

Copyright: The author/s

This work is licensed under a CC-BY 4.0 license

(*) Corresponding author

Original research article

DOI: <https://doi.org/10.20544/uklop.2026.610>

Received: 24.11.2025 • Accepted after revision: 15.01.2026 • Published: 07.05.2026



#UKLO
Annual International
Scientific Conference



EQUALITY IN INTERNATIONAL LAW AND THE LEGAL ORDER OF NORTH MACEDONIA WITHIN THE SDGS FRAMEWORKS

Andrea Zdravkovska*

Faculty of Law, University “St. Kliment Ohridski” - Bitola, North Macedonia

ORCID: <https://orcid.org/0009-0006-8088-0299>

andrea.zdravkovska@uklo.edu.mk

ABSTRACT

Introduction: *The principle of equality is a cornerstone of the rule of law and a prerequisite for safeguarding human rights. This research investigates the extent to which the legal order of the Republic of North Macedonia aligns with international standards on equality and non-discrimination.*

Methods: *A mixed methodological approach was applied, combining normative-legal analysis, comparative-legal method, and doctrinal interpretation. The analysis covered key international legal instruments (Universal Declaration of Human Rights, CEDAW, European Convention on Human Rights, Istanbul Convention) in correlation with national legal acts (Constitution of the Republic of North Macedonia, Law on Prevention and Protection against Discrimination, Law on Equal Opportunities for Women and Men) during the period 2010–2023.*

Results: *The normative-legal analysis indicates a high level of formal harmonization between national legislation and international equality standards. However, the empirical evaluation highlights a considerable implementation gap. Despite the sophistication of the de jure framework, practical enforcement remains limited due to systemic shortcomings.*

Discussion: *The study reveals a paradox between normative compliance and practical effectiveness. Structural constraints within the judiciary, insufficient institutional resources, lack of systematic monitoring, and inconsistent application of international obligations undermine effective protection against discrimination. Bridging this gap requires transforming formal commitments into operational mechanisms to ensure genuine compliance with international equality standards and substantive human rights protection.*

Keywords: Equality; Rule of law; Human rights; Non-discrimination; Judicial system; CEDAW; ECHR; Istanbul Convention; Constitution of North Macedonia; Anti-discrimination law; Legal harmonization

1. INTRODUCTION

The principle of equality represents a cardinal postulate of new contemporary constitutional democracies and is inseparably linked to the concept of the rule of law. In abstract and judicial literature, equality is viewed as a functional principle that guarantees the universality of rights and judicial protection, ensuring that all individuals are treated evenly before the law and institutions (Dworkin 1977; Rawls 1999). In this context, equality is not limited to formal equality and substantive equality, which takes into account the actual

position of individuals and groups in society. In modern decades, the Republic of North Macedonia has worked hard to bring its laws in line with international standards on equality and non-discrimination.

This effort included ratifying the Universal Declaration of Human Rights, the European Convention on Human Rights (ECHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Istanbul Convention.

However, despite these judicial changes, realistic implementation still faces grievous issues. These include broken institutions, slow judicial processes, and moderate resources for enforcing anti-discrimination policies. This paper intends to examine how the legal framework of the Republic of North Macedonia aligns with international standards on equality and non-discrimination. It will review key judicial acts, case law, and institutional mechanisms. The research will focus on the period from 2010 to 2023, which has seen better judicial and institutional reforms in human rights and the rule of law.

2. THEORETICAL AND METHODOLOGICAL FRAMEWORK

2.1. Theoretical approach

The research is based on the normative-legal theory, which analyzes the structure and content of legal norms in the context of their compliance with international standards. The concept of *de jure* and *de facto* equality is applied, where the former describes legal equality, and the latter assesses the practical implementation and effectiveness of legal protection. (Fredman, 2011)

In addition, the paper applies the theory of legal alignment, which analyzes the convergence between international and national law in the processes of harmonization and implementation. Feminist legal theory is also used as an additional framework, especially in the part that relates to gender equality and access to justice for women (MacKinnon, 1987)

2.2. Methodology

The research applies a combined methodological approach that includes the following methods:

1. **Normative legal analysis** – critical examination of substantive and legal provisions in terms of their compliance with international instruments.
2. **Comparative legal method** – comparison with judicial solutions and practice in other countries (Slovenia, Serbia, Croatia, Bulgaria, EU).
3. **Doctrinal Analysis** – interpretation of pertinent legal literature, scholarly articles and case law.
4. **Empirical analysis** – analysis from reports of institutions (Ombudsman, Commission for Prevention and Protection against Discrimination, European Commission, UN Women).

