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**ADDRESSING DISCRIMINATION BASED ON POLITICAL OPINION
AND POLITICAL AFFILIATION: THE PRACTICE OF THE
EQUALITY BODY IN NORTH MACEDONIA**

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Abstract

Protection against discrimination based on political opinion it is an important component of democratic governance and the political pluralism, relying on the principle of public administration which is politically neutral. In societies such Macedonia as transitional democracy, where the public perception is that the politics influence employment within the public sector, the equality bodies might play a key role, particularly in prevention of politically motivated discrimination.

This paper examines the role of the Commission for Prevention and Protection against Discrimination as a mechanism for promoting equality and combating discrimination in North Macedonia. The analysis focuses on employment and labour relations in the public sector examining the broader European equality framework, thus contributing to ongoing discussions related to the effectiveness of non-judicial protection mechanisms as well as the institutional capacity of equality bodies to address the regional phenomena of politically motivated discrimination.

The research combines an analysis of the legal framework on protection against discrimination related to political opinion and political affiliation with an examination of 88 proceedings i.e. 93 complaints (Commission for Prevention and Protection against Discrimination, n.d.-a) addressed to the Commission in the period between 2021 and 2026. The focus is on the cases related to the actual or perceived political affiliation, the evidence and standards taken into consideration during the decision-making process, as well as the patterns identified from the Commission's practice. The findings indicate that discrimination was found in 29 cases, while

in 59 cases the discrimination had not been proven. The cases predominantly concern public-sector institutions and are mostly related to the recruitment process, dismissal from employment, harassment at the workplace, promotion at work, and other forms of unequal treatment in employment area.

The paper argues that the Commission as an equality body is considered as a key institutional mechanism for ensuring protection against discrimination i.e. political opinion and affiliation as a protected ground. At the same time, the findings show challenges related to evidence collection, implementation of the recommendations, as well as institutional accountability, thus highlighting the need to further strengthening equality infrastructures based on European equality standards.

Keywords: *political opinion, actual or perceived political affiliation, politically motivated discrimination, equality body, non-judicial protection, employment.*

1. INTRODUCTION

The principle of equality and the prohibition of discrimination are fundamental values of every democratic society and the most essential components of the rule of law. The anti-discrimination law is founded on the recognition that all individuals are entitled to equal treatment and equal opportunities regardless of their personal characteristics, beliefs, opinions, or affiliations. Therefore, the protection against discrimination based on political opinion has a distinctive position because is closely connected to the democratic participation, political pluralism, freedom of expression and freedom of association.

Unlike other protected grounds, political opinion is directly linked to the functioning of democratic institutions and the relationship between individuals and public authorities. The ability to hold, express, and act upon own political beliefs without fear of negative consequences represents a prerequisite for genuine democratic participation. Consequently, discrimination based on political opinion or actual or perceived political affiliation affects not only individual rights but may also undermine political pluralism, institutional neutrality, equal access to public employment, and public trust in both, the system and the public institutions.

The issue is particularly relevant in transitional democracies such as Macedonia, (Sotiropoulos, 2004) where political polarization may go beyond electoral competition and influence employment opportunities, especially within public-sector institutions. Allegations of politically motivated recruitment,

promotion, dismissal, workplace harassment, and other forms of unequal treatment frequently emerge in contexts where political considerations intersect with public administration and decision-making related to employment within this sector.

North Macedonia has already established a comprehensive legal and institutional framework for combating discrimination. Equality and non-discrimination are guaranteed by the Constitution, while the Law on Prevention and Protection against Discrimination (Republic of North Macedonia, 2023) provides protection against discrimination on numerous grounds as an open-ended list of grounds, including political belief. Alongside judicial protection, the national system includes the Commission for Prevention and Protection against Discrimination, an independent equality body responsible for promoting equality, receiving complaints, conducting proceedings, and assisting victims of discrimination, alongside the Ombudsperson which has extended mandate, but only covers the public sector.

The strengthening of equality bodies is becoming one of the most important elements of the European equality architecture. Recent developments within the European Union, particularly Directive (EU) 2024/1499 (European Union, 2024) on standards for equality bodies, reflect an increasing recognition that effective protection against discrimination. This requires accessible, independent, and specialized institutions capable of ensuring full enjoyment of equality rights and by their existence, improve the access to justice.

Despite the growing significance of equality bodies, discrimination based on political opinion remains relatively underexplored, particularly regarding the practical operation of equality bodies in employment relations. In North Macedonia, empirical research on how actual or perceived political affiliation is interpreted in anti-discrimination proceedings is especially limited.

Politically motivated discrimination often occurs through informal practices, discretionary decisions, and concealed motives, making it difficult to identify and prove. It may also be based on assumptions or perceptions regarding political affiliation rather than actual political engagement.

Against this background, this paper combines normative legal analysis with an empirical examination of 88 proceedings conducted by the Commission for Prevention and Protection against Discrimination between 2021 and 2026. It examines evidentiary challenges, patterns in the Commission's practice, and the role of equality bodies in providing effective non-judicial protection.

