

Contribution to the EC

Macedonia 2009 Progress Report on Gender Equality May, 2009

I. Introduction

1. Preface

This report represents a summary of the progress achieved in the area of gender equality in the Republic of Macedonia.

The report was prepared by Association of Citizens Akcija Združenska¹ and Association for Emancipation, Solidarity and Equality of Women in RM- ESE², as their contribution to the process of preparation of the EC 2009 Progress Report for the Republic of Macedonia.

It is important to emphasize the fact that this is the first year of intensified interest in progress in the area of gender equality and women's rights, followed by more extensive consultations with the women's share of civil society by the EC.

The data and information provided within the report followed the structure of the previous Progress reports.

2. Context

2.1 Relations between the EU and Republic of Macedonia

The strategic areas of the Multi-annual Indicative Planning Document (MIPD) 2007–2009 are covered by five components: Transition Assistance and Institution Building, Cross-border Cooperation, Regional Development, Human Resources Development, and Rural Development. Gender equality is considered a horizontal issue in the strategy documents. The MIPD is issued for a three year rolling period and is reviewed on an annual basis.

The MIPD mentions gender equality as a crosscutting issue: "Equal opportunities and non-discrimination will be respected as regarding gender as well as minorities and vulnerable groups at the programming and implementation stage, particularly in relation to socio-economic support programmes." (*Annex A, p. 49*) Moreover, gender issues are pointed out in relation to employment in component IV- Human Resources Development. Gender indicators in the document demonstrate that in 2004 the employment rate of women in Macedonia was only 28.8 %, and of men about 16 percent higher (44.4%). Among the main priorities in the area of human resources development is "*Tackling the labour market situation of young people, women and long term unemployed*: Pilot projects can be launched to address the difficult employment situation of young people, to raise the employment participation by women and to favour (re)insertion of long term unemployed, in particular via job creation initiatives and preventive measures."

Although gender equality is introduced as a cross-cutting issue in the document, there are many instances when gender equality could be mentioned separately and as an important challenge to be tackled. Other cross-cutting issues such as the environment and good governance receive more attention, being pointed out as key challenges or main areas of intervention. Gender equality is emphasized only in component IV – Human Resources Development, even though it is very relevant to draw attention to gender issues in all of the components. Gender questions could be further specified in reference to, among others, rural development, education, cross-border cooperation, social policy.

Further scrutiny of the EC's assistance reveals a lack of gender concerns in the projects. Available documents for 2007 and 2008³ provide lists of projects, developed through the applied consultation

¹ <http://www.zdruzenska.org.mk>

² <http://www.esem.org.mk>

mechanism by the Macedonian government. This mechanism was seriously criticized by the civil society for lacking transparency, and involving only a limited number of CSOs, mainly members of the Civic Platform.⁴ No specific projects in regard to gender equality and women's empowerment could be assessed in the documents. Moreover, no specific activity that will ensure gender impact assessment based on specified indicators can be registered in any project fiche.

In addition, the lack of expertise in gender issues (in many cases almost complete absence) within the institutions/administration is problematic. Knowledge and skills for making a gender impact analysis in planning, implementation and evaluation should be an obligatory part of the training and consultation process, in our view. More to the point, local expertise in the field should be used in order to assist and secure that specific knowledge in the local context will be taken into consideration. Qualitative and quantitative gender data and analysis are not available and therefore not used to serve as a basis for integrating gender aspects and setting gender sensitive indicators in the planning and developing of the projects. These deficiencies influence further monitoring and evaluation of projects' effectiveness, particularly in terms of their impact on women and men.

Programs for 2007 and 2008 foresee the **participation of civil society in decision-making and in providing social services**. The main portion of the funding goes to technical assistance for building capacities of the Unit for Cooperation of the Government with Civil Society (300 000 Euros for 2007 and 500 000 million euros for 2008). The grant scheme (to be managed in the future by the Unit) of 800 000 Euros for approximately fifteen contracts, are allocated with expected co-financing of 10-15 %. Taking into consideration the lack of resources and capacities of women's NGOs in Macedonia, it is very unlikely that they will have access to these grants.

