

Strengthening Equality Bodies in North Macedonia: Aligning with EU Directives 2024/1499 and 2024/1500

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The policy brief examines the alignment of North Macedonia's equality body—the Commission for Prevention and Protection against Discrimination (CPPD)—with EU Directives 2024/1499 and 2024/1500, which set new minimum standards for equality bodies across the EU. It explores the scope and requirements of the two directives, assesses the current legal and institutional framework of the CPPD, and identifies persistent challenges related to independence, resources, and accessibility. The brief also discusses strategic reforms needed to enhance the CPPD's effectiveness and ensure compliance with EU standards, thereby supporting North Macedonia's EU accession process.

Introduction

In 2024, the European Union (EU) adopted two pivotal directives to strengthen the role and effectiveness of equality bodies across its member states.¹ European Commission Directive 2024/1499 sets out standards for equality bodies, ensuring equal treatment regardless of racial or ethnic origin, religion or belief, disability, age, sexual orientation, and gender in areas including social security and access to goods and services (hereinafter Directive 2024/1499).² European Commission Directive 2024/1500 focuses on promoting gender equality in employment and occupation, enhancing the competencies and mandates of equality bodies to address these issues effectively (hereinafter Directive 2024/1500).³ Together, these directives aim to ensure a uniform minimum standard of protection against discrimination across the EU, emphasising key pillars such as independence, effectiveness, power, resources, and accessibility. The directives require that equality bodies operate without external influence, are equipped with adequate powers and tools to combat discrimination, and receive sufficient funding and staffing to fulfil their mandates. Furthermore, in its 2024 Rule of Law Report, the EU Commission highlights that equality bodies play a vital role in maintaining checks and balances within the rule of law. Therefore, their ability to operate independently is fundamental.⁴

¹ Council of the European Union, "Strengthening the Role of Equality Bodies across the EU: Council Adopts Two Directives," Consilium, July 5, 2024, <https://www.consilium.europa.eu/en/press/press-releases/2024/05/07/strengthening-the-role-of-equality-bodies-across-the-eu-council-adopts-two-directives/>.

² Council of the European Union, "Council Directive (EU) 2024/1499 of 7 May 2024 on Standards for Equality Bodies in the Field of Equal Treatment between Persons Irrespective of Their Racial or Ethnic Origin, Equal Treatment in Matters of Employment and Occupation between Persons Irrespective of Their Religion or Belief, Disability, Age or Sexual Orientation, Equal Treatment between Women and Men in Matters of Social Security and in the Access to and Supply of Goods and Services, and Amending Directives 2000/43/EC and 2004/113/EC" (2024), <https://eur-lex.europa.eu/eli/dir/2024/1499/oj/eng>. Equal Treatment in Matters of Employment and Occupation between Persons Irrespective of Their Religion or Belief, Disability, Age or Sexual Orientation, Equal Treatment between Women and Men in Matters of Social Security and in the Access to and Supply of Goods and Services, and Amending Directives 2000/43/EC and 2004/113/EC\\uc0\\u8221{} (2024)

³ Council of the European Union, "Council 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" (2024), <https://eur-lex.europa.eu/eli/dir/2024/1500/oj/eng>.

⁴ European Commission, "2024 Rule of Law Report - The Rule of Law Situation in the European Union," July 24, 2024. Page 30.

Regarding the situation of equality and non-discrimination in North Macedonia, the country has made significant progress, particularly through the adoption of the Law on Prevention and Protection Against Discrimination (LPPAD)⁵ and the establishment of the Commission for Prevention and Protection Against Discrimination (CPPD).⁶ The legislation reinforces protections against discrimination on various grounds, including sexual orientation and gender identity, highlighting North Macedonia's dedication to inclusivity. Meanwhile, CPPD, as the first specialised and professional equality body in the country, plays a central role in promoting equality and handling complaints. The CPPD's independence and effectiveness are crucial for enforcing anti-discrimination laws and ensuring compliance with EU standards. However, challenges persist, impeding both the implementation of the anti-discrimination legislation and the effectiveness of the CPPD.