The originality of the paper lies in its empirical examination of the practice of the Commission for Prevention and Protection against Discrimination concerning political opinion and actual or perceived political affiliation in employment relations. By analysing 88 proceedings conducted between 2021 and 2026, the study provides one of the first systematic empirical assessments of how political opinion is interpreted and applied within anti-discrimination proceedings

in North Macedonia. It further contributes to the growing European literature on equality bodies by examining their role in addressing forms of discrimination characterized by hidden motives, evidentiary challenges, and the intersection between equality rights, public administration, and democratic governance.

2. POLITICAL OPINION, POLITICAL PLURALISM AND EQUALITY RIGHTS: THE LEGAL FRAMEWORK

2.1. Political Opinion as a Human Rights and Equality Issue

Protection against discrimination based on political opinion is deeply rooted in the international human rights framework and reflects the understanding that democratic societies cannot function without political pluralism, freedom of expression, and freedom of association. The right to hold political beliefs, express political views, support political parties, or refrain from political engagement forms an essential component of individual autonomy and democratic participation (Nowak, 2005).

Unlike many other protected grounds, political opinion occupies a unique position within anti-discrimination law because of its direct connection to democratic governance (European Court of Human Rights, n.d.). Discrimination motivated by political beliefs or political affiliation may not only affect individual rights but may also undermine political pluralism, distort equal access to public institutions, and weaken public trust in democratic processes. Consequently, protection against politically motivated discrimination serves both an individual-rights function and a broader democratic function.

Within contemporary equality law, politically motivated discrimination is increasingly understood as a challenge to equal treatment, merit-based employment, and the principle of politically neutral public administration. This is particularly relevant in transitional democracies, where political competition may influence employment decisions, access to public resources, and opportunities for professional advancement.

Contemporary anti-discrimination law increasingly recognizes that protection should extend not only to actual characteristics, beliefs, or affiliations but also to situations involving perception or assumption. Accordingly, politically motivated discrimination may occur where an individual is treated less favourably because he or she is believed to support, oppose, or be associated with a particular political party or political movement, irrespective of whether such perception is accurate. This dimension is particularly relevant in politically polarized societies, where assumptions regarding political orientation may significantly influence employment-related decision-making.

2.2. International Human Rights Standards

The principle of non-discrimination based on political opinion is firmly established within international human rights law. The Universal Declaration of Human Rights (United Nations, 1948) proclaims that all individuals are entitled

to rights and freedoms without distinction of any kind, including distinctions based on political or other opinion. Similarly, the International Covenant on Civil and Political Rights (United Nations, 1966) guarantees equality before the law and prohibits discrimination on grounds that include political opinion.

These instruments establish a normative framework in which political beliefs are protected not only as a matter of equality but also through the interconnected rights to freedom of expression, freedom of association, participation in public affairs, and political participation. The protection of political opinion therefore reflects a broader commitment to democratic governance and inclusive participation in public life.

International human rights bodies have consistently emphasized that individuals must be protected from adverse treatment resulting from their political beliefs, political activities, or perceived political affiliations (United Nations Human Rights Committee, n.d.). Such protection is particularly important where political considerations may influence access to employment, public services, or participation in public institutions.

2.3. European Human Rights Standards

At the European level, protection against discrimination based on political opinion is primarily derived from the European Convention on Human Rights (Council of Europe, 1950) and the jurisprudence of the European Court of Human Rights.

Article 14 of the Convention prohibits discrimination in the enjoyment of Convention rights on any ground, including political or other opinion. Although Article 14 has an accessory character, Protocol No. 12 (Council of Europe, 2000) introduced a broader and autonomous prohibition of discrimination applicable to the enjoyment of any right set forth by law.

The European Court of Human Rights has repeatedly emphasized that pluralism, tolerance, and broadmindedness constitute fundamental characteristics of a democratic society (European Court of Human Rights, n.d.). Through its case law concerning freedom of expression, freedom of association, political participation, and equal treatment, the Court has developed important standards protecting individuals from discriminatory treatment linked to political beliefs and political activities.

The Court’s jurisprudence recognizes that adverse treatment based on political opinion may have a chilling effect on democratic participation and may discourage individuals from exercising fundamental freedoms. Consequently, states are required not only to refrain from discriminatory conduct but also to establish effective mechanisms capable of providing protection and redress where discrimination occurs.

2.4. European Union Equality Framework and Equality Bodies

The principle of equality occupies a central place within the legal order of the European Union. Article 20 of the Charter of Fundamental Rights of the European Union (European Union, 2000) guarantees equality before the law, while Article 21 establishes a broad prohibition of discrimination. These provisions are complemented by guarantees of freedom of expression, freedom of association, and participation in democratic life.

Although political opinion is not explicitly included among the grounds regulated by the core European Union anti-discrimination directives, the broader equality framework of the European Union increasingly recognizes the importance of effective institutional protection against all forms of discrimination. In recent years, particular attention has been devoted to strengthening equality bodies as independent institutions responsible for promoting equality and supporting victims of discrimination.

