



NEWS REPORT

Date:	03 April 2011
Expert:	Biljana Kotevska
Title:	2010 Annual Report of the Ombudsman
Country:	Republic of Macedonia
<u>Context</u>	
Issue at stake:	Annual report for the work of the Ombudsman for 2010
Ground of discrimination:	All grounds
Source:	Ombudsman
Field:	All fields (public domain only)
Legislative provisions:	Articles 2, 36, Law on Ombudsman (2003, last amended 2009)

Content

Case law: The Ombudsman is the body which task is to protect the constitutional and legal rights of citizens and all other persons when these are infringed by acts, actions and omissions by the state administration bodies and by other bodies and organisations that have public authority. It shall undertake actions and measures for the protection of the principle of non-discrimination and adequate and equitable representation of community members in the state administration bodies, the local self-government units and the public institutions and agencies (Art.2). Under the Law on the Ombudsman, an obligation for the Ombudsman to report to the Assembly is established. Consequently, the Ombudsman reported on its activities on March 2011 (Art.36). Its report contains statistics on the cases enacted upon in 2010, as well as other activities completed in 2010.

A positive trend is noticeable in relation to the overall work of the Ombudsman. There was an increase in the number of cases filed. In 2009, 3632 cases were filed to this institution. In 2010 this number rose to 4043. The biggest increase of number of cases by area is noted in the area of consumer rights.

However, the situation in relation to non-discrimination remained unchanged. The number of cases filed on non-discrimination was still one of

the lowest ones. The percentage of cases on discrimination in the overall caseload is only 0.40 per cent of the cases. Moreover, the number of cases in 2009 was 20 and it dropped to 16 cases in 2010. There was a case backlog from 2009 of 10 cases, making it a total of 26 cases in procedure in 2010 in this institution. At the end of 2010, 8 cases were transferred in 2011.

The Ombudsman underlined a case with the City of Skopje, where it reacted to a case of direct discrimination in relation to an event organized by a bikers' club, which organisation was supported by the City of Skopje. The advertisements for the event contained hate speech and discriminatory statements towards homosexuals.

Thus, the Ombudsman in its report noted that it was after their reaction to the City of Skopje. The City of Skopje, as a sponsor of the event, backed out and condemned the content of the adverts.

The grounds of discrimination, as well as the fields of discrimination of the cases filed to the institution cannot be easily distinguished when reading the report, as the statistics presented are mixed. Notably, the report stated that the overall number of cases is divided as follows: 25% of cases filed for employment, 56.25% on ethnic affiliation, while 18.75% of cases fall under other. In the narrative it stated that the dominant fields were employment, health, education and public administration, as well as cases of discrimination in the acting and work of the courts. The most affected groups were the marginalized groups, noting as most frequent grounds gender, national, religious, and underlining political affiliation as the harshest one.

The Ombudsman restated its opinion that the number of cases filed did not present a realistic picture of the situation in the country. It attributes the low number of cases to misinformation/no information as well as fear to file cases of discrimination. The report also notes that persons who consider themselves wronged by failure to apply the principle of equal treatment to them show a tendency to file cases in relation to a specific area and a breach of a right spelled out in a provision rather than on a specific ground of discrimination.

Internet link source and additional information:

(Note: all sources are in Macedonian language only)



Ombudsman. Annual report of the Ombudsman of the Republic of Macedonia for 2010 [Годишен извештај на Народниот правобранител на Република Македонија за 2010 година]. *Website of the Ombudsman of the Republic of Macedonia.*

<http://www.ombudsman.mk/comp_includes/webdata/documents/lzvestaj%202010-MK.pdf>. Last accessed: 03 April 2011.

Law on Ombudsman [Закон за Народен правобранител]. *Website of the Ombudsman of the Republic of Macedonia.*

<http://www.ombudsman.mk/comp_includes/webdata/documents/Zakon%20na%20NP-ang.PDF>. Last accessed: 03 April 2011.