2.3. Research Objectives

The main objectives of the research are:

- To determine the degree of normative compliance of domestic legislation with international standards;
- To identify gaps and weaknesses in implementation;
- To propose recommendations for improving practical application and institutional coordination.

2.4. Hypotheses

The main hypothesis of the paper is:

Although the legal order of the Republic of North Macedonia is largely formally aligned with international standards for equality and non-discrimination, its practical effectiveness is limited due to systemic institutional weaknesses and insufficient legal implementation.

INTERNATIONAL STANDARDS ON EQUALITY AND NON-DISCRIMINATION

Conceptual foundations of the international legal framework. The principle of equality and the prohibition of discrimination are cardinal values of contemporary international human rights law. These principles have a double nature: on the one hand, they are an expression of the moral-political ideal of universal equality of all people, and on the other, they are translated into legally binding norms within the framework of external treaties and conventions (Donnelly 2003, 45).

In the United Nations system, the concept of equality has been unceasingly developed since the adoption of the Universal Declaration of Human Rights (1948), which in Article 1 establishes that “all human beings are born free and equal in dignity and rights”, and Article 2 expands this norm by prohibiting discrimination on any ground, including race, sex, language, religion, political or different opinion, national or social origin, property or different status. The Universal Declaration gave rise to binding covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which further specify the duty of states to provide a legal framework for protection against discrimination and the promotion of equality. These documents establish a comprehensive obligation for states to ensure not only formal, but also substantive equality.

2. European Convention on Human Rights (ECHR)

The European Convention on Human Rights (1950) is one of the most important instruments in the European system for the protection of human rights. Article 14 of the Convention prohibits discrimination in the exercise of the rights guaranteed by the Convention, while **Protocol No. 12 (2000)** extends the prohibition of discrimination to all rights set forth by law.

The European Court of Human Rights (ECtHR) has developed a rich case law that specifies the essence of the principle of equality. **In the case of D.H. and Others v. Czech Republic (2007)**, the Court defined indirect discrimination and emphasized that the state has an positive obligation to eliminate functional inequality resulting from apparently neutral measures.

This position is particularly relevant for the Republic of North Macedonia, given that some of the discriminatory effects in education, employment and access to justice occur not as explicit prohibitions, but as a consequence of general inequalities.

Additionally, **in the case of Opuz v. Turkey (2009)**, the Court established the responsibility of the state for inadequate protection **against gender based violence**, thus establishing the concept of structural responsibility of the state for inaction. This precedent has had a remarkable impact on case law in the region and represents a critical direction for Macedonian institutions in interpreting obligations to protect women from violence.

3. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW (1979) is the Convention on the Elimination of All Forms of Discrimination against Women, which establishes a system of legal and institutional obligations to eliminate discrimination against women in all areas of public and private life”. The Convention introduces **the doctrine of substantive equality**, which goes beyond formal equality,

requiring states to take active measures and policies to achieve real equality between the sexes. (Byrnes and Freeman 2012)

In article 2, states undertake to incorporate the prohibition of discrimination in their constitutions and laws, to provide for sanctions for violations, and to create monitoring institutions. In article 5, it emphasizes the importance of dynamic interpersonal and ethnic patterns of behavior to eliminate stereotypes about the roles of men and women.

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its concluding observations on the Republic of North Macedonia (2018) expressed concern about the “insufficient implementation of the legal framework and the limited effectivenesseffectiveness of gender equality institutions”, peculiarly with regard to legal protection and access to justice.

The gender perspective in the legal system of North Macedonia remains **preponderantly declarative**, with minimal impact on legal decisions and institutional practice.