This approach culminated in the adoption of Directive (EU) 2024/1499 (European Union, 2024), which establishes minimum standards for equality bodies and reinforces their role in ensuring accessible, effective, and independent protection against discrimination. The Directive reflects a broader European understanding that equality rights require not only substantive legal guarantees but also strong institutional mechanisms capable of ensuring their practical implementation.

2.5. National Legal Framework in North Macedonia

The Republic of North Macedonia has established a comprehensive constitutional and legislative framework for the protection against discrimination (Republic of North Macedonia, 1991). Equality and non-discrimination are recognized as fundamental constitutional values and are closely connected to the protection of human rights, democratic governance, and the rule of law.

The Law on Prevention and Protection against Discrimination represents the central legislative instrument in this area. The Law prohibits discrimination on numerous grounds, including political belief, and provides protection against direct discrimination, indirect discrimination, harassment, victimization, segregation, multiple discrimination, and other forms of unequal treatment.

Particular significance is attached to employment and labour relations, where equality and merit-based decision-making constitute essential requirements for ensuring fairness and public confidence in institutions. The Law therefore prohibits discrimination in recruitment, access to employment, promotion, working conditions, professional development, and termination of employment.

For the purposes of this paper, political opinion is understood broadly and includes situations involving actual or perceived political affiliation, political activities, support for political parties, or assumptions concerning an individual's political orientation. Such an approach reflects both the practical realities of

discrimination complaints and the broader objectives of anti-discrimination law, which seek to protect individuals from unequal treatment arising from political beliefs, associations, or perceived political identities.

This legal framework provides the normative basis for analysing the role of the Commission for Prevention and Protection against Discrimination in addressing politically motivated discrimination and assessing the effectiveness of non-judicial equality protection mechanisms in North Macedonia (Commission for Prevention and Protection against Discrimination, n.d.-a).

3. THE ROLE OF EQUALITY BODIES IN ADDRESSING POLITICALLY MOTIVATED DISCRIMINATION

3.1. Equality Bodies within the European Equality Framework

The development of equality bodies reflects the growing recognition that effective protection against discrimination requires specialized institutions capable of providing accessible, independent, and effective remedies. While anti-discrimination legislation establishes substantive rights and legal standards, equality bodies play a crucial role in ensuring their practical implementation and enforcement.

The European equality framework has progressively strengthened the position of equality bodies through equality directives, the work of the European Commission against Racism and Intolerance (ECRI) (European Commission against Racism and Intolerance, 2016), the European Network of Equality Bodies (Equinet) (European Network of Equality Bodies, n.d.), and the case law of European courts. These developments are based on the understanding that access to justice in discrimination cases often requires institutional mechanisms specifically designed to address evidentiary difficulties, power imbalances, and hidden forms of discriminatory treatment (European Union Agency for Fundamental Rights, 2018; Fredman, 2011).

This approach has been further reinforced through Directive (EU) 2024/1499, which establishes common standards concerning the independence, effectiveness, accessibility, resources, and powers of equality bodies within the European Union. The Directive reflects a broader European commitment to strengthening equality infrastructures and ensuring that victims of discrimination have access to specialized and effective protection mechanisms.

Consequently, equality bodies are increasingly recognized not only as institutions which handle the complains, but as central actors within the national systems of equality protection. Through complaint examination, investigations, assessing the success of their own recommendations, policy engagement, monitoring and awareness-raising initiatives, they contribute to the promotion of equal treatment, the prevention of discrimination, and the strengthening of access to justice (Schiek et al., 2007).

3.2. Equality Bodies and Access to Justice

Access to justice is one of the central objectives of the contemporary equality law (McCrudden, 2013; Timoney, 2010). Despite the existence of legal guarantees, victims of discrimination frequently encounter obstacles when attempting to seek protection, including evidentiary difficulties, financial barriers, procedural complexity, fear of retaliation, and limited awareness of available remedies.

Equality bodies contribute to overcoming these barriers by providing accessible, specialized, and less formal mechanisms for addressing discrimination complaints (Waddington & Hendriks, 2002). Their role is particularly significant in cases involving complex forms of discrimination where direct evidence may be unavailable and where the assessment of contextual circumstances, patterns of conduct, and indirect indicators becomes essential.

In addition to their protective function, the equality bodies perform important preventive and promotional roles. Through guidance, recommendations, monitoring activities, training initiatives, and awareness-raising efforts, they contribute to the development of institutional cultures that are more responsive to equality obligations and less susceptible to discriminatory practices.

The growing importance attributed to equality bodies within European equality governance reflects the understanding that effective anti-discrimination protection requires not only legal norms but also institutions able to translate those norms into practical and accessible remedies (Court of Justice of the European Union, n.d.; Barbera et al., 2012).

