Brief analysis of the amendments to the laws on primary and secondary education and their compliance with the EU directives on non-discrimination

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This analysis presents and assesses the recent amendments to the laws on primary and secondary education in the Republic of North Macedonia and their compliance with the EU non-discrimination directives. Based on the identified shortcomings, the analysis provides specific recommendations for harmonising the national legal framework with European standards, for strengthening the mechanisms for protection against discrimination, and for ensuring inclusive and equal education for all students.

Introduction and context

In 2025, the Assembly of the Republic of North Macedonia adopted several amendments to the Law on Primary Education and the Law on Secondary Education, which caused significant reactions from the civil society sector,[1] since they removed the grounds of discrimination such as gender, gender identity and sexual orientation, the reference to the Law on Prevention and Protection against Discrimination, as well as the topics concerning sexual and reproductive health and gender equality, and the young people have been left with no access to evidence-based health education. These amendments were adopted in a shortened procedure, without proper public debate and without the involvement of expert public. The main criticisms refer to the fact that the amendments relativise the existing mechanisms for protection against discrimination and violence, undermine the inclusiveness in education, and thus violate the constitutional rights to equal access to education for all, the right to equal treatment and the prohibition of discrimination.[2]

The amendments represent a departure from the European agenda – that is, a departure from the already established standards and principles enshrined in the Constitution of the Republic of North Macedonia, the Law on Prevention and Protection against Discrimination, as well as in relevant international documents, including the United Nations Sustainable Development Goals. In addition, these amendments do not comply with the following European Union directives: Directive 2000/78/EC, Directive 2004/113/EC and Directive 2006/54/EC.

Discrimination is any distinction, exclusion, restriction or preference on discriminatory bases (such as race, colour, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalised group, language, citizenship, social background, education, religion or religious belief, political opinion, other opinions, disability, age, family or marital status, economic status, health status, personal status and social status or any other basis), by acting

1 Network for protection against discrimination (MZD), „Барање за итно повлекување на измените на законите за основно и средно образование“ (Demanding immediate withdrawal of the amendments to the laws on primary and secondary education), 2024. Available at: https://mhc.org.mk/news/mrezhata-za-zashtita-od-diskriminacija-bara-itno-da-se-povlechat-zakonskite-izmeni-za-osnovno-i-sredno-obrazovanie/

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Network for protection against discrimination (MZD), „ Насилството, дискриминацијата и незнаењето во формалното образование се новото „нормално“ што го промовираат Владата, Парламентот и Претседателката на државата“ (Violence, discrimination and ignorance in formal education represent the new “normal” promoted by the Government, Parliament and the President of the country), 2025. Available at: https://mzd.mk/mk/vesti/reakcija-2/

Coalition Margins, 02.04.2025, Facebook Post. Available at: https://www.facebook.com/CoalitionMargins/posts/pfbid02VrTmNpwTXCEG7K9yhofX7XTFf1juJVRdd5hh793VB6PVdyojKkqUN4BcQjtzbe1tl

2 Network for protection against discrimination (MZD) and Gender Equality Platform, „Повик до претседателката на РСМ за непотпишување на указите за измените во образованието“ (Urging the President of the RNM not to sign the decrees concerning the changes in education), 2025. Available at: https://mhc.org.mk/news/povik-do-pretsedatelkata-na-rsm-gordana-siljanovska-davkova-za-nepotpishuvanje-na-ukazite-za-shtetni-zakonski-izmeni-vo-obrazovanieto-i-dosledno-sproveduvanje-na-zalozhbite-za-rodova-ednakvost/

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or omitting to act, which aims at or results in preventing, restricting, recognising, enjoying or exercising the rights and freedoms of a particular person or group on an equal basis with others.[3] This covers all forms of discrimination including preventing adequate adaptation and accessibility and availability of infrastructure, goods and services. The Law on Prevention and Protection against Discrimination is applied by all state authorities, bodies of local self-government units, legal entities with public authorities and all other legal and natural persons in various areas, including education. The main institutions responsible for preventing and protecting against discrimination are the Commission for Prevention and Protection against Discrimination and the Ombudsperson.