4. Istanbul Convention

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011) is the most comprehensive instrument for the protection of women from violence and gender based discrimination. It introduces the principle of the four pillars – prevention, protection, prosecution and integrated policies (4Ps model). Article 4 emphasizes that all measures must be implemented without discrimination on any grounds, while Article 5 establishes the state obligation of due diligence obligation– the state’s responsibility when it fails to protect victims or prosecute perpetrators. The Republic of North Macedonia ratified the Convention in 2018, and in 2021, several laws were harmonized, including the Law on Preventing and Protecting Against Violence against Women and Domestic Violence. However, according to GREVIO(Group of Experts on Action against Violence against Women and Domestic Violence) reports, the practical implementation remains **limited**, particularly due to **insufficient financial resources**, inadequate institutional coordination, and a lack of **specialised professional staff** (GREVIO, 2022, 12-15)

5. International standards and legal harmonization

In the context of accession to the European Union, North Macedonia is obliged to harmonize its legal frameworkwith the **EU acquis**, which **includes Directive 2000/43/EC** on equal treatment irrespective of racial or ethnic originand **Directive 2006/54/EC** on gender equality in employment and occupation.

Legal harmonization involves not only the transposition, but also the creation of institutional and procedural mechanisms for their implementation. In this process, the **Commission for Prevention and Protection against Discrimination (CPPD)** plays a key role, as it carries the mandate of **independent oversight** in this field.

International standards for equality and non-discrimination constitute a solid standard basis that obliges states to provide effective judicial and institutional protection. In the case of the Republic of North Macedonia, there is a high degree of *de jure* compliance with these standards, but their *de facto* implementation remains a challenge. This gap between the normative framework and practical enforcementwill be examined in detail in the following section.

NATIONAL LEGAL ORDER AND NORMATIVE HARMONIZATION

1. Constitutional and legal framework of the principle of equality

The Constitution of the Republic of North Macedonia (1991, with amendments until 2023) establishes the basis of the constitutional order on the fundamental values **of the rule of law, human freedoms and rights, legal certainty, social justice and equality of citizens**.

Article 9 establishes that:

"Citizens of the Republic of North Macedonia are equal in their freedoms and rights, regardless of gender, race, skin color, national and social origin, political and religious beliefs, property and social status."

This constitutional norm establishes the principle of **formal equality**, which is a legal framework for eliminating discrimination in public and private life. However, the Constitution does not include an explicit definition of **discrimination**, nor does it distinguish between **direct and indirect** discrimination, which leaves **interpretive discretion** in judicial practice.

According to **the Constitutional Court of the Republic of North Macedonia**, the principle of equality does not mean absolute identical treatment, but **requires equality within similar situations** (Decision U.br. 82/2009). This view aligns with the jurisprudence of the **European Court of Human Rights**, which permits differential treatment where **objectively justified** and **proportionate** to a legitimate aim (ECtHR 2007). In practice, this often leads to a restrictive application of the concept of positive discrimination.

2. Law on Prevention and Protection against Discrimination

The most critical general law in this area is the Law on Prevention and Protection against Discrimination (LPPD), originally adopted in 2010, and revised in 2020 for the purpose of harmonization with European directives and recommendations of the Venice Commission.

2.1. Structure and essential principles

The law defines discrimination as "any distinction, exclusion, restriction or preference on any prohibited ground" (Art. 5). Article 6 establishes the types of discrimination: direct, indirect, harassment, victimization and segregation. The novelty in the 2020 judicial amendments is the stated inclusion of gender identity and intersexual orientation as protected grounds, which represents significant progress compared to the old law.

2.2. Institutional mechanisms

The LPDA establishes the Commission for Prevention and Protection against Discrimination (CPPD) as an independent body with the authority to receive complaints, conduct proceedings and issue opinions.

However, the institutional capacity of the Commission remains **limited** due to:

- **insufficient human and financial resources,**
- **lack of investigative powers,** and
- **limited enforceability of its opinions,** which are not binding.