3.3. The Commission for Prevention and Protection against Discrimination

The Commission for Prevention and Protection against Discrimination (Commission for Prevention and Protection against Discrimination, n.d.-b) is the national equality body established under the Law on Prevention and Protection against Discrimination. As an specialized and independent institution entrusted with the promotion and protection of equality, the Commission has a central position within the Macedonian anti-discrimination framework, covering both, public and private sector.

The Commission is authorized to receive and examine complaints, conduct proceedings, issue opinions and recommendations, starting proceedings ex officio, being amicus curie to the parties, initiate activities aimed at preventing discrimination, and promote awareness concerning equality and non-discrimination. Through these functions, it provides an important mechanism of non-judicial protection and contributes to the implementation of national and international equality standards.

The relevance of examining the Commission's practice is reinforced by the limited availability of empirical research concerning discrimination based on

political opinion in North Macedonia. While considerable attention has been devoted to legislative reforms and institutional development, relatively little research has examined how equality standards are applied in practice in cases involving political opinion and actual or perceived political affiliation (O'Cinneide, 2011).

The Commission's decisions therefore provide a unique opportunity to examine how politically motivated discrimination manifests itself within employment relations, how evidentiary challenges are addressed in practice, and how equality principles are operationalized within a specialized non-judicial protection mechanism.

3.4. Political Opinion and the Specific Added Value of Equality Bodies

Protection against discrimination based on political opinion presents particular challenges that distinguish it from many other protected grounds within equality law. Unlike discrimination based on visible characteristics, politically motivated discrimination frequently occurs through informal practices, indirect pressures, and discretionary decision-making processes that leave little direct evidence (Court of Justice of the European Union, n.d.). Consequently, victims often face significant difficulties in proving discriminatory treatment and establishing a causal connection between adverse actions and political opinion or actual or perceived political affiliation.

These characteristics make equality bodies particularly relevant institutional actors. Their investigative powers, flexible procedural rules, and expertise in the assessment of circumstantial evidence enable them to address forms of discrimination that may be difficult to identify through traditional judicial mechanisms alone (Schiek et al., 2007; Barbera et al., 2012). Equality bodies are therefore uniquely positioned to uncover discriminatory patterns, assess contextual factors, and evaluate whether apparently neutral decisions may conceal political considerations.

In addition, equality bodies contribute to strengthening political pluralism and democratic participation by ensuring that individuals are not disadvantaged because of their political beliefs, affiliations, or perceived political orientation (Gomien, 1992). In this sense, their role extends beyond the protection of individual rights and contributes to safeguarding broader democratic values, including institutional neutrality, equal opportunities, and public confidence in state institutions (Fredman, 2011).

The growing emphasis placed on equality bodies within European equality law reflects this broader understanding of their function. The adoption of Directive (EU) 2024/1499 confirms the recognition that equality bodies constitute a key component of effective anti-discrimination enforcement and access to justice across Europe.

These characteristics make politically motivated discrimination particularly challenging from an enforcement perspective. Equality bodies therefore play a crucial role not only in resolving individual complaints but also in identifying hidden patterns of discrimination that may otherwise remain underreported, misclassified, or invisible within official statistics.

4. RESEARCH DESIGN AND METHODOLOGY

4.1. Research Design

The present research combines normative legal analysis with an empirical examination of the practice of the Commission for Prevention and Protection against Discrimination. This mixed methodological approach (Creswell & Creswell, 2018; Creswell & Plano Clark, 2017) enables an assessment of both the legal framework governing protection against discrimination based on political opinion and the practical operation of non-judicial protection mechanisms.

The normative component (Hutchinson & Duncan, 2012) examines international human rights standards, European equality standards, and the national legal framework regulating protection against discrimination. Particular attention is devoted to the legal recognition of political opinion as a protected ground and to the role assigned to equality bodies within contemporary anti-discrimination systems (Ammer et al., 2010).

The empirical component (Niessen & Chopin, 2004) focuses on proceedings conducted by the Commission for Prevention and Protection against Discrimination between 2021 and 2026 concerning allegations of discrimination based on political opinion and situations involving actual or perceived political affiliation in employment and labour relations.

4.2. Research Sample and Data Collection

The research covers 93 complaints resulting in 88 proceedings before the Commission for Prevention and Protection against Discrimination during the period 2021–2026. The analysed proceedings constitute the empirical basis of the study and were selected on the basis that political opinion was identified as the relevant protected ground or that the factual circumstances involved actual or perceived political affiliation.

For each proceeding, data were collected concerning the institutional sector involved, the alleged discriminatory conduct, the legal qualification of the complaint, the evidentiary standards applied, and the final outcome of the proceedings. Additional attention was devoted to the reasoning employed by the Commission in cases (Commission for Prevention and Protection against Discrimination, n.d.-b) where discrimination was established and in cases where discrimination was not established.

4.3. Methods of Data Analysis

The empirical analysis combines quantitative and qualitative (Hsieh & Shannon, 2005) research methods.

The quantitative component focuses on the statistical examination of complaints and proceedings, including the frequency of complaints, institutional distribution of cases, rates of established and non-established discrimination, and the most common forms of alleged discriminatory conduct.