In Macedonia, the most frequently established grounds of discrimination are national or ethnic origin, personality traits and social status, gender, gender identity, sexual orientation, political beliefs, disability, etc. Most of the established discriminatory actions occurred in the public sector, especially in the field of employment, education and access to public services, but there is also an increase in cases in the private sector and online space.[4]

The Macedonian education system, however, faces serious challenges in ensuring inclusiveness and equal treatment of pupils and students. A study conducted by the Youth Education Forum (YEF) in 2020 found that discrimination exists at all levels – from primary and secondary to higher education. It manifests itself through stereotypes, difficult access to education, or lower expectations of students belonging to marginalised groups. Students at the higher education institutions in North Macedonia often face discrimination on the basis of ethnic origin, gender identity, and sexual orientation. These findings indicate systemic challenges in developing an inclusive educational environment and emphasise the need for a comprehensive approach to promoting equality and effective protection against discrimination at all levels of education.[5]

LGBTIQ+ students in North Macedonia are often exposed to discrimination, verbal, and physical violence in educational institutions. Violence is often systematic, and schools rarely offer an adequate response or support, which contributes to further marginalisation and psychological consequences for these students.[6] Violence is normalised, and cases of harassment, sexual violence and bullying committed by minors are becoming more common – both in schools and in public spaces. Young people aged 15 to 18 are particularly exposed to such forms of violence, and LGBTI students are up to four times more likely to be bullied than their heterosexual peers. In addition, 15-year-olds with a homosexual or bisexual orientation suffer two or more times more often than their heterosexual peers, often with pronounced psychosomatic symptoms (74%), feelings of sadness and hopelessness (47%) or serious suicidal thoughts (30%).[7]

Critical changes in the laws and potential consequences

In January 2025, the Assembly adopted amendments to the Law on Primary Education, which deleted some of the grounds of discrimination, such as gender, gender identity and sexual orientation. In addition, and related to this topic, paragraph 8 was added to Article 6, which refers to the prohibition of discrimination and physical separation of students on discriminatory grounds when enrolling and forming classes in primary schools without a legitimate or objectively justified purpose, in accordance with the Law on Prevention and Protection against Discrimination. These amendments provide reference to the Law on Prevention and Protection against Discrimination, and the terms gender equality, as well as sexual and reproductive health, are stated.[8]

With the amendments in April 2025, the Assembly adopted several amendments, whereby Article 5 Paragraph 8 and Article 16 Paragraph 8, which referred to the Law on Prevention and Protection against Discrimination, are amended by providing reference to the Constitution of the Republic of North Macedonia. Furthermore, in Article 48, the term sexual and reproductive health is deleted, and the term gender equality is replaced with equality between the sexes. This actually

3 Law on Prevention and Protection against Discrimination, "Official Gazette of the Republic of North Macedonia", No. 258/2020

4 Commission for Prevention and Protection against Discrimination (2024). Годишен извештај за работата на Комисијата за 2024 година (2024 Annual report on the work of the Commission). Скопје: КСЗД. Available at: https://kszd.mk

5 Youth Educational Forum (YEF), „Дискриминација врз млади во високото образование" (Discrimination against young people in higher education), 2020. Available at: https://mof.mk/diskriminacija-vo-visoko-obrazovanie/

6 ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, "LGBTI Youth in the Western Balkans: Mapping the Socio-Economic Situation and Needs", 2020. Available at: https://www.lgbti-era.org/sites/default/files/pdfdocs/era_youth_report_2020_final.pdf

7 HERA – Health Education and Research Association, „Истражување за родово базирано насилство врз младите и децата во Северна Македонија" (Survey on gender-based violence against young people and children in North Macedonia), 2023. Available at: https://hera.org.mk/wp-content/uploads/2023/03/Analiza-za-rodovo-nasilstvo-vrz-deca-i-mladi.pdf