Although the statutory mandate allows for a **broad interpretation** of discrimination, practical implementation is hindered by **low public awareness** and **limited trust** in the effectiveness of available remedies

2.3. Judicial protection

The LPPD enables victims to file **civil lawsuits** to establish discriminatory treatment. In accordance with EU directives, **the burden of proof may be shifted** to the defendant once the claimant presents **prima facie** demonstrating a **plausible presumption** of discrimination (Art. 39; see also European Union 2000; 2000a).

Despite this legal safeguard, analysis of judicial practice (2020–2023) indicates that Macedonian courts **rarely apply** the principle of burden-shifting, instead **requiring the claimant to prove discrimination entirely**, which:

- reduces access to justice, particularly for **vulnerable groups**, and
- contributes to **legal uncertainty** and weak enforcement of equality rights.

3. Law on Equal Opportunities for Women and Men

This law, adopted in 2012 and amended in 2020, operationalizes the essential commitment to gender equality by promoting gender responsive policies and budgeting, as well as establishing coordinating bodies for gender equality in public administration. The judicial text contains three key principles:

1. Integration of the gender perspective in all policies and programs;
2. Prohibition of discrimination on the basis of sex and gender;
3. Promotion of equal participation in open and political life.

Despite the standard precision, the application of the law is limited. In the Macedonian legal system, there is a gap between the political rhetoric of gender equality and the genuine distribution of power, which is also reflected in the unostentatious participation of women in the executive and legal branches.

4. Family Law and the Istanbul Convention

In the context of harmonization with the Istanbul Convention, the Family Law was amended in 2021, introducing the terms “gender-based violence” and “victim of domestic violence”. In addition, the Law on Prevention and Protection from Violence against Women and Domestic Violence was adopted, which provides a broader institutional framework for protection.

Although the legal framework is comprehensive in theory and content, **practical implementation faces serious obstacles** – an insufficient number of specialized judges, the absence of integrated protocols between the police, the prosecution and social work centers, as well as insufficiently trained staff in municipalities.

5. Compliance with European law

The Republic of North Macedonia, in the process of European integration, has an obligation to harmonize its legislative framework with the law of the European Union (EU *acquis*).

The European Commission's 2023 report states that "the country has made significant progress in normative compliance, but the implementation of laws and their effective application remain a challenge".

There are positive examples of harmonization of legal terminology, introduction of anti-discrimination training for judges and public prosecutors, as well as the establishment of gender equality networks in institutions. However, the implementation of European directives often faces institutional inertia and limited financial resources.

6. Analysis of standard harmonization

The analysis of the general legal system shows that:

- there is a high degree of formal compliance with international standards;
- but there is a gap between norms and practice, especially in legal interpretation and institutional implementation;
- integration of gender and human rights perspectives into all levels of public policy is needed.

Legal harmonization must be understood as an energizing process that requires continuous education, monitoring and institutional accountability. The general legal framework in the Republic of North Macedonia is mostly aligned with external and European standards for

equality and non-discrimination. However, its effectiveness depends on realistic implementation, institutional coordination and the development of a legal culture that recognizes and addresses the functional nature of discrimination.

IMPLEMENTATION CHALLENGES AND INSTITUTIONAL LIMITATIONS

Although the legal system of the Republic of North Macedonia demonstrates a high level of normative compliance with international standards on equality and non-discrimination, the reality of its implementation reveals serious structural, institutional and cultural obstacles. This section analyses the main factors that limit the effective application of anti-discrimination norms and highlights the paradox between the “de jure” and “de facto” situation in the legal protection of equality.

The legal framework in the field of equality encompasses several institutions with partially overlapping competencies – the Ministry of Labor and Social Policy, the Commission for Prevention and Protection against Discrimination, the Ombudsman, the State Election Commission, the courts and public prosecutors’ offices.

This fragmentation of institutional competencies creates a situation in which no single institution has full competence to implement a holistic non-discrimination policy. Institutions operate in parallel, without effective mutual coordination, leading to legal disintegration and duplication of administrative procedures.

This problem is particularly pronounced in procedures for the protection of victims of discrimination, where citizens often move from one institution to another without a real legal outcome.