The qualitative component consists of a content analysis of the Commission's opinions and decisions. Particular attention is devoted to the interpretation of political opinion and actual or perceived political affiliation, the assessment of evidence, the application of burden-of-proof rules, and the legal reasoning used in reaching conclusions concerning discrimination.

This methodological approach enables the identification of recurring patterns of politically motivated discrimination, institutional challenges affecting equality protection, and broader trends concerning the implementation of anti-discrimination standards in employment relations.

4.4. Limitations of the Research

Certain limitations should be acknowledged (Price & Murnan, 2004). The analysis is confined to *proceedings conducted before the Commission for Prevention and Protection against Discrimination* and does not include the Ombudsperson's cases or judicial practice of domestic courts. Consequently, the findings should be interpreted as reflecting the functioning of the equality body rather than the entirety of anti-discrimination enforcement mechanisms in North Macedonia. Nevertheless, given the Commission's central role in providing accessible non-judicial protection, its practice offers important insights into the operation of equality rights and the challenges associated with politically motivated discrimination.

An additional limitation concerns the *potential underreporting (European Union Agency for Fundamental Rights, 2021) and misclassification* of politically motivated discrimination cases. The research is based exclusively on proceedings formally registered under political opinion as a protected ground. However, discrimination motivated by political considerations is often difficult to identify and prove, as discriminatory motives are rarely expressed explicitly and frequently remain concealed behind formally neutral employment-related decisions.

Furthermore, complainants may choose to *rely on other protected grounds* that appear easier to substantiate, even where political considerations constitute an underlying element of the factual circumstances. As a result, some cases involving actual or perceived political affiliation may not be reflected in the dataset analysed in this research.

Consequently, *the number of complaints examined in this study should not necessarily be interpreted as representing the full scope of politically motivated discrimination* addressed by the Commission for Prevention and Protection against Discrimination. Future research could expand the analysis by examining decisions issued under other protected grounds in order to identify potential manifestations of hidden or indirectly articulated politically motivated discrimination.

5. POLITICALLY MOTIVATED DISCRIMINATION IN EMPLOYMENT RELATIONS: ANALYSIS OF THE PRACTICE OF THE COMMISSION FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION

5.1. General Overview of Complaints and Proceedings

The empirical component of this research is based on the analysis of proceedings conducted by the Commission for Prevention and Protection against Discrimination between 2021 and 2026 concerning allegations of discrimination based on political opinion and situations involving actual or perceived political affiliation in employment and labour relations.

During the observed period, the Commission received 93 complaints, resulting in 88 proceedings. Of these proceedings, discrimination was established in 29 cases, while in 59 cases the Commission concluded that discrimination had not been proven.

Table 1. Outcomes of Proceedings (2021-2026)

Outcome	Number	Percentage
Discrimination established	29	32.95%
Discrimination not established	59	67.05%
Total	88	100%

Approximately one-third of the analysed proceedings resulted in a finding of discrimination, confirming that unequal treatment connected to political opinion remains relevant in employment relations.

The predominance of cases in which discrimination was not established should not necessarily be interpreted as an absence of discriminatory practices. Political motives are rarely expressed openly and may be concealed behind formally neutral administrative or managerial explanations. These findings therefore highlight the evidentiary difficulties associated with proving politically motivated discrimination and the importance of equality bodies capable of assessing contextual and indirect evidence.

From the perspective of equality law, these findings underscore the importance of specialized equality bodies (Equinet, 2022) capable of evaluating

indirect evidence, contextual indicators, and patterns of conduct that may not be readily identifiable within traditional (non)judicial proceedings regardless of shifting of the burden of proof.

5.2. Institutional Distribution of Complaints

A particularly significant finding emerging from the data concerns the institutional distribution of complaints.

Table 2. Proceedings by Type of Institution (2021-2026)

Institution Type	Total Proceedings	Established Discrimination	Establishment Rate
State administration bodies	29	10	34.5%
Public educational institutions	19	13	68.4%
Local self-government and municipal public enterprises	14	7	50.0%
Public healthcare institutions	8	3	37.5%
State-owned joint-stock companies	3	1	33.3%
State-owned public enterprises	3	0	0%
Public cultural institutions	2	0	0%
Armed Forces service	2	1	50.0%

The analysis reveals an overwhelming concentration of complaints within the *public sector*. Of the 88 analysed proceedings, 87 concerned *public institutions*, while only one case originated from the private sector.

This finding is highly significant from the perspective of democratic governance and public administration. Public institutions are expected to operate in accordance with the *principles of political neutrality, professionalism, equal treatment, and merit-based employment*. The concentration of complaints within public institutions therefore suggests that politically motivated discrimination is primarily associated with the exercise of public authority and employment relations within publicly funded institutions.

The findings are consistent with broader observations from transitional democracies, where public-sector employment often represents a sphere in which political influence may affect recruitment, promotion, reassignment, and dismissal decisions. In this regard, politically motivated discrimination should not be viewed solely as an employment-related problem but as a broader challenge affecting institutional integrity and public trust.