The EU accession process places significant importance on the establishment and functioning of equality mechanisms as part of its broader framework for social justice and the rule of law. Two specific chapters of the EU's *acquis communautaire* underscore the relevance of these directives for North Macedonia. Chapter 19, on Social Policy and Employment, highlights the necessity of adopting EU social standards, including comprehensive anti-discrimination measures in employment and social policies. Chapter 23, on Judiciary and Fundamental Rights, emphasises the need for robust mechanisms to uphold the rule of law, protect human rights, and safeguard minorities. Thus, aligning with the new EU directives is essential not only for meeting the technical criteria for EU accession but also as a testament to North Macedonia's commitment to core European values.

The recent EU directives serve not only as a benchmark for compliance but also as an opportunity for the country to enhance the effectiveness of its equality body. This policy paper focuses on analysing the scope of Directive (EU) 2024/1499 and Directive (EU) 2024/1500, as well as the current situation and challenges in North Macedonia, assessing its level of alignment with the EU directives. It will also provide strategic recommendations for enhancing the independence, effectiveness, and resources of equality bodies, emphasising their critical role in advancing the country's EU accession process.

What do Directive 2024/1499 and Directive 2024/1500 foresee?

The two new directives tackle different aspects of non-discrimination, reflecting their alignment with distinct EU legal frameworks.⁷ Directive 2024/1499 has a broader anti-discrimination mandate that encompasses a wide range of protected characteristics, including racial or ethnic origin, religion or belief, disability, age, sexual orientation, and sex. It aims to ensure equal treatment in various societal domains, such as access to social security and goods and services. This directive places a strong emphasis on intersectional discrimination, addressing how multiple forms of discrimination can interact to produce unique and compounded disadvantages. By targeting structural and systemic inequalities across different areas of life, it positions itself as a comprehensive framework for promoting inclusivity and equal treatment throughout society. On the other hand, Directive 2024/1500 focuses specifically on gender equality within the workplace. It builds on existing frameworks to address gender disparities in areas including pay, working conditions, and self-employment. While it also acknowledges intersectionality, its application is more narrowly focused, examining how gender intersects with other factors within the workplace. This directive complements efforts to enforce the principle of equal pay while also addressing systemic issues within employment and vocational contexts, making it more specialised.

However, despite their different thematic focuses, their core purpose and shared objective remain aligned—strengthen the role and functioning of equality bodies by setting minimum standards for their independence, effectiveness, resources, and operational practices with the aim of enhancing the application of the principle of equal treatment. This represents a positive development, as both directives offer equality bodies an immediate opportunity to broaden their work to encompass the full range of protected characteristics and societal domains where discrimination occurs.⁸ As highlighted by Equinet, Article 1 of both Directives contains six overarching principles defining the purpose of the directives.⁹

5 "Law on Prevention and Protection against Discrimination [Закон За Спечување и Заштита Од Дискриминација]," Official Gazette of Republic of North Macedonia No. 258/2020 § (2020).

6 Commission for Prevention and Protection against Discrimination of North Macedonia. About us. Retrieved from <https://kszd.mk/about/?lang=en>

7 Article 1 of Directive 2024/1499 stipulates: "[...] to strengthen the application of the principle of equal treatment as derived from Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC", whereas Article 1 of Directive 2024/1500 stipulates: "[...] strengthen the application of the principle of equal treatment as derived from Directives 2006/54/EC and 2010/41/EU".

8 Jim Fitzgerald et al., "Understanding the New EU Directives on Standards for Equality Bodies - Key Principles Derived from the Legal Digest on Standards for Equality Bodies" (Equinet, European Network of Equality Bodies, 2024). Page 25

9 Ibid., Page 6

- Equality bodies must be fully **empowered**, both legally and in practice, to enhance the enforcement of the principle of equal treatment.
- Member states must ensure that equality bodies are adequately empowered, resourced, and supported to **contribute effectively** to the enforcement of the principle of equal treatment.
- Laws must ensure the institutional and operational **independence** of equality bodies, allowing them to operate free from external interference.
- Equality bodies must have the **agency and autonomy** to identify and undertake actions they deem necessary to uphold the principle of equal treatment, independently decide their activities, allocate resources, and determine their institutional structure.
- The experience, expertise, knowledge, as well as research and data of the equality bodies, must **be meaningfully consulted by member states** to assess what is needed to strengthen the implementation of the principle of equal treatment.
- **Beyond the minimum standards** established in the directives, member states may introduce or undertake additional measures that are more favourable,¹⁰ thus contributing to the progressive development of the work of equality bodies.