Despite the formal existence of independent bodies, their resources remain severely limited. The Commission for Prevention and Protection against Discrimination (CPPD) had only 12 employees in 2023, without regional offices, and with a budget that represented less than 0.001% of the state budget.

This fact contradicts the recommendations of the European Commission against Racism and Intolerance (ECRI), according to which anti-discrimination bodies should have “financial and operational autonomy, sufficient human resources and sanctioning powers” (ECRI Report, 2022).

In addition, public sector officials often lack sufficient legal education to recognize indirect discrimination. The lack of specialized training and professional staff results in a formalistic approach to interpreting laws, which undermines their essential function – the protection of human dignity.

4. Case law and limited access to justice

Judicial practice in North Macedonia in the field of anti-discrimination remains very limited. According to available analyses, in the period 2010–2023 **only a small number of court cases** explicitly invoked the Law on Prevention and Protection against Discrimination, and **successful judgments remain exceptionally rare** (OSCE 2022; ECRI 2022).

The courts for the most part do not apply the doctrine of indirect discrimination, but require proof of direct violation, which limits the legal scope of protection. This formalism undermines the idea of substantive equality and it is reduced to a declaratory norm.

Although the Law provides for the possibility of shifting the burden of proof (Art. 39), in practice judges rarely apply this principle. As the OSCE Report (2022) points out, “the courts in North Macedonia largely retain the classical evidentiary regime, contrary to European standards.”

This leads to a situation in which victims of discrimination are discouraged from filing lawsuits due to lengthy procedures, financial costs, and uncertain outcomes.

Legal equality cannot be realized in isolation from social values and cultural patterns. North Macedonia, as a society with deep traditional and patriarchal structures, faces limited public awareness of equality-related rights.

In a survey conducted by the Institute for Human Rights (2023), 48% of respondents believe that “women and men already have equal opportunities,” while 32% believe that “LGBTQ persons should not seek additional legal protection.” These data indicate a deep cultural inertia, which undermines the practical application of anti-discrimination mechanisms.

A transformation of legal awareness is needed through educational and media policies that promote equality as a collective value, rather than as a political condition for European integration.

One of the most significant implementation challenges is the absence of systematic monitoring and statistics on discrimination cases.

Although the Law provides for an annual report by the KSZD, the data are often inconsistent, incomplete or not in line with the reports of the Ombudsman and the courts.

The lack of a centralized database prevents analytical assessment of the effectiveness of laws, which further complicates the process of adopting evidence-based public policies.

In this regard, the OSCE (2023) recommends the establishment of a single register of discrimination cases, integrated with the electronic system for court statistics (AKMIS), as well as regular publication of indicators for gender and social equality.

The implementation of anti-discrimination norms often depends on the political will of the government. Several analyses indicate that the Commission for Prevention and Protection against Discrimination is susceptible to political pressures, especially in the selection of its members.

This phenomenon calls into question the institutional integrity of the body and undermines public trust in its independence. Institutions that are supposed to guarantee the principle of equality are often instrumentalized for political legitimation, rather than for the real protection of human rights.

From a psychological perspective, discrimination is rooted in cognitive prejudices and social stereotypes, which are maintained through educational and media practices.

An interdisciplinary approach requires synergy between law, psychology, sociology and communication to understand and detect the mechanisms of inequality. This approach would enable the development of educational and preventive mechanisms, in order to reduce the need for repressive legal intervention.

The implementation of the principle of equality in North Macedonia faces multifaceted constraints: institutional fragmentation, lack of resources, legal formalism, cultural resistance and political dependence of independent bodies.

Substantial compliance with international standards cannot be achieved without structural reform of the judiciary, continuous education of public servants and strengthening of institutional accountability.

The legal norm is a necessary but not sufficient prerequisite for equality. It is necessary to create an institutional culture of respect for diversity, which implies reform of public administration, development of educational programs on human rights and change of social attitudes towards diversity.