II. Overall Progress 2008

1. Political criteria

1.1. Democracy and Rule of Law

1.1.1 Parliament

- **Parliamentarian Elections**

In the Election Code stands that in the submitted list of candidates for Members of Parliament and list of candidate for member of the council of the municipality and City of Skopje, each third place shall be reserved for the less represented gender.⁵ According to the last Parliamentary elections held in July 2008, the number of women elected in the Parliament is 32, 8%⁶.

- **Functioning of the Parliament**

The Parliamentarian Commission on Equal Opportunities for Women and Men barely serves its main role to monitor the legal regulations proposed by the government from the aspect of gender equality. Insight into the broadcasted sessions of the commission and data available on the website of the Parliament, show a worrying tendency of exclusively promoting the successes and the progress of the governmental institutions in the area of gender equality instead of discussing the critical issues that need to be dealt with in the area of gender equality and women's rights.

The 2008 brief report⁷ of the Commission's work states that seven sessions with a total of eight issues for discussion on the agenda took place. The subject of review were one law (amendments of the Law on equal opportunities of women and men), and the 2009 budget proposal with no information on the conclusions. No law amendments were issued, neither were other acts (decisions, declarations, programs) discussed. The implementation of gender quotas and the 2008 EC Progress report were among six reports that were subject

³ National Programme for the FYR Macedonia under IPA-Transition Assistance and Institutional Building Component for 2007 and 2008

⁴ Out of approximately 6000 national CSOs, 29 only are members of the Civic Platform

⁵ Article 64, paragraph 5.

⁶ Source: www.sobranie.mk, accessed on 12.12.2008.

⁷ www.sobranie.mk

to discussion. The Commission organized three public debates related to the mechanisms for protection of domestic violence, as well as the protection of children from violence, as one of its key priorities.

There was a complete absence of discussion on the implementation of the Law on Equal opportunities for Women and Men and the National Action Plan on Gender Equality. It is also of great concern that there was neither any debate on the series of discriminatory legal changes, nor any reaction on the expensive governmental campaigns (some of them with religious content) which are promoting the traditional and patriarchal values in society.

The National Council for EU Integration included “representatives of all sectors of civil society”, as noted in the 2008 Progress report. One of the issues of concern is that most of the civil society representatives not necessarily have specific expertise and commitment to gender equality, thus the possibility that this aspect of the EU accession will be initiated for discussion is extremely limited.

The Standing Inquiry Committee for the Protection of Citizen’s Rights and Freedoms of the Assembly of the Republic of Macedonia, whose mandate is to explore the questions related to protection of the freedoms and rights of citizens in the case of a failure to exercise them in practice. The findings of the Commission are a basis for initiating a procedure for accountability of public officials.

The Committee was involved in reviewing the draft proposal of the Law for protection of violence within the family (separate law), submitted by members of the political party NSDP. On the session of the Committee held on 7th of February 2008 CSOs were invited to provide their opinion on the draft Law. The draft law contained regressive provisions in comparison to the current legal regulation of the phenomenon. The lack of understanding of the domestic violence phenomenon; underestimation of the results and progress achieved in this field as well as lack of expertise has resulted in proposing such regressive legal provisions.

Therefore, in the session detailed arguments **against adoption of the proposed separate law** were elaborated. Additionally, civil society representatives were invited by the Parliamentarian women’s club that organized “Public hearing” as one of the democratic processes gathering general and expert public opinions on domestic violence. After these two meetings the proposed Draft law simply was withdrawn and was never again discussed in any other Parliamentary Commission. Unfortunately, the Parliamentary Commission on equal opportunities did not find this draft Law appropriate for discussion.

1.1.2. Government

- **Appointments**

The Constitution and laws allow for women to participate in and hold public positions, i.e. to represent their governments at an international level and to take part in the work of international organizations. Under the Constitution of the Republic of Macedonia, all citizens are entitled to the right to participate in carrying out public functions.