5.3. State Administration and Local Self-Government

State administration bodies generated the highest absolute number of complaints, accounting for 29 proceedings or approximately one-third of the analyzed caseload. Local self-government institutions and municipal public enterprises also demonstrated a high rate of established discrimination, with discrimination found in 50% of the analyzed proceedings.

These findings are particularly relevant because both sectors are expected to operate according to principles of impartiality, legality, political neutrality, and merit-based employment. The concentration of complaints in these institutional settings suggests that employment-related decisions may be particularly vulnerable to allegations of political influence.

From a governance perspective, the findings are consistent with broader scholarship on the politicization of public administration, which identifies public employment as a field in which political loyalty may compete with professional qualifications and merit-based decision-making. The analyzed cases therefore point to continuing tensions between formal equality guarantees and informal political practices within public institutions.

5.4. Public Education as a Particularly Vulnerable Sector

One of the most striking findings concerns public educational institutions. Of the 19 proceedings involving educational institutions, discrimination was established in 13 cases, resulting in an establishment rate of 68.4%, more than double the overall rate observed across the analyzed proceedings.

This finding is particularly significant because educational institutions are expected to promote equality, democratic values, and social inclusion. The high rate of established discrimination raises concerns regarding institutional

autonomy, professional independence, and the possible influence of political considerations on employment-related decision-making.

The findings therefore indicate the need for stronger safeguards ensuring transparent and merit-based personnel management in publicly funded educational institutions.

5.5. Equality Bodies and Evidentiary Challenges

A central issue emerging from the analysed proceedings concerns the evidentiary difficulties associated with politically motivated discrimination. Direct evidence of discriminatory intent is uncommon, requiring equality bodies to assess circumstantial evidence, comparator evidence, contextual indicators, and patterns of conduct.

The fact that discrimination was established in approximately one-third of the proceedings demonstrates the Commission's capacity to identify discriminatory practices where sufficient evidence exists. At the same time, the predominance of cases in which discrimination was not established reflects the difficulty of proving a causal link between adverse treatment and political opinion or perceived political affiliation.

Burden-of-proof rules are therefore particularly important, especially where political motives may be concealed behind formally neutral employment decisions. The effectiveness of equality bodies also depends on institutional cooperation, implementation of recommendations, and their broader capacity to influence compliance with equality standards.

5.6. Discussion of Findings

The empirical findings support three broader conclusions.

First, politically motivated discrimination in North Macedonia appears to be predominantly a public-sector phenomenon (Kopecký et al., 2012). The near absence of complaints originating from the private sector suggests that concerns regarding political opinion and actual or perceived political affiliation are primarily associated with institutions exercising public authority or performing public functions.

Second, the findings indicate that politically motivated discrimination should be understood not merely as an employment issue but as a broader *challenge affecting democratic governance (Dahlström et al., 2012), political pluralism, and public-sector neutrality (Rouban, 2012)*. The concentration of complaints within state institutions suggests that discrimination based on political opinion may undermine public confidence in the fairness and impartiality of public administration.

Third, the findings demonstrate both the importance and the *limitations of equality bodies as mechanisms for combating politically motivated discrimination*. While the Commission for Prevention and Protection against

Discrimination provides accessible and specialized protection outside judicial proceedings, the substantial number of cases in which discrimination was not established illustrates the continuing *evidentiary challenges* associated with this form of discrimination.

Taken together, *these findings confirm that equality bodies constitute a key institutional mechanism for safeguarding equality rights and promoting accountability within public institutions*. At the same time, they highlight the need for continued strengthening of equality infrastructures in line with emerging European standards, including those reflected in Directive (EU) 2024/1499 on standards for equality bodies.

6. CASE STUDIES: THE PRACTICE OF THE COMMISSION FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION

6.1. The Value of Case-Based Analysis

While quantitative data provide important information regarding the prevalence and distribution of complaints, they cannot fully capture the complexity of politically motivated discrimination. Individual cases offer valuable insight into the ways in which political opinion and actual or perceived political affiliation influence employment-related decision-making and reveal the practical challenges associated with the enforcement of anti-discrimination standards.

Case-based analysis is particularly relevant in the field of equality law, where discriminatory treatment frequently occurs through indirect practices, informal pressures, and seemingly neutral decisions. The examination of selected cases therefore allows for a deeper understanding of the factual circumstances, legal reasoning, evidentiary challenges, and institutional responses associated with politically motivated discrimination.

The following case studies (Commission for Prevention and Protection against Discrimination, 2021–2026) were selected because they illustrate recurring patterns identified in the Commission's practice and reflect the most significant categories of complaints emerging from the analysed proceedings.

6.2. Case Study I: Recruitment and Access to Employment

This case concerned two complaints submitted by candidates who had successfully completed public recruitment procedures for administrative positions. Following local elections and a change in institutional leadership, the recruitment procedures were terminated, leading the complainants to allege discrimination based on their actual or perceived political affiliation.