COMPARATIVE ANALYSIS AND RECOMMENDATIONS FOR IMPROVING THE LEGAL AND INSTITUTIONAL FRAMEWORK

Comparative analysis is an essential part of any legal evaluation, as it provides a comparative perspective on the basis of which successful practices and potential weaknesses are identified. In the context of compliance with international equality standards, the Member States of the European Union — in particular Croatia, Slovenia and Bulgaria — represent

relevant comparative models due to their post-socialist legal development, similar institutional structure and transition to the European *acquis communautaire*. (European Commission 2023, 12–14)

2. Croatia: Institutional integration and proactive policy

Croatia, upon accession to the EU in 2013, established a comprehensive system of protection against discrimination, based on the Law on the Prevention of Discrimination (2008). This law provides for a wide range of protected grounds, an independent equality body (the Equality Commissioner) and active case law. (ECRI 2022, 18)

2.1. Integrated Action Model

The practice in Croatia is characterized by a high degree of coordination between institutions. The Equality Commissioner not only has the authority to receive complaints, but also actively initiates research, public policies and media campaigns.

Compared to North Macedonia, where the Commission for Prevention and Protection against Discrimination acts almost in isolation, the Croatian model demonstrates a functional integration of administrative and preventive functions.

2.2. Judicial interpretation and dynamic approach

Croatian case law in discrimination cases is more advanced, especially in the application of indirect discrimination and shifting the burden of proof.

The judgments of the Higher Administrative Court regularly refer to Art. 14 of the European Convention on Human Rights and Article 21 of the Charter of Fundamental Rights of the EU, which reinforces the Europeanization of the national interpretation.

3. Slovenia: Horizontal application and cultural transformation

Slovenia stands out with an integrative approach to human rights and a high degree of civil society involvement.

The Law on Equal Treatment (ZVarD, 2016) provides for the principle of horizontal application, i.e. an obligation for all public and private entities to ensure non-discriminatory treatment. (Kogovšek 2020, 77).

3.1. Role of the Ombudsman and public dialogue

The Ombudsman in Slovenia has a clearly defined competence to initiate *ex officio* procedures, as well as to initiate public hearings on systemic cases of discrimination.

In addition to legal protection, the Slovenian model also includes educational policies to promote a culture of equality in schools and public administration.

North Macedonia still retains the reactive nature of institutions, which react only upon complaint, without the capacity for systemic interventions.

The Slovenian approach shows that equality cannot be just a legal concept, but must be a value foundation of public policy.

4. Bulgaria: Judicial review and institutional dependence

Bulgaria presents an example of a paradoxical development: although it has a formally harmonized legal framework with EU directives (Directives 2000/43/EC and 2000/78/EC), practical implementation is limited due to institutional dependence and political pressures. (ECRI 2022, 25).

The Bulgarian Commission for Protection against Discrimination has broad powers, including sanctioning powers, but its political subordination often compromises autonomy.

This situation is similar to the Macedonian one, where the selection of the Commission’s members is party-motivated, which undermines public trust and the perception of its independence.

Bulgarian courts rarely engage in a substantive analysis of discrimination, limiting themselves to procedural aspects. This formalism creates legal uncertainty, similar to the Macedonian case law.

5. Comparative overview of equality protection systems in selected countries

Source: Author’s analysis based on EC and ECRI reports

Country	Characteristics	Key Strength	Main Weakness
Croatia	Integrated system and active Ombudsperson	Institutional coordination and dynamic case law	Limited resources and bureaucracy
Slovenia	Horizontal application and educational approach	Public awareness and social integration	Need for improved statistical data collection
Bulgaria	Formal alignment, but political influence persists	Strong legal framework	Lack of actual independence
North Macedonia	Solid normative framework, limited implementation	Harmonization with international instruments	Institutional fragmentation and formalism

6. Recommendations for improving the Macedonian system.

6.1. Normative recommendations

1. Clarification of definitions in the Law on Prevention and Protection against Discrimination, peculiarly in the section on indirect and functional discrimination.
2. Introduction of an obligation for enthusiastic measures (affirmative action) in the open sector.
3. Incorporation of international standards as directly practical norms in case law (Art. 118 Constitution).