With regard to effectively contributing to the enforcement of the principle of equal treatment, equality bodies must have adequate resources, including financial, human, practical, and technical resources, to effectively exercise their powers and functions. Furthermore, equality bodies must have the **powers** to promote equality and prevent discrimination, to support victims of discrimination in accessing justice and securing remedy (including through litigation), and to receive and handle complaints. Lastly, the measures and services must be **open and accessible** to all individuals, and there must be awareness-raising on their existence.¹¹

Both directives delve deeper into the issues of the independence and resources of equality bodies. Specifically, the provisions of Article 3 impose a positive duty on member states to implement measures ensuring the independence of equality bodies in both law and practice. These measures must ensure that “equality bodies are free from external influence, do not seek or take instructions from the government or from any other public or private entity while performing their tasks and exercising their competencies.”¹² Moreover, transparent procedures must be established for selecting, appointing, revoking, and managing potential conflicts of interest for decision-makers, managers, and governing board members within equality bodies, ensuring their competence and independence. Additionally, equality bodies must have an internal structure that supports independence and, where relevant, is impartial and free from the need for prior approval by any political actor to carry out their functions.

Article 4, on the other hand, delves into the resources needed for equality bodies to function. As mentioned above, equality bodies need a variety of resource to effectively exercise their powers and functions. These include sufficient financial means, staff, infrastructure, technology, and premises. Thus, “states in accordance with national budgetary processes ensure that each equality body is equipped with these resources.” Moreover, these resources must be planned and allocated in a timely manner so that the bodies can operate effectively, with the resource measures taken in consultation with the equality bodies themselves.¹³

For the first time, both directives establish clear standards regarding the full scope of powers equality bodies should have and how these powers should be applied.¹⁴ Thus, they are divided into two categories: **(1) promoting equality and preventing discrimination** and **(2) ensuring access to justice and remedies**. Within the first group are public awareness-raising (Article 5(1)) and the proactive powers of the bodies to prevent discrimination and promote equality (Article 5(2)), consultation (Article 15), data collection and use (Article 16), and public reporting (Article 17(c)). Within the second group are providing assistance to victims (Article 6), alternative dispute resolution (Article 7), inquiries and investigative powers (Article 8), powers to issue opinions and decisions (Article 9) and powers to engage in litigation (Article 10), procedural safeguards (Article 11), and the necessary internal structures of equality bodies (Article 3(3)).¹⁵

¹⁰ Directive 2024/1499 and Directive 2024/1500, Article 20.

¹¹ Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Key Principles Derived from the Legal Digest on Standards for Equality Bodies,” Pages 19-20

¹² Directive 2024/1499 and Directive 2024/1500, Article 3, paragraph 1.

¹³ Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Key Principles Derived from the Legal Digest on Standards for Equality Bodies.” Page 10.

¹⁴ Jim Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Legal Digest on Standards for Equality Bodies” (Equinet, European Network of Equality Bodies, 2024). Page 29

¹⁵ Ibid. Page 51

In the **first cluster of powers**, the directives prioritise awareness-raising among groups vulnerable to discrimination, ensuring that the communication methods are adapted to the needs of individuals from different groups coming from different economic backgrounds, ages, disabilities, levels of literacy, nationality or residency status, or those lacking access to online tools. Furthermore, the proactive measures outlined in the directives illustrate how equality bodies can prevent discrimination and promote equal treatment, such as encouraging positive action, providing relevant training, advice and support, engaging in public debate, communicating with relevant stakeholders, including social partners, and promoting the exchange of good practices.¹⁶ Regarding consultation, member states are required to create mechanisms that ensure proactive and meaningful consultations with equality bodies on all aspects of law, policy, procedure and practice while taking into account the recommendations given.¹⁷ Furthermore, with respect to public reporting and awareness-raising, as well as to supporting preventative and promotional activities, the directives mandate standards for collecting and utilising equality-related data to inform reporting and policymaking. They emphasise that member states must equip equality bodies with resources to gather and analyse data, ensuring their ability to provide evidence-based assessments and recommendations.¹⁸