The representation of women in the Government⁸ is the lowest so far, i.e. compared to the whole period of constitution of the Republic of Macedonia as an independent state. The practice of having at least three women ministers was changed. Out of the total number 19 ministerial positions (including ministers without portfolio) women are represented with only 9, 1%. There are only two women ministers (Ministry of Interior and Ministry of Culture). Among the four positions of ministers without portfolio there are no women holding those positions.

As for the deputy minister’s positions, out of fifteen ministries only three women are appointed as deputies (Ministry of Education, Ministry for Environment and Spatial Planning and IT Ministry). When it comes to ethnic representation, there is only one Albanian woman deputy, or 6,7% out of the total number of deputies.

The representation of women in positions of state secretaries is the highest. Out of the fifteen respective ministries there are five women appointed in these positions, corresponding to a third (Ministry for Environment and Spatial Planning, Ministry of Interior, Ministry of Justice, Ministry of Economy and Ministry of Transport).

⁸ Source: www.vlada.mk, accessed on 22.05.2008.

The Ministry of Environment and Spatial Planning is the only Ministry where women are appointed in the positions of deputy minister and state secretary, while the Ministry of Education is the only Ministry which has an Albanian woman appointed on the position as Deputy Minister.

In the three pillars of the Foreign Service, only 13,8 % of the heads of the diplomatic-consular offices are women⁹. There are no women in the general consulates and among the heads of permanent missions, only 12, 5 % are women¹⁰.

- **Functioning of the Government**

The only state institution for improvement of the status of women is the **Sector for equal opportunities** that was established in March 2007 within the Ministry of Labour and Social Affairs. The mandate of the Sector is regulated with the Law on equal opportunities¹¹. One of the sub units is working on gender equality and the other for the prevention and protection against all forms of discrimination.

On a national level, respective ministries according to the Law on equal opportunities are obliged to determine an official person - **Coordinator**, who will coordinate activities under the mandate of each ministry towards achieving gender equality¹².

The latest assessment on the issues related to functioning of the gender equality coordinators on a national level has indicated numerous shortfalls that are presenting serious impediments for enforcement of gender equality in the country.¹³ When it comes to the profile and function of the gender equality coordinators it was detected that they do not have a working portfolio, i.e. a description of their duties and responsibilities as gender equality coordinators. Additionally, some of the coordinators are not aware of their appointment as gender equality coordinators, i.e. even not consulted prior to their appointment. So far, none of the appointed coordinators prepared an annual report for their operation. They have explained that no one has asked them to prepare the report and that they do not have information that the preparation of the report is obligatory.

When it comes to the coordinators' perception and knowledge of gender equality, it was concluded that they have different levels of knowledge. The differences are varying from very basic to advanced level of perception and knowledge.

The report has shown that, part of the appointed coordinators are not familiar with the content of the National action plan, neither are they perceiving the fact that they have a mandate for it's implementation. When it comes to the implementation of the foreseen activities, the coordinators have stated that these activities are not implemented by their ministries, or where implemented, they don't have information about that.

This indicates absolute absence of coordination between the Sector for equal opportunities and gender equality coordinators in the whole cycle of creation, implementation, monitoring and evaluation of the gender equality plans in the country.

When referring to the tools for introducing gender equality in the respective ministries, it was concluded that there is a political will for introducing gender equality, but there is lack of statistical and analytical data that will allow proper creation and planning of actions. The only data that is collected is the representation of the women in the public administration. There is an evident lack of coordination between the coordinators and the Sector and coordinators. Additionally, there is not enough allocation of funds for implementation of the National plan for gender equality. Therefore, the activities contained within the annual Operative action plans are determined upon the available funds from the foreign donors, and are not based upon national priorities and needs.

- **Preparation of the draft laws and policies**

⁹ Source: www.mfa.gov.mk, accessed on 12. 12.2008.

¹⁰ Source: www.mfa.gov.mk, accessed on 12. 12.2008.

¹¹ Article, 14.

¹² Article, 13.

¹³ Report from the determined situation and recommendations for further development and cooperation of the coordinators for gender equality on a national level, available at <http://www.mtsp.gov.mk/WBStorage/Files/Finalen%20izvestaj%20so%20preporaki.doc>.