6.2. Institutional recommendations

1. Strengthening the capacities of the Commission for Prevention and Protection against Discrimination by increasing the budget and establishing territorial offices.
2. Depoliticisation of the selection of members through a open competition and parliamentary two thirds support.
3. Creation of a general register of discrimination cases, linked to court records and Ombudsman reports.

6.3. Judicial and instructive dimension.

1. Specialized training for judges and prosecutors in the field of human rights and anti-discrimination law.
2. Integration of human rights subjects in university programs and training in open administration.
3. Establishment of a monitoring system and indicators for the effectiveness of anti-discrimination mechanisms.

6.4. Interdisciplinary approach

1. Involvement of sociologists, psychologists, educators and media experts in the process of preventing discrimination.
2. Development of open campaigns that promote a culture of diversity and solidarity.
3. Research on the interpersonal perception of inequality for better adaptation of judicial policies.

7. General guidelines for future alignment with European law

As a candidate country for EU membership, North Macedonia must demonstrate substantial, not just formal, convergence with European law.

It is necessary to:

- establish a permanent mechanism for monitoring the implementation of directives,
- develop European-oriented judicial interpretation, and
- encourage public accountability of institutions in the process of protecting equality.

The comparative review shows that successful models of protection against discrimination are not based solely on normative solutions, but on synergy between the legal framework, institutional practice and cultural change.

For North Macedonia, future progress will depend on whether it succeeds in transforming formal alignment into functional equality, where the law also ensures fairness.

CONCLUSION AND FUTURE PERSPECTIVES

1. General assessment of the research

The research has shown that the legal framework for protection against discrimination in the Republic of North Macedonia is formally aligned with key international and European standards, but that there is a significant disproportion between the norm and its practical application.

This gap between “legal form” and “practice” represents a fundamental challenge for the development of an effective equality system, which is not limited to normative declarativity, but provides real protection and social change.

The main reasons for this situation can be grouped into three categories:

1. **Institutional fragmentation and political dependence** – key bodies for protection against discrimination do not have sufficient autonomy and operational capacity.
2. **Low legal culture and insufficient judicial activity** – courts rarely approach with a proactive interpretation of anti-discrimination norms.
3. **Social inertia and lack of interdisciplinarity** – equality issues are reduced to legal formulas, without including the broader social and educational component.

2. Substantial contributions of the paper

This paper has confirmed the need to connect legal analysis with interdisciplinary approaches, such as sociology, political science and linguistics.

Therefore, the analysis of the language of legal acts, as well as the way the public perceives the concepts of equality and fairness, is a key point for understanding the true scope of anti-discrimination policy.

The interdisciplinary part has shown that linguistic and legal structures are mutually conditioned:

- Terms such as equality, inclusion, diversity are not just symbols, but active categories that shape legal discourse.

Therefore, a modern legal system must develop sensitivity to meanings and context, especially when it comes to protecting vulnerable groups.

3. Comparative perspective

A comparative analysis with the countries of the region (Croatia, Slovenia, Bulgaria) revealed three key factors that influence the success of legal protection against discrimination:

1. **Institutional autonomy and professionalization** – Slovenia and Croatia demonstrate greater independence of equality bodies and a higher level of public trust.

2. **Proactive case law** – the application of European standards by national courts improves the level of legal certainty.

3. **Cultural education and public participation** – successful systems include social support for the values of equality, through education and the media.

In comparison, North Macedonia still treats anti-discrimination as a formal legal obligation, rather than a dynamic process of social transformation.

4. Practical recommendations

4.1. At the institutional level

- To establish a National Council for Equality and Human Rights as a coordinating body between government institutions, the Commission, the Ombudsman and the non-governmental sector.
- To introduce an obligation for annual reporting to the Parliament, with a detailed analysis of the progress in the implementation of anti-discrimination norms.
- To create a simple mechanism for submitting complaints, accessible through digital platforms and in the languages of all communities.

4.2. At the judicial and educational level

- To establish a specialized judicial department for human rights, with judges trained in European practice (according to the Slovenian model).
- To integrate subjects on equality and anti-discrimination into the curricula of the Law and Pedagogical Faculties.
- To organize trainings for journalists and public servants, in order to avoid discriminatory terminology in public speech.