In the **second cluster of powers**, the directives prioritise access to justice for victims of discrimination in various societal contexts, as well as in the employment sphere. As mentioned above, the directives prescribe a number of powers ranging from initial assistance to full litigation powers, allowing equality bodies to act in court proceedings. First, the directives require equality bodies to provide tailored information on available services and legal remedies (including the possibility of pursuing the case before the courts), procedures, confidentiality, data protection, and access to psychological and other support. In this regard, equality bodies should collect information on complaints received to effectively monitor trends and patterns of discrimination in the country. Second, the directives empower equality bodies to offer alternative dispute resolution methods, such as mediation or conciliation, while allowing member states to determine specific

arrangements. Such alternative dispute resolution methods must be impartial, well-resourced, and designed to complement formal legal proceedings, ensuring victims retain access to courts and receive support to address power imbalances in discrimination cases. Third, equality bodies must have the right to access information and documents to effectively conduct inquiries into whether a breach of the principle of equal treatment has occurred, supported by cooperation with courts and public institutions. If inquiry powers are delegated, the bodies tasked with investigations must meet standards of independence and expertise, while equality bodies retain the authority to investigate violations independently, ensuring procedural safeguards. Fourth, the directives empower equality bodies to address discrimination complaints by issuing opinions or decisions, whether binding or non-binding, with procedural mechanisms for follow-up. They emphasise both remedial and preventative roles, fostering a unified framework to enforce equal treatment rights. Fifth, and most importantly, a significant contribution of the directives is the granting of litigation powers to equality bodies, enabling them to act in court proceedings as legal experts, initiate cases on behalf of victims, support victim-initiated claims, or litigate in defence of the public interest. This reinforces their role in ensuring the proper interpretation and application of equality legislation and combating discrimination.

Another key highlight of the directives is the necessity of open and accessible services for all, which is established as an immediate mandatory outcome. In this regard, Article 12 stipulates the principle of ensuring equal access to all services and publications offered by equality bodies. It also specifies the need for equal access to complaint-submission procedures. Both directives emphasise the responsibility of member states to ensure accessibility. Member states are required to ensure that equality bodies actively receive the resources and tools necessary to remove barriers—whether physical, social, linguistic, financial, or geographical—that hinder equal access to services for all individuals.¹⁹ Subsequently, to further embed the obligations of member states, equal access to services also entails raising public awareness. Both directives stipulate that member states must ensure people are aware of their rights and know of the existence of equality bodies and their services,²⁰ thus assigning the duty of awareness-raising to member states, not solely to equality bodies.²¹

¹⁶ Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Key Principles Derived from the Legal Digest on Standards for Equality Bodies.” Page 12

¹⁷ Ibid. Pages 12-13

¹⁸ Ibid. Pages 13

¹⁹ Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Legal Digest on Standards for Equality Bodies.” Page 101; Directive 2024/1499 recital 39 and Directive 2024/1500 recital 38.

²⁰ Council Directive (EU) 2024/1499, recital 38; Council Directive (EU) 2024/1500, recital 37.

²¹ Fitzgerald et al., “Understanding the New EU Directives on Standards for Equality Bodies - Legal Digest on Standards for Equality Bodies.” Page 54.

Moreover, Article 13 addresses the obligation to provide reasonable accommodation and ensure accessibility for individuals with disabilities, reaffirming that the requirements set out in the UN Convention on the Rights of Persons with Disabilities and the EU Accessibility Act are applicable to equality bodies. The directives also make a clear distinction between reasonable accommodation and broader accessibility, stipulating that both physical and digital access must be ensured by eliminating barriers and implementing reasonable accommodations—making necessary and appropriate modifications and adjustments where needed in a particular case.²²

Context in North Macedonia

In North Macedonia, the adoption of the Law on Prevention and Protection against Discrimination (LPPD) in 2020 was the first step towards improving the status of equality bodies in the country and promoting the principle of equal treatment. The LPPD, as the key anti-discrimination legislation in North Macedonia, specifically states that it aligns with general EU anti-discrimination legislation at the time of its adoption, namely EU directives 2000/78/EC, 2004/113/EC, and 2006/54/EC. This demonstrates North Macedonia's progress in promoting the rule of law and strengthening legal reforms. In terms of equality bodies, with the adoption of the LPPD in 2020, the Commission for Prevention and Protection against Discrimination (CPPD) was established in January 2021 as an independent and autonomous equality body in North Macedonia, with legal personality.