8 Law Amending the Law on Primary Education "Official Gazette of RNM", No. 3/2025)

means amending the provisions that required schools to implement activities to promote gender equality, protection from bulling and domestic violence, as well as the introduction of comprehensive sexual education.[9] Moreover, an option is incorporated that allows parents to request for their children to be exempted from certain teaching contents, without clear criteria or procedures for that. With this approach, the possibility of selective access to knowledge is allowed, which directly affects topics related to human rights, health education, equality and diversity. At the same time, the competences of schools and educators in recognising and acting in cases of discrimination and violence are limited.[10]

The Law on Amending the Law on Secondary Education does not recognise discrimination as a form of violence and, apart from physical violence, does not recognise emotional, psychological and sexual abuse. The law completely fails to propose measures for promoting sexual and reproductive health among young people, despite the overwhelming data. In addition, the discrimination grounds have not been expanded, in accordance with the Law on Prevention and Protection against Discrimination, while having in mind the need to harmonise the legislation with the Law on Prevention and Protection against Discrimination.[11]

EU Legal Framework

These changes should be analysed in the context of the country's EU integration, especially in view of the obligations arising from the Acquis Communautaire.

As a EU candidate country, the Republic of North Macedonia has an obligation to harmonise its legislation with the EU directives, among which the key ones are the non-discrimination and equal treatment directives, the Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, which represent the fundamental EU instruments for protection against discrimination.[12] Even though these directives do not formally regulate the area of formal education, their principles – equal treatment, non-discrimination and equal access – also apply to educational institutions, since they are public or private entities that provide services and shape social integration. The European case law, including the case law of the Court of Justice of the European Union, confirms that the principle of non-discrimination has horizontal effect in other areas, such as education, when they are related to equal access to resources, opportunities and services.[13]

In the context of harmonisation with the EU legal framework, instruments ensuring equal access to education without discrimination are also particularly relevant. Article 14 of the Charter of Fundamental Rights of the European Union guarantees that "everyone has the right to education and to have access to vocational and continuing training", which establishes the obligation of Member States (and candidate countries) to ensure an inclusive education system that is accessible to all.[14] In addition, Article 21 of the Charter of Fundamental Rights of the European Union explicitly prohibits any discrimination based on any ground, including sex, race, ethnic origin or religion. This Article applies horizontally to all areas regulated by the EU legislation, including education, where they are connected to the rights and obligations deriving from EU legislation.

The European Pillar of Social Rights, adopted by the European Commission, the European Parliament and the Council, confirms this in its Principle 1, according to which 'everyone has the right to quality and inclusive education, training and life-long learning'.[15]

9 Network for protection against discrimination (MZD). (11 April 2025). Насилството, дискриминацијата и незнаењето во формалното образование се новото „нормално" што го промовираат Владата, Парламентот и Претседателката на државата (Violence, discrimination and ignorance in formal education represent the new "normal" promoted by the Government, Parliament and the President of the country). Available at: https://mzd.mk/mk/vesti/reakcija-2/

10 Law Amending the Law on Primary Education ("Official Gazette of RNM"45/2025)

11 Law Amending the Law on Secondary Education "Official Gazette of RNM", No. 78/2025)

12 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council of the European Union, 29 June 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L0043

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Council of the European Union, 27 November 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L007

13 Court of Justice of the European Union. (2018). Case C-414/16, Egenberger, ECLI:EU:C:2018:257. Available at: https://curia.europa.eu/juris/liste.jsf?language=en&num=C-414/16

Court of Justice of the European Union. (2020). Case C-507/18, NH v Associazione Avvocatura per i diritti LGBTI – Rete Lenford, ECLI:EU:C:2020:289. Available at: https://curia.europa.eu/juris/liste.jsf?language=en&num=C-507/18

14 Charter of Fundamental Rights of the European Union, Article 14 – Right to education, Official Journal of the European Communities, 2000/C 364/01. Available at: https://fra.europa.eu/en/eu-charter/article/14-right-education

15 European Pillar of Social Rights, Principle 1 – Education, training and lifelong learning, European Commission, 2017. Available at: https://epsr-flashcards.eurohealthnet.eu/principle-1/

Furthermore, the Sustainable Development Goal 4 (SDG 4) of the United Nations 2030 Agenda calls for 'ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all', a global standard also endorsed by the EU.[16] In the same context, Goal 5 (SDG 5) promotes gender equality and empowerment of all women and girls, mainstreaming the principle of non-discrimination in all areas, including education.[17]

It is also important to emphasise Article 14 of the Istanbul Convention,[18] which underlines the right to access to education and prevention of discrimination based on sex, which reinforces the obligation for gender-sensitive and inclusive education as part of national policies and legislation.