4.3. At the societal level

- To encourage public discourse on a culture of equality, through campaigns that promote social inclusion.
- To establish local forums for equal opportunities, within municipalities, for direct communication between citizens and institutions.
- Develop a national human rights strategy 2026–2030, which will integrate anti-discrimination policy with broader social goals.

5. Future research directions

In the future, attention should be focused on:

- **Empirical research on the effects of laws**, through the analysis of specific cases and statistical data;
- **Linguistic and discursive analyses** of the way institutions communicate with citizens in cases of discrimination;
- **Studying the relationship between digitalization and access to justice**, especially in the context of new technologies and artificial intelligence in administrative procedures.

Such an interdisciplinary approach will enable a more authentic understanding of the law that is constantly adapting to dynamic social conditions.

6. Conclusions

The right to equality is not just a normative declaration, but an ethical and civilizational obligation.

North Macedonia is at a critical juncture between formal compliance and actual implementation.

If it manages to consolidate institutional independence, strengthen legal culture and involve civil society in the creation of public policies, the country can build **an authentic model of European equality** based on the rule of law and human dignity. In this context, **this paper represents a contribution to the theoretical and practical understanding of anti-discrimination** as a key pillar of the modern rule of law— not only as a set of rules, but as a value project of social justice and democratic integrity.

REFERENCES

1. Byrnes, Andrew, and Marsha Freeman. 2012. *The CEDAW Convention: A Commentary*. Oxford: Oxford University Press.
2. *Constitution of the Republic of North Macedonia*. 1991/2023. *Official Gazette of the Republic of North Macedonia*.
3. *Constitutional Court of the Republic of North Macedonia*. 2009. *Decision U.br. 82/2009*. Skopje.
4. D.H. and Others v. Czech Republic, Application no. 57325/00, European Court of Human Rights, 13 November 2007.
5. Donnelly, Jack. 2003. *Universal Human Rights in Theory and Practice*. 2nd ed. Ithaca: Cornell University Press.
6. Dworkin, R. 1977. *Taking Rights Seriously*. Cambridge, MA: Harvard University Press.
7. ECRI. 2022. *ECRI Report on North Macedonia (Sixth Monitoring Cycle)*. Strasbourg: Council of Europe.
8. *ECRI (European Commission against Racism and Intolerance)*. 2022. *Report on North Macedonia and Regional Comparative Practices*. Strasbourg: Council of Europe.
9. *European Commission*. 2023. *North Macedonia 2023 Progress Report*. Brussels: EC.
10. *European Court of Human Rights (ECtHR)*. 2007. *D.H. and Others v. Czech Republic*, Application no. 57325/00.
11. *European Union*. 2000. *Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Brussels: EU Council.
12. *European Union*. 2000a. *Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation*. Brussels: EU Council.
13. Fredman, Sandra. 2011. *Discrimination Law*. 2nd ed. Oxford: Oxford University Press.
14. GREVIO. 2022. *Report on the Implementation of the Istanbul Convention in North Macedonia*. Strasbourg: Council of Europe.
15. Institute for Human Rights. 2023. *Public Opinion on Anti-Discrimination and Equality*. Skopje: IHR.
16. Kogovšek Šalamon, Neža. 2020. “Horizontal Application of Anti-Discrimination Law in Slovenia.” *Journal of Human Rights* 19 (2): 70–89.
17. MacKinnon, Catharine A. 1987. *Feminism Unmodified: Discourses on Life and Law*. Cambridge, MA: Harvard University Press.
18. *Opuz v. Turkey*, Application no. 33401/02, European Court of Human Rights, 9 June 2009.
19. OSCE. 2022. *Access to Justice and Anti-Discrimination Mechanisms in North Macedonia*. Warsaw: OSCE-ODIHR.
20. OSCE. 2023. *Strengthening Institutional Mechanisms for Equality in North Macedonia*. Skopje: OSCE.
21. Rawls, John. 1999. *A Theory of Justice*. Revised ed. Cambridge, MA: Harvard University Press.