In terms of the legal framework, Section Three of the LPPD regulates the functioning of the CPPD, providing a clear framework for its organisation and competencies. The provisions can be grouped into three categories: articles regulating the composition of the CPPD and its election, articles regulating the budget of the CPPD, and articles regulating the competencies of the CPPD. Section Four, on the other hand, regulates the procedures for filing complaints with the CPPD and in courts.

According to Article 16, the CPPD is composed of seven members elected by the Parliament of the Republic of North Macedonia, and they have the status of appointed persons with a five-year mandate and the right to one consecutive re-election. In the election of the first composition of the Commission, four members are elected for a term of office of five years, and three members are elected for a term of three years. The President of the Commission is elected from among its members. Moreover, the importance of Article 16 lies in paragraph 5, which emphasises that the composition of the CPPD should reflect the society as a whole, with the principles of adequate representation of all social groups, fair and equitable representation of communities, and gender-balanced participation being applied in the selection of Commission members. Article 18, on the other hand, regulates the announcement, selection, and appointment process.

Article 15 stipulates that the Commission's funds are primarily provided through the Budget of the Republic of North Macedonia, including allocations for reasonable accommodation for people with disabilities. The budget is determined by the Assembly of North Macedonia based on the Commission's proposal, and a specific part of the national budget is dedicated to the Commission, which it independently manages, enhancing its managerial independence. Additionally, the CPPD can secure funds from external sources, such as donations and project grants. Financial independence is crucial to the Commission's effective operation. The law guarantees state funding for its activities, including ensuring accessibility for people with disabilities, which aligns with the UN CRPD. This includes physical adaptations of premises, accessible digital services, and easy-to-read documents. The financial structure aims to enable the CPPD to function autonomously while ensuring equal access to its services.²³

A focal aspect of the LPPD is its detailed list of competencies for the CPPD, set out in Article 21. The competencies can be grouped into four core functions: prevention, protection, the promotion of equality, and advisory-expert competencies. Under the **prevention function**, which focuses on eliminating discrimination before it occurs, the CPPD has the authority to monitor the implementation of the LPPD and provide opinions and recommendations; promote the alignment of national laws with international and regional human rights instruments; advocate for the ratification and implementation of international human rights treaties; contribute to the development of programs and materials in formal and informal education to integrate anti-discrimination principles; collect and publish statistical and other data; establish databases on discrimination trends; and act ex officio in proceedings. Under the **promotional function**, which focuses on raising

²² Council Directive (EU) 2024/1499, recital 40; Council Directive (EU) 2024/1500, recital 39.

²³ Poposka Žaneta et al., "Commentary on the Law on Prevention and Protection against Discrimination" (Organisation for Security and Cooperation in Europe - Mission in Skopje, 2023), <https://www.osce.org/files/f/documents/2/0/583105.pdf>. Pages 112 -113

awareness and building capacity, the CPPD has the competency to promote the principle of equality and non-discrimination through public awareness campaigns, education, and training; draft and publish special and thematic reports on discrimination-related issues; provide general recommendations on specific topics related to equality and non-discrimination and monitor their implementation; publish opinions, findings, and recommendations and addressing the public through media channels; inform the public about cases of discrimination on a quarterly basis, as prescribed by the Commission's internal regulations; establish cooperation with civil society organisations (CSOs), legal entities, and institutions to enhance equality and discrimination prevention; engage in international and regional cooperation to advance protection against discrimination; submit annual reports on its work to the Parliament of North Macedonia by 31 March each year; and publish all reports, including financial reports, on its official website. Under the **protection function**, which focuses on addressing discrimination cases and enforcing the law, the CPPD has the authority to act upon complaints of discrimination and issue opinions, recommendations, and conclusions in specific cases; intervene in court cases as a third-party intervener in proceedings related to protection against discrimination; act as a friend of the court upon request or on its own initiative; propose amendments to legal provisions to strengthen anti-discrimination protections; monitor the implementation of opinions and recommendations until full compliance is achieved; and provide information to individuals about their rights and legal remedies for protection against discrimination. Lastly, under the **advisory-expert function**, which focuses on providing legal and policy recommendations, the CPPD has the competency to provide expert opinions on draft laws related to discrimination prevention, contribute to state reports submitted to international and regional human rights bodies and support the implementation their recommendations; adopt internal rules and strategic plans, including the Rules of Procedure, Annual Work Plan, and Work Program; advise on legislative amendments to strengthen enforcement of anti-discrimination policies; and establish cooperation with national, regional, and international institutions for knowledge-sharing and the adoption of best practices.

