to improving access to justice and strengthening mechanisms for protection against discrimination for the most vulnerable groups in society.

Protection against discrimination is one of the key prerequisites for ensuring the equal enjoyment of human rights and freedoms. Despite the existence of a relatively developed legal and institutional framework in the Republic of North Macedonia, women from marginalized communities continue to face numerous barriers in accessing mechanisms for protection against discrimination and justice in general.

The policy document is based on the findings of the monitoring of mechanisms for protection against discrimination, the experiences of the legal and paralegal support provided, as well as the results of the strategic advocacy. The collected data indicate that, although the existing mechanisms provide formal protection against discrimination, their practical availability for women from marginalized communities remains limited.

The findings indicate that the formal existence of rights and institutional mechanisms is not sufficient in provision of effective protection. Women from marginalized communities, including women from rural areas, women belonging to the LGBTI community, women who use drugs, sex workers, convicts and homeless women from the Skopje Planning Region, face multiple and intersectional discrimination, economic dependence, distrust in institutions, fear of consequences and insufficient recognition of specific forms of gender-based discrimination.

The document analyzes key systemic challenges in the area of protection against discrimination, identifies good practices from the field, and proposes guidelines for improving public policies with a focus on access to justice for women from marginalized communities.

2. Key findings: between formal protection and real access to justice

The analysis of available data, cases and practices indicates a significant gap between the existing legal and institutional mechanisms for protection against discrimination and their real availability for women from marginalized communities.

Although the legal framework provides protection against discrimination, experiences indicate that women continue to face numerous structural and institutional barriers that make it difficult or impossible to effectively exercise their rights.

The collected data show that women from marginalized communities are discriminated in different areas, including in access to health insurance, the exercise of social rights, labour relations, as well as in the context of gender-based and domestic violence.

The data from the monitoring of the CPPD for the period July 2024 - September 2025 indicate significant gender and intersectional differences in access to mechanisms for protection against discrimination. During that period, a total of 643 complaints were submitted to the Commission for Prevention and Protection against Discrimination. Of these, 234 were filed by women, representing about 36% of the total complaints. Only 14 were filed by women from marginalized communities, and exclusively by women from rural areas. Approximately 6% of the complaints filed by women are from marginalized women, while in terms of the total number of complaints, they account for about 2%. This exceptionally low percentage indicates the institutional invisibility of women who face multiple forms of discrimination.¹

In addition to quantitative indicators of the number of complaints filed, it is essential to analyze the quality of access to mechanisms for protection against discrimination. This implies not only whether women file complaints, but also whether they are informed, supported and able to effectively follow the procedure until its completion. In this sense, the low number of complaints from certain groups should not be interpreted as an absence of discrimination, but as an indicator of limited accessibility of the system.

¹ Equality Now - Monitoring Report on the Access of Women from Marginalized Communities to Mechanisms for Protection from Discrimination, Helsinki Committee for Human Rights, 2026, <https://mhc.org.mk/wp-content/uploads/2026/03/izveshtaj-eng.pdf>

Particularly significant is the case in which the court found discrimination against individual female farmers in access to health insurance rights, confirming that seemingly neutral legal solutions can produce disproportionate consequences for women and lead to indirect discrimination.²

Additionally, a review of experiences and procedures related to domestic violence indicates that institutions do not always provide timely and comprehensive protection, and insufficient due diligence can result in serious consequences for the safety, health and dignity of victims.

Women from marginalized communities are often exposed to multiple and intersectional discrimination, with sex and gender interwoven with other grounds, such as place of residence, economic status, age, ethnicity or other personal characteristics.

Analysis of available data and developments has shown serious challenges in the process of selecting members of the Commission for Prevention and Protection from Discrimination. Individuals were appointed despite indications that they did not fully meet the legal eligibility criteria and standards of suitability. These processes have raised significant questions regarding the transparency, quality of selection and integrity of the institution.

Additionally, the reactions of civil society organizations and the professional community³, despite being publicly articulated and documented, did not lead to a correction of the process, which further contributed to the perception of politicization and insufficient independence of the Commission. It is particularly worrying that some of the elected members were associated in the public discourse with views and positions that are contrary to the principles of equality and non-discrimination, including the protection of women and LGBTI persons.⁴

These developments directly affect the trust of citizens in the institution, which is a key prerequisite for the effective functioning of the system for protection against discrimination. Reduced trust risks weakening not only the role of the Commission, but also the entire system of anti-discrimination protection.

These experiences indicate that effective protection against discrimination does not depend solely on the existence of appropriate laws and institutions, but also on their ability to recognize the specific needs and vulnerabilities of different groups of women and to ensure equal access to justice for all.

² <https://mhc.org.mk/news/sudot-utvrđi-diskriminacija-vr-z-individualn-ite-zem-jodelki-vo-pristap-ot-do-prava-od-zdravstveno-osiguruvanje/>

³ <https://telma.com.mk/2026/01/27/nevladinite-baraat-od-pratenic-zite-da-ne-glasaat-za-dhihan-ahmed/>

⁴ <https://fokus.mk/mrezhata-za-zashtita-od-diskriminatsija-protiv-izborot-na-ismail-sinani/>

What do these findings mean for public policies?