The Commission examined the recruitment procedures within the broader context of concerns regarding politicisation of public administration. It accepted that candidates selected through recruitment procedures initiated before the elections could have been perceived as politically associated with the previous

administration, thereby raising the possibility of discrimination based on perceived political affiliation. However, the Commission found insufficient evidence to establish that the complainants were treated less favourably because of such perception. No evidence showed that the positions were filled by other candidates or that similarly situated individuals received more favorable treatment.

The Commission also was unable to identify hypothetical comparators . In this case, personnel transfers and other staffing decisions were governed by a different employment procedure and therefore could not be compared with open recruitment procedures. Although the circumstances created a perception of political selectivity and raised legitimate concerns regarding transparency and legal certainty, the Commission concluded that the evidentiary threshold for establishing discrimination had not been met.

Discussion. This case is significant because it *illustrates the limits of anti-discrimination law* in addressing broader concerns regarding politicisation of public administration. While the Commission acknowledged circumstances suggestive of political influence, it maintained a strict approach to causation and comparator analysis. The decision demonstrates that perceived political affiliation may constitute a protected ground, but only where sufficient evidence establishes a link between that perception and the disadvantage suffered. More broadly, the case highlights the *distinction between administrative unlawfulness and discrimination*. *Practices that undermine merit-based recruitment and public confidence in politically neutral administration do not automatically amount to discrimination unless differential treatment connected to a protected characteristic can be demonstrated.* The decision therefore reveals the evidentiary difficulties that frequently arise in cases involving political discrimination in access to public employment.

6.3. Case Study II: Termination of Employment and Political Change

This case concerned a complaint by a public-sector employee who alleged that his dismissal following disciplinary proceedings was motivated by political affiliation. The complainant argued that he was the only employee subjected to dismissal despite the involvement of other officials with greater authority and responsibility in the relevant administrative procedures. The Commission found that he had identified a sufficiently comparable group of employees and had established a prima facie case of discrimination. As a result, the burden shifted to the respondent institution to demonstrate that the difference in treatment was objectively justified and unrelated to political affiliation.

The potential perpetrator failed to provide sufficient evidence explaining the discrepancy in disciplinary measures and did not fully cooperate with the Commission's requests for information regarding comparator employees.

Consequently, the Commission concluded that the complainant had been subjected to direct discrimination on the grounds of political affiliation.

Discussion. Unlike the recruitment case, *this decision demonstrates how discrimination may be established through indirect evidence and comparator analysis.* The case illustrates the practical importance of the burden-shifting mechanism in anti-discrimination proceedings, particularly where direct evidence of political motivation is unavailable. It also reinforces the principle that public institutions bear a heightened responsibility to ensure that disciplinary measures are based on objective professional criteria rather than political considerations. More broadly, the decision reflects the Commission's willingness to scrutinise employment decisions occurring in periods of political transition, where political affiliation may become a factor influencing personnel management.

6.4. Case Study III: Workplace Harassment and Political Opinion

This case concerned a complaint submitted by an employee of the institution on central level, alleging harassment and discriminatory treatment on the grounds of political belief. To protect privacy, the complainant is presented anonymously. The complainant alleged repeated reassignments, exclusion from professional opportunities, intimidation, and other forms of adverse treatment linked to her political affiliation.

The Commission examined extensive documentary and medical evidence and found that the complainant had been subjected to a prolonged pattern of conduct that significantly altered her working conditions and affected her dignity and psychological well-being. The Ministry failed to provide a comprehensive response to the allegations or demonstrate that adequate measures had been taken to address the situation.

The Commission concluded that the cumulative effect of the conduct created a hostile, degrading, and intimidating work environment and therefore constituted harassment on the grounds of political belief.

Discussion. This case is particularly important because it demonstrates that political discrimination may occur through informal workplace practices rather than formal employment decisions. The Commission adopted a cumulative-effects approach, assessing the overall pattern of conduct rather than isolated incidents. The decision reflects a substantive understanding of equality, recognising that repeated reassignments, exclusion, intimidation, and institutional inaction can collectively undermine an employee's dignity and professional standing. The case also highlights the positive obligations of public authorities to prevent harassment, investigate complaints effectively, and maintain politically neutral workplaces. In this respect, it expands the understanding of politically motivated discrimination beyond recruitment and dismissal to include everyday workplace relations and organisational culture.

7. DISCUSSION: POLITICAL DISCRIMINATION, EQUALITY BODIES AND DEMOCRATIC GOVERNANCE

7.1. Equality Bodies and the Challenge of Proving Political Discrimination

The Commission's practice demonstrates the importance of equality bodies in addressing politically motivated discrimination where direct evidence is unavailable. Such discrimination often appears through recruitment decisions, disciplinary measures, reassignment, exclusion from professional opportunities, and workplace harassment.

The analysed cases illustrate that *political discrimination often manifests through indirect forms of differential treatment*, including recruitment decisions, disciplinary measures, reassignment, exclusion from professional opportunities, and workplace harassment. Consequently, the Commission's ability to assess contextual circumstances, comparator evidence, patterns of conduct, and institutional responses is therefore particularly important.