Since its formation, the CPPD has become one of the most trusted anti-discrimination institutions in North Macedonia. In 2023, it handled 599 discrimination cases, up from 248 in 2022.²⁴ The increase in handled cases represents an all-time annual record for the CPPD²⁵ while simultaneously highlighting its effectiveness and impact. Despite this progress, challenges persist.²⁶ Early obstacles included procedural flaws in staff appointments, administrative delays in formal registration, and the lack of proper office space and equipment.²⁷ Ongoing issues include financial instability, budget cuts, understaffing, and an unstable composition of the CPPD, raising concerns about its impartiality.^{28, 29} These obstacles compromise its effectiveness, limiting its ability to fully implement its mandate and provide adequate protection against discrimination.

Financial independence and adequate financial resources are key to the autonomous work of equality bodies. Nonetheless, the CPPD has faced constant obstacles in this area. Specifically, the CPPD is financially dependent on the Ministry of Finance, which is part of the executive branch. Without the Ministry's direct approval, it cannot independently propose or manage its budget or expand its staff. This dependence violates the principle of financial independence for national human rights institutions. Furthermore, the CPPD does not submit its budget directly to Parliament, as required by Article 15 of the LPPAD. Instead, it sends its proposal to the Ministry of Finance, which modifies the budget without consulting the Commission before submitting it to Parliament. This violates legal procedures stipulated in the LPPAD and frequently results in budgets that do not reflect the Commission's actual needs, limiting its effectiveness.³⁰ For example, in the 2023 draft budget, the Commission planned funding for its promotional and preventive activities, but the Ministry of Finance did not approve it. Instead, the Ministry allocated funds for technical equipment, even though similar expenses had already been covered the previous year.³¹

24 Commission for prevention and protection against discrimination of North Macedonia, "Annual Report of the Commission for Prevention and Protection against Discrimination for the Year 2022 [Годишен Извешtaj За Работата На Комисијата За Спечување и Заштита Од Дискриминација За 2022 Година]," 2023, <https://kszd.mk/wp-content/uploads/2023/05/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD-%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98-2022.pdf>. Page 7

25 Commission for prevention and protection against discrimination of North Macedonia, "2023 Annual Report of the Commission for Prevention and Protection against Discrimination," 2024, <https://kszd.mk/wp-content/uploads/2024/05/Annual-Report-of-CPPD-for-2023-.pdf>. Page 5

26 Angela Delevska and Beba Zhagar, "Shadow Report for Chapter 23 for the Period between October 2022 and September 2023," December 2023, https://epi.org.mk/wp-content/uploads/SH-report_2023_eng.pdf. Page 80

27 Biljana Kotevska, "Flash Report - New Equality Body - Establishing and Setbacks," Flash report (European Network of Legal experts in gender equality and non-discrimination, March 29, 2021), [https://www.equalitylaw.eu/downloads/5378-north-macedonia-new-equality-body-establishing-and-setbacks-100-kb\\uc0\\u8221{} Flash report \(European Network of Legal experts in gender equality and non-discrimination, March 29, 2021](https://www.equalitylaw.eu/downloads/5378-north-macedonia-new-equality-body-establishing-and-setbacks-100-kb\\uc0\\u8221{})

28 European Commission, "North Macedonia 2024 Report" (European Commission, October 30, 2024), https://enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf. Page 37.

