

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
North Macedonia	2021	North Macedonia / Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација) / No.08-242/1		Religion	Commission for Prevention and Protection against Discrimination (Комисија за спречување и заштита од дискриминација)	Prnalija is a village situated in the Municipality of Radovich, inhabited by Turks of Muslim religious affiliation. The village has no access water and sewage system which would allow access to clean drinking water to each household. They rely on the main village public tap for drinking water. The lack of access was especially felt during the COVID-19 pandemic. So, the inhabitants complained to the equality body of discrimination in access to goods and services on grounds of ethnicity and religion by the Municipality and by the Public Enterprise tasked with water management in the municipality. The equality body agreed with the applicants.	The equality body can issue only opinions with recommendations, which are not legally binding. It can, however, monitor the implementation of these opinions and, if the discriminator does not act within the deadline assigned in the opinion, it can start a misdemeanour procedure. In this particular case, the equality body recommended that the discriminators organise a process of identification of a possible water source and engage in securing financial and administrative conditions for building a water access network. It also provided an obligation for them to secure a temporary solution, pending the permanent one.	The equality body found direct discrimination on grounds of ethnicity and religion by both the municipality and the public enterprise since they have failed to enable conditions for the realisation of the constitutional right to water. The body cited the General Comment No.12 of the CESCR, the Hudorovic et al v Slovenia ECtHR case in order to state the clear standard for nondiscriminatory access to water. The body also cited a national court case where it was found that another municipality discriminated against Roma by not enabling access to water.	Albeit not discussing it openly, the equality body reaffirmed the essential nature of the right to water and the core obligation of the state to provide it. While the body took into account the fact that the municipality was not completely inert regarding this matter (as it had as part of its plans drilling for the purposes of identifying water sources), it placed an emphasis on the current situation which showed that this village had no such access, thus disallowing for a discussion of maximum available resources and centering on the experience of the inhabitants. The body did not enter into a comparison of this village with the others.	„обезбедувањето на пристап до вода како основно човеково право е наложен како обврска и треба да биде овозможен на еднаква основа за сите граѓани на Република Северна Македонија без разлика на нивното место на живеење и нивната етничка и верска припадност“ „securing access to water as a basic human right is an obligation which has to be observed on an equal footing for all citizens of the Republic of North Macedonia regardless of their place of residence and their ethnic and religious affiliation“

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