At the same time, the findings reveal the *limitations of equality law in addressing politicisation where evidence remains insufficient*. Several complaints raised legitimate concerns regarding political influence in employment decisions but did not satisfy the evidentiary threshold necessary to establish discrimination. *This distinction between assumed politicisation and legally proven discrimination emerges as one of the most significant findings of the study.*

7.2. Political Discrimination and the Politicisation of Public Administration

The concentration of complaints within public-sector institutions suggests a close relationship between politically motivated discrimination and public administration governance. Employment relations within institutions exercising public authority appear particularly vulnerable to allegations of political influence.

This finding is consistent with scholarship on politicisation and clientelism, which identifies public employment as an area where political influence may affect personnel decisions. Equality guarantees, merit-based employment, institutional accountability, and political neutrality should therefore be understood as interconnected elements of democratic governance.

The findings are also consistent with the results of the *Barometer for Equal Opportunities* (Kimova, 2023), which has repeatedly identified political affiliation as one of the most frequently perceived grounds of discrimination in North Macedonia. Successive surveys conducted between 2009 (Petroska Beška & Najčevska, 2009) and 2023 demonstrate that concerns regarding unequal treatment based on political affiliation remain persistently present among citizens, indicating that political discrimination constitutes a distinct dimension of perceived inequality within the country.

The findings further suggest that *politically motivated discrimination may undermine not only individual equality rights but also perceptions of institutional legitimacy*. Where employment-related decisions are believed to be influenced by political affiliation rather than professional qualifications, public confidence in the impartiality of state institutions may be weakened irrespective of whether discrimination can be legally established in a particular case.

7.3. Political Opinion as a Democratic Equality Issue

A central contribution of this research is the recognition that discrimination based on political opinion occupies a distinctive position within equality law, particularly in fragile democracies, such as Macedonia. Unlike many other protected grounds, political opinion is directly connected to democratic participation, political pluralism, freedom of expression, and freedom of association.

The analysed cases suggest that the consequences of political discrimination extend beyond individual employment disputes. Where individuals perceive that employment opportunities, career advancement, or workplace treatment may depend upon political affiliation or loyalty, a broader chilling effect ("The Chilling Effect in Constitutional Law," 1969) may emerge. Such perceptions may discourage participation in political life, limit the free expression of political views, and weaken confidence in democratic institutions.

From this perspective, protection against political discrimination serves not only an equality function but also a constitutional and democratic one. Effective enforcement of equality guarantees contributes to safeguarding political pluralism, maintaining institutional neutrality, and strengthening public trust in democratic governance.

7.4. Implications for Equality Governance in North Macedonia

The findings support ongoing European efforts to strengthen equality bodies and improve access to justice for victims of discrimination. The experience of the Commission demonstrates both the value of specialised equality institutions and the challenges they face when addressing politically sensitive forms of discrimination.

Several priorities emerge from the analysis. These include strengthening the Commission's institutional capacity, improving implementation and monitoring of recommendations, promoting greater awareness of equality rights, and *reinforcing safeguards protecting political neutrality in public employment*. More broadly, the findings suggest that protection against politically motivated discrimination should be understood not only as a human rights objective but also as an important element of democratic consolidation, institutional integrity, and good governance.

8. CONCLUSION

This study examined the role of the Commission for Prevention and Protection against Discrimination in addressing discrimination based on political opinion and actual or perceived political affiliation in employment and labour relations in North Macedonia. Combining doctrinal legal analysis with an empirical examination of the Commission’s practice between 2021 and 2026, the research analysed 88 proceedings arising from 93 complaints.

Discrimination was established in 29 proceedings and was not established in 59. These outcomes illustrate the evidentiary difficulties associated with political discrimination, particularly where discriminatory motives are indirect, concealed, or based on perceived political affiliation. A central distinction emerging from the Commission’s practice is therefore the difference between suspected politicisation and legally proven discrimination.

The findings also demonstrate that complaints are overwhelmingly concentrated in the public sector, particularly in state administration, educational institutions, and local self-government. This concentration highlights the close relationship between equality protection, political neutrality, merit-based public employment, and institutional accountability.

The analysed cases further demonstrate the value of equality bodies as specialised non-judicial mechanisms capable of examining contextual evidence, patterns of conduct, and complex employment relations. At the same time, their effectiveness depends on sufficient institutional capacity, cooperation by public authorities, and implementation of their recommendations.

Political discrimination has implications extending beyond individual employment disputes. Where employment opportunities or workplace treatment are perceived as dependent on political affiliation or loyalty, political pluralism, institutional neutrality, and public trust may also be affected. Protection against discrimination based on political opinion should therefore be understood as contributing simultaneously to equality, democratic governance, and the rule of law.

Future research should expand the analysis to domestic judicial practice, other protected grounds, and comparative jurisdictions in order to determine whether the patterns identified in the Commission’s practice reflect broader structural dynamics within public administration and employment relations.

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