29 Biljana Kotevska et al., "Franet National Contribution to the Fundamental Rights Report 2023 North Macedonia" (European Policy Institute (EPI) – Skopje, 2023), https://epi.org.mk/wp-content/uploads/frr_2023_north_macedonia_en.pdf, Page 8

30 Commission for prevention and protection against discrimination of North Macedonia, "2023 Annual Report of the Commission for Prevention and Protection against Discrimination," Page 43

31 Stojan Mishev and Margarita Gligoroska, "Executive Summary of the Report on the Implementation of the Law on Prevention and Protection against Discrimination" (Coalition "Sexual and Health rights of Marginalized Communities" MARGINS Skopje, Network for Protection against Discrimination, 2022), <https://mzd.mk/wp-content/uploads/2022/12/REZIME-ENG.pdf>. Page 5

As a result of these ongoing restrictions on financial autonomy, the CPPD has struggled to employ professional services, making it difficult to carry out daily tasks effectively and provide the necessary support for the CPPD's legally mandated functions. In 2021 and 2022, the CPPD was functioning with only one-fifth of the necessary human resources.³² Moreover, the Ministry of Finance did not approve new recruitments for 2023. As a result, the 2023 Annual Employment Plan of the CPPD did not include new hires.³³

The CPPD has faced persistent issues with its unstable and impartial composition. As stipulated in the LPPAD, the CPPD is composed of seven members elected by Parliament, whereas Article 18 stipulates that the Assembly of North Macedonia publishes a public announcement for the election of Commission members. Following a public hearing, the Commission for Elections and Appointments prepares a candidate list within 14 days and submits it to the Assembly, along with application materials and a hearing report. If the Assembly fails to elect members, the entire election procedure is repeated.³⁴ Since 2021, with the election of the first members, the CPPD has consistently functioned with an incomplete composition.³⁵ Moreover, irregularities in the election process persisted throughout public announcements in 2022 and 2023, with legal violations and political pressure from parties,³⁶ resulting in elections that undermined the body's independence, the merit-based selection of members, and the fundamental principles of pluralism and gender equality.³⁷ The current CPPD composition consists of seven members, only two of whom are women.³⁸ Previous compositions also lacked gender balance; in both 2022³⁹ and 2023,⁴⁰ the CPPD functioned with five members, only one of whom was a woman. In addition to the CPPD not being gender balanced, it also fails to fulfil the provision on "[a]dequate representation of all social groups." This provision highlights the importance of including underrepresented and marginalised groups, such as persons with disabilities, LGBTI+ individuals, marginalised communities, and ethnic minorities facing high levels of discrimination, particularly Roma. However, aside from Roma members, none of the previous compositions have included a member representing the disability community. Notably, in two selection rounds, candidates working on disability rights who met the LPPD's criteria were overlooked.⁴¹

In addition to the abovementioned obstacles mentioned above, several other aspects remain unaddressed. Regarding the openness and accessibility of measures and services, challenges have persisted over the years. Firstly, the CPPD is centralised in Skopje.⁴² Citizens of other cities and statistical regions must rely on the electronic service on the Commission's website called "Report Discrimination", as well as e-mail, telephone, or its Facebook page. The growing number of cases handled by the CPPD indicates its increasing visibility. However, full accessibility remains unachieved. Decentralising the Commission to other cities would benefit citizens who cannot report discrimination online, increase outreach to marginalised communities, and support the Commission's preventive and promotional functions through cooperation with local CSOs and centres for social work, among others. Such offices would strengthen proactive prevention efforts in high-risk areas.

32 Mishev and Gligoroska. Page 6

33 Commission for prevention and protection against discrimination of North Macedonia, "2023 Annual Report of the Commission for Prevention and Protection against Discrimination."

34 The public call is published in at least two daily newspapers, including one in a minority language, as well as in the Official Gazette, on the Assembly's website, and on the Commission's website in all community languages. The announcement remains valid for 30 days.

35 Commission for prevention and protection against discrimination of North Macedonia, "2023 Annual Report of the Commission for Prevention and Protection against Discrimination."

36 Мрежа за заштита од дискриминација, "The Assembly Should Elect Independent Professionals Who Meet the Legal Requirements for Members of the Commission for Prevention and Protection against Discrimination. [Собранието Да Избере Независни Професионалци Кои Ги Исполнуваат Законските Услови За Членови На Комисијата За Спечување и Заштита Од Дискриминација]," December 13, 2023, https://mzd.mk/mk/vesti/sobranie_kszd/.

37 European Policy Institute - Skopje, "Statement UPR Infor Pre-Session 46 North Macedonia," 2024, https://upr-info.org/sites/default/files/country-document/2024-02/European_Policy_Institute_Skopje_statement.pdf.