Compliance and negative implications analysis

The Law on Prevention and Protection against Discrimination[19] is already aligned with the following directives of the European Parliament and of the Council: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; and Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.[20]

The exclusion of these protected categories from the legal framework will result in absence of measures to prevent violence and harassment, thus sending a message that the exclusion and oppression of these groups in society is not punishable and to some extent encouraged. By deleting obligations for education on gender equality, non-violent behaviour and sexual education, the state is withdrawing from its key role in promoting tolerance, understanding and equal opportunities. Revoking the mechanisms for recognising and reporting discrimination, especially in situations where students are directly affected, represents a serious step backwards and diminishes significantly the level of protection expected from a democratic society.

In addition, allowing parental intervention in the curriculum without a justifiable basis creates a risk of selectiveness, discrimination and ideological influence on the education system. Of particular concern is the departure from Article 14 of the Istanbul Convention, which clearly imposes an obligation on the states to provide education that promotes gender equality, eliminates gender stereotypes and encourages non-violent behaviour. Instead of executing this obligation, the state, with these changes, weakens the capacity of schools to address gender-based violence, recognise discrimination and develop critical thinking among young people, as well as to promote acceptance and equality for all young people.

The amendments to the Law on Secondary Education do not recognise discrimination as a form of violence and with the exception of physical violence they ignore emotional, psychological and sexual abuse. There are also no measures promoting sexual and reproductive health of young people, despite alarming data.[21] In addition, the grounds of discrimination have not been expanded in accordance with the Law on Prevention and Protection against Discrimination, which is necessary for the harmonisation of the legislation with the Law as well as with the relevant EU directives.

16 SDG 4 – Quality EducationUnited Nations Sustainable Development Goal 4 – Quality Education, United Nations, 2015. Available at: https://sdgs.un.org/goals/goal4

17 SDG 5 – Gender Equality United Nations Sustainable Development Goal 5 – Gender Equality, United Nations, 2015. Available at: https://sdgs.un.org/goals/goal5

18 Istanbul Convention – Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe, 11 May 2011. Available at: https://www.coe.int/en/web/istanbul-convention

19 Law on Prevention and Protection against Discrimination, "Official Gazette of the Republic of North Macedonia", No. 258/2020

20 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Council of the European Union, 27 November 2000. Available at: https://eur-lex.europa.eu/legal-content/MK/TXT/?uri=CELEX:32000L0078

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21 HERA – Health Education and Research Association, 2021. Младите и сексуалното и репродуктивно здравје: потреби и пристап до информации и услуги (Youth and sexual and reproductive health: needs and access to information and services). Available at: https://hera.org.mk/mladite-i-srz/

Conclusions and recommendations

The consequences of these changes may be long-term. This creates opportunities for institutionalised discrimination and segregation, especially against students from vulnerable categories – including children with disabilities, LGBTI+ youth and those from poor and socially marginalised families. In doing so, the state risks establishing an education system that does not provide equal treatment and normalises exclusion.

From the European integration perspective, this regression in the process of harmonisation with EU legislation in the field of education could be interpreted as a departure from the EU core values. The amendments require urgent revision, harmonisation with the Law on Prevention and Protection against Discrimination and the international documents.

In order to ensure compliance with the EU directives on non-discrimination and inclusive and equal education, it is necessary to reintroduce educational programmes on equality, including all discrimination grounds provided for in the Law on Prevention and Protection against Discrimination, full support for training of teachers in diversity, and consistent monitoring and sanctioning of discriminatory practices in schools. The active involvement of experts, civil society and of students in the development and implementation of education policies is key to building an inclusive and just education system. This process must involve open and transparent consultations, and not shortened procedures without public debates, as was the case with the latest amendments.

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