The findings suggest that further improvements to the system should not be focused solely on legislative changes. Future policy interventions should focus on removing practical and structural barriers that limit effective access to existing protection mechanisms. This includes developing proactive support models, improving institutional coordination, and strengthening trust in institutions.



3. From normalization to recognition: how discrimination is understood

Experiences and findings, as well as broader narratives gathered through direct work with women from marginalized communities, indicate that discrimination is rarely immediately recognized as a legal violation. It is most often interpreted as a “normalized” condition, part of the daily functioning of institutions or an individual experience that is not subject to change.

This process of normalization represents a key barrier in accessing protection from discrimination, as it affects the very starting point of any potential case – the recognition of the violation. In such a context, failure to report discrimination does not only arise from a lack of information, but also from the absence of an internalized understanding that a certain experience constitutes a violation of a right.

The analysis shows that access to confidential support, continuous communication and mediation through paralegal and civil society organizations play a key role in the process of transformation from normalization to recognition. This process does not happen instantly, but gradually – through repeated contacts, explanation of rights and joint analysis of specific experiences.

In this sense, paralegal and joint outreach work do not function only as an information mechanism, but as an instrument for building trust and legal awareness in a broader sense. Through this approach, women gradually identify different forms of discrimination – from subtle exclusions and institutional inequality, to explicit cases of direct and indirect discrimination.

This finding is particularly significant because it shows that access to justice does not begin in institutions, but at the moment of recognition. If this step is missing, formal protection mechanisms remain underutilized, regardless of their legal availability.

In this context, it is particularly important to emphasize that institutional mechanisms for protection against discrimination are most often activated only after a formal complaint, which means that they rarely have the capacity to timely recognize potential cases of discrimination at an early stage.

The absence of a proactive approach further amplifies the gap between the real experiences of women from marginalized communities and the institutional response, with a significant part of the violations remaining outside the formal system. Therefore, strengthening mechanisms for early recognition and field presence is not just an additional activity, but an essential prerequisite for the effective functioning of the system for protection against discrimination.

Therefore, an effective system for protection against discrimination cannot be reduced to a legal framework and institutional procedures, but must also include mechanisms for proactive recognition, field presence and reliable support that enable the “translation” of everyday experiences into legally understandable categories of discrimination.

3. Why women do not report: structural and institutional barriers

Despite the existence of legal mechanisms for protection against discrimination and increased awareness of the rights, a significant proportion of women from marginalized communities do not use the available institutional protection mechanisms. The findings indicate that this does not stem from insufficient awareness of the existence of rights, but from a combination of structural, economic, social and institutional barriers that limit real access to justice.

One of the key factors is the low level of trust in institutions. Women often do not believe that reporting discrimination will result in effective protection, sanctioning of perpetrators or real improvement of their situation. This distrust most often stems from previous negative experiences, lengthy and ineffective procedures, as well as the perception that institutions do not act consistently or with sufficient sensitivity towards such cases.

In addition, reporting discrimination is often experienced as a risky step that can have direct consequences on women's everyday lives. In many cases, there is a fear of losing a job or income, disruption of family and social relationships, stigmatization in the community, as well as additional victimization in the institutional procedure itself. These risks are particularly pronounced among economically dependent women and among women living in small and socially closed environments.

Additionally, dealing with cases of discrimination and gender-based violence often carries a risk of secondary victimization, especially when institutional actors do not apply a sensitive and trauma-informed approach. This risk is not an individual failure, but a systemic weakness that directly affects the willingness of victims to report violations of rights and participate in procedures.

Economic and social dependence further limits the possibility of initiating protection procedures. In such circumstances, although the right to protection formally exists, its practical realization becomes significantly more difficult or almost inaccessible. Additionally, institutional procedures are often perceived as complex, long-term and emotionally exhausting processes, without sufficient certainty about the outcome, which further reduces the motivation to report.

In certain cases, the very act of participating in a procedure can lead to secondary victimization, especially when the institutional approach is not sufficiently sensitive towards victims of gender-based violence and discrimination. This creates an additional barrier that deters women from further using protection mechanisms, even when they are aware that their rights have been violated.

Additionally, in rural and smaller areas, access to legal and institutional support is limited due to the lack of local services, limited availability of information, physical and financial inaccessibility of institutions, as well as the absence of trusted local intermediaries who could assist in the reporting and protection process.

Overall, these factors indicate that the failure to report discrimination cannot be interpreted either as its non-existence, nor as a result of insufficient information, but as a consequence of a complex network of structural barriers that directly affect the real possibility of accessing justice.

Hence, the low number of complaints should not be interpreted as an indication that discrimination is a rare occurrence. On the contrary, it indicates that the existing mechanisms are still not sufficiently accessible, reliable and adapted to the real circumstances in which women from marginalized communities live. Therefore, the success of the system should be assessed not only by the number of complaints filed, but also by its ability to reach those most in need of protection.