The practice of non transparency and non inclusion of the civil society organization in the process of preparation of draft laws and policies continued in 2008. This was particularly the case for the preparation of the draft Law on social protection and Strategy for demographic development 2008-2015.

Only the amendment on the Family law, where the definition of the domestic violence was harmonized with the definition of the domestic violence in the Criminal Code and entering into force the possibility of requesting initiation of the Temporary measures procedures directly to the court by the victim, can be assessed as positive. It's worth mentioning that these amendments are result of a joint cooperation between the competent civil society organisation and relevant governmental actors.

- **Specific training on gender related issues**

There is a lack of clear understanding and knowledge of the equal opportunity concept as well as strategies in achieving gender equality as a goal in the country.

There are no systematic, comprehensive training programs that will ensure appropriate practical implementation of the theoretical concepts by the relevant public administration.

There is also no gender specific training developed for the professional structures dealing with gender related issues (domestic violence; health problems, trafficking, asylum, education etc.).

The programme for basic and continuous education in the Academy for training of judges and public prosecutors contains some modules dedicated to non-discrimination.

Apart of the civil society trainings delivered, there are trainings initiated or supported by the international agencies (mostly UN and OSCE); however their effectiveness is quite limited.

- **Decentralization and gender equality on local level**

Local elections

Overall local elections were assessed as positive (97 percent of polling stations were visited). Few procedural violations were noticed and some isolated cases of serious violations. Unfortunately the phenomenon of family voting was observed in 13 percent of polling stations visited, which according to the statement of the Election Observation Mission is still high, but notably reduced from the first round¹⁴. It can be concluded that campaigns to raise public awareness are not a sufficient means for eradication of this phenomenon in the country.

No woman mayor was elected.

The official statistic for the women representation in the municipal councils is not yet published on the official web site of the State Electoral Commission, neither on the web site of the civil organisation MOST, or on the web site of the State Statistical Office.

In order to assess the data on this issue, data from the web sites, where available, were analysed. Therefore, the data presented in this report are not referring to the overall women representation. Some of the web sites of municipalities were under reconstruction and in some there were no data related to this issue. Out of 84 municipalities and the city of Skopje, the data from 49 municipalities was assessed.

Out of the 49 municipalities that were analyzed and assessed, the highest representation of women is present in following three municipalities: Krusevo (50%); Radovis (42,1%) and Novo Selo (40%). The lowest representation of women is present in the following three municipalities: Caska and Sopiste with 9% or one woman out of the total number of municipality counsellors and in municipality Ilinden with 13, 3%.

The percentage of the total women representation in the 49 municipalities is approximately 26, 3%, which is 3, 3% higher than in the last local elections held in 2005. Even so, the results have shown a worrying sign

¹⁴ Source: Statement of Preliminary findings and conclusions, Election Observation Mission, The former Yugoslav Republic of Macedonia, Presidential and Municipal Elections, Second Round, 5 April 2009.

that in the three municipalities, out of the 49 that were assessed, there are no women counsellors. Those municipalities are Karbinci, Makedonski Brod and Novaci. This situation indicates that the Electoral Code was not respected, or the mandatory quota, i.e. each third place to be reserved for the least represented sex, was not followed.

According to the statement of the spokesperson of the State Electoral Commission, in the municipality of Lipkovo there is a case where two women counsellors from political party Nova Demokratija called off their mandate in favour of their male colleagues/ husbands. This practice is increasing particularly when it comes to the last local elections. Due to this fact even the ZELS (Association of Local Self Government Units) do not have official data on the women representation in the municipal councils, which means that the lists of counsellors can not be finalized. Therefore these results will be published on their web page at the end of May or at the beginning of June, at the latest.

Functioning of the Local Government

The decentralization process was initiated with the purpose to ensure that local self governments will play a crucial role in securing social, economic and political justice for all citizens in the community. Therefore, one of its obligations is to attach special attention to gender equality and the status and position of women.