38 Commission for Prevention and Protection against Discrimination of North Macedonia. About CPPD, Retrieved from: <https://kszd.mk/%d0%b7%d0%b0-%d0%ba%d1%81%d0%b7%d0%b4/>

39 Commission for prevention and protection against discrimination of North Macedonia, "Annual Report of the Commission for Prevention and Protection against Discrimination for the Year 2022 [Годишен Извештај За Работата На Комисијата За Спечување и Заштита Од Дискриминација За 2022 Година]." Page 9

40 Commission for prevention and protection against discrimination of North Macedonia, "2023 Annual Report of the Commission for Prevention and Protection against Discrimination." Page 10.

41 TV Sitel, "Dissatisfaction with the Selection of Members for the Commission for Prevention and Protection against Discrimination [Незадоволство По Изборот На Членови За Комисијата За Спечување и Заштита Од Дискриминација]," December 13, 2023, <https://sitel.com.mk/nezadovolstvo-po-izborot-na-chlenovi-za-komisijata-za-sprechuvanje-i-zashtita-od-diskriminacija>.

42 Article 2 "Rules of Procedure of the Commission for Prevention and Protection against Discrimination [Деловник За Работа На Комисијата За Спечување и Заштита Од Дискриминација]," Службен весник на РСМ бр. 4/2025 § (n.d.).

Importance of Directive 2024/1499 and Directive 2024/1500

Adhering to both of these directives is crucial for North Macedonia, as its progress in the EU accession process depends on aligning with the broader European acquis. This alignment is particularly relevant for North Macedonia given the challenges faced by the CPPD in terms of financial independence, resources, accessibility, and institutional stability. These directives provide a framework for addressing these systemic issues, reinforcing the effectiveness of the equality body, and aligning the country with EU anti-discrimination standards, which is crucial for its accession process. Furthermore, the directives emphasise the duties of member states in making anti-discrimination visible and promoting both the principle and the work of equality bodies. In contrast, in North Macedonia, it can be argued that legislation places more of a burden on the equality body itself to be visible, rather than on the state.

One of the CPPD's biggest challenges is its financial dependence on the Ministry of Finance, which limits its autonomy in managing its budget, staffing, and activities. Directive 2024/1499 (Article 4) explicitly mandates that equality bodies must be provided with adequate financial resources, allocated in a way that guarantees independence and operational efficiency. North Macedonia must implement a funding model in which the CPPD's budget is determined and approved directly by Parliament, rather than being subject to executive interference. This would ensure predictable and sufficient financial support for its work.

The politicisation of the appointment process has repeatedly hindered the CPPD's work, with the election of members leaving gaps in its composition and a lack of adequate representation across all social groups. Directive 2024/1499 (Article 3) introduces stricter requirements for the independent and transparent selection of equality body members. North Macedonia should revise its appointment procedures by ensuring merit-based selection, clearer conflict-of-interest rules, and gender-balanced, diverse representation, thereby preventing political influence in the process.

Currently, the CPPD has the authority to initiate court proceedings for protection against discrimination and can act as an intervener (third party) or submit a request to appear as *amicus curiae* (friend of the court). Both directives significantly contribute to access to justice—particularly by granting equality bodies litigation powers. In this regard, North Macedonia must strengthen the litigation powers of the CPPD and ensure that its role as a legal expert in discrimination cases is fully recognised and operationalised. A key step would be amending the LPPD to explicitly allow the CPPD to initiate legal proceedings in its own name—not just as an intervener—and to establish a clear procedural framework ensuring that victims of discrimination can receive direct legal representation from the CPPD if necessary. Furthermore, the CPPD should be granted binding decision-making powers, allowing it to request judicial enforcement or challenge non-compliance in court. However, such extended mandates would require adequate financial resources and staffing. Thus, budgetary allocations should be increased for litigation, ensuring the CPPD has the financial capacity to handle legal cases effectively. Additionally, legal and administrative staffing within the CPPD should be strengthened, including the hiring of specialised human rights lawyers and legal advisors to support court proceedings.

By aligning with Directives 2024/1499 and 2024/1500, North Macedonia has an opportunity to overcome the structural weaknesses of the CPPD and transform it into an effective, independent institution. Implementing these changes will not only reinforce the country's anti-discrimination framework but also demonstrate its commitment to EU values, strengthening its accession prospects.

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