5. What works?

Despite the identified structural barriers, experiences show that there are approaches that significantly increase the likelihood that women from marginalized communities will recognize discrimination, report it, and access protection mechanisms. What stands out is not only the level of information, but the way in which that information is conveyed and the support that follows.

In many cases, change begins through personal contact and trust, not through an institutional procedure. Paralegal support proves to be one of the most important bridges in this process. Paralegals are often the first point of contact for women who have not previously had experience with institutional mechanisms. In such situations, their role is not limited to providing information, but to creating a space in which women can understand their own experience in a different way. They help recognize discrimination, explain possible steps, and, perhaps most importantly, build a sense that women are not alone in the process.

Direct work in the community through workshops, individual meetings, and outreach activities is of similar importance. This approach allows for a gradual building of trust, in conditions where institutions are often perceived as distant or inaccessible. In such spaces, women have the opportunity to share their experiences without fear of judgment, to name situations they previously considered “normal” and to receive support in understanding them. Support is not uniform, but is adapted to real life circumstances and needs.

Civil society organizations in this process have a role that goes beyond information. They are often the first structure that connects women with legal, psychosocial and institutional support. At the same time, they accompany the women in the entire process, from the initial conversation to possible institutional procedures, but also as actors who monitor and analyze cases in order to point out broader systemic problems.

Through the identified cases of discrimination, a broader understanding emerges of how the system of protection against discrimination functions in practice. Certain procedures contribute to identifying indirect forms of discrimination in access to rights, while others emphasize the obligation of institutions to exercise due diligence, especially in cases of domestic violence. At the same time, they raise questions about systemic shortcomings that are not visible only through statistics, but through concrete life experiences.

In this context, cooperation with the Commission for Prevention and Protection against Discrimination is also important, contributing to a better understanding of the real barriers women face and to more efficient institutional action. This type of collaboration demonstrates that strengthening the system depends not only on formal institutional mandates, but also on how institutions engage with communities, respond to evidence from the field, and incorporate lived experiences into their decision-making and practice.

Overall, the findings indicate that the most effective interventions are not those that are limited to the transfer of information, but those that manage to build trust, continuous support and access points through which women can realistically navigate the institutional system.

Experience shows that access to justice does not begin with filing a complaint, but with building trust. That is why investments in outreach, paralegal support, and partnerships between institutions and civil society organizations should be recognized as an integral part of public equality policies, and not as temporary project activities.

6. Recommendations for improving protection against discrimination

The findings of the public policy document show that improving access to justice requires simultaneous institutional, legislative and practical changes. In this regard, the following recommendations are aimed at strengthening the capacities of institutions, improving the availability of services and establishing sustainable mechanisms for supporting women from marginalized communities.



Institutional strengthening of the system for protection against discrimination

The Commission for Prevention and Protection against Discrimination should strengthen its approach to the field and communities.

- Developing proactive field and outreach mechanisms, especially in rural and marginalized environments
- Systemic cooperation with civil society organizations and paralegal services for early recognition of discrimination
- Improving capacities for recognizing intersectional and multiple forms of discrimination
- Simplifying and make complaint procedures more accessible to vulnerable groups
- Selecting appropriate personnel as commissioners in the Commission for Prevention and Protection against Discrimination.



Access to legal aid and institutional coordination

The Ministry of Justice has a key role in ensuring real and equal access to legal protection.

- Strengthening the system of free legal aid, especially outside urban areas
- Institutionalizing paralegal aid as an additional mechanism for access to justice
- Improving coordination between institutions in cases of discrimination and gender-based violence



Social protection and protection from gender-based and domestic violence

The Ministry of Social Policy, Demography and Youth should ensure a more integrated and sensitive support system.

- Introducing and consistently applying a gender-sensitive and intersectional approach in policies
- Developing mechanisms for early recognition and referral of cases of discrimination and violence
- Strengthening the role of social work centers in coordinated support for victims



Local self-government and accessibility of services

Local institutions are an important first point of contact for women citizens in the community.

- Establishing local information and advice points for protection from discrimination
- Supporting partnerships with civil society organizations and paralegal services
- Campaigns aimed not only at informing, but also at building trust



Donor community and sustainability of services

The sustainability of the system depends on long-term investments in access to justice.

- Moving from short-term campaigns to long-term support of services
- Financing models that combine legal, paralegal and field work
- Supporting monitoring systems based on field data, not just institutional statistics.

Access to justice is not ensured only by adopting quality laws, but by creating a system in which every woman will have a real opportunity to safely, timely and with dignity to seek protection. The findings show that the greatest changes are achieved when institutions, civil society organizations and local communities act as partners. Therefore, future public policies should recognize this cooperation as a prerequisite for an efficient and inclusive system for protection from discrimination.

Ensuring effective protection against discrimination cannot be treated solely as an individual responsibility of the affected persons to recognize and report violations of their rights. On the contrary, it represents a systemic obligation of institutions to create accessible, reliable and efficient mechanisms that will be realistically available to all groups of citizens, especially those in multiple vulnerable positions.