The Law on Equal Opportunities prescribed specific mandatory responsibilities of the LSG (Local Self Government Units) in terms of promoting the principle of equal opportunities, developing policies for achieving gender equality at a local community level. Also the Law prescribes mandatory establishment of **Commissions for equal opportunities for men and women** (CEOs), as well as appointment of the **Coordinators for equal opportunities of men and women** whose obligation shall also be to ensure the promotion of gender equality and the establishment of equal opportunities for men and women at a local level.¹⁵

The EC 2008 progress report, (two years after the adoption of the Law) notes the establishment of the commissions in 79 out of 85 municipalities.

A comprehensive monitoring framework with clear indicators on the enforcement of the Law that will go beyond registering the number of established commissions has not been developed yet.

In 2008, analysis of the implementation of the Law at local level was conducted by Akcija Združenska for the purpose of providing relevant information on the level of awareness of the local authorities regarding the Law and the issues it addresses, the current status of implementation of the Law, the practices of the operationalization of the local machinery, and the quality of communication between the local governments with relevant stakeholders on a local and the central level.¹⁶

Overall conclusion is that the law has not been seriously taken into consideration. Most of the mayors and chairs of the councils (60%) stated that the Law is partially implemented. The low level of the implementation is located in its insufficient promotion.

A high percentage of mayors (80%) and chairs of the councils (58%) think that they are fully informed about the content of the law. Still the impression on the level of awareness and understanding of the key actors on the nature, purpose and the responsibilities derived from the Law is underdeveloped. Some of them clearly stated the need of additional programs and bylaws (implementing legal frameworks) for clarification of their roles, responsibilities and tasks, in order to be able to ensure appropriate implementation of the Law.

Most frequent criteria used by mayors and chairs for measuring the success/failure of the implementation of the Law is women's representation in the administration and the local governing bodies. Only half of the mayors and chairs have undertaken activities for achieving the purpose and goals of the Law. However, they perceive their role in a very formal way, only in terms of establishing the CEOs and appointing Coordinators, without taking a proactive role in initiating genuine initiatives corresponding to their role and mandate in the local government.

¹⁵ Article, 16.

¹⁶ The analysis is based on questionnaires, sent to all 84 municipalities and City of Skopje out of which over 50% responded, the Ministry of Labor and Social Affairs and interviews conducted with representatives of 5 local governments. The publication of the full report is expected in June 2009.

One of the obstacles for implementation of the Law is the low level of cooperation among the mayors, local councils and the local gender machinery (CEOs and coordinators).

Most of the undertaken activities are initiated by civil society and some of them are completely out of the domain of gender equality. Financial structure of these measures and activities comes from civil society or donors. There are two aspects for concern: lack of readiness of the local governments for budgetary allocations for gender equality and filling the gap of their own inactivity and lack of responsibility.

The expertise of the local governmental officials, gender machinery and the administration is very low, and the training programs implemented so far are insufficient.

Only one quarter of the CEOs that were established was due to mandatory obligation prescribed by the Law. The rest of them were established as a result of the initiatives and lobbying by external actors. The gender structure (representation of men and women) of the CEOs indicates a "feminization" of the machinery, meaning that most of their members are women. The current perception of the Law for Equal Opportunities for women and men as less important and the marginalized position of women in the decision making bodies are creating basis for double marginalization of CEOs.

As for the functioning of the CEOs, collected data indicates that one third of them have not organized any working sessions, almost 70% have not prepared annual working programs, and only half of them undertaken some measures and activities. The role of CEOs to evaluate various development plans, decisions and other acts of the local government from a gender perspective is closely connected with its key mandate to develop and submit recommendations to the respective actors within the local government. Only one third of the CEOs have undertaken such activity. More than half of the municipalities have not implemented the recommendations of the CEOs. Of great concern is also the very low percentage of CEOs that prepared and submitted annual reports of their work.

The situation with the coordinators (where appointed) is very worrying. All of the coordinators were appointed among already existing administration and most of them do not have a clear description of the responsibilities and tasks to be able to respond to the obligations, which on the other hand is an additional workload. Their formal employment position varies, and no pattern could be realized. According to the Ministry of Labour and social policy, all coordinators meet the necessary criteria of expertise and competences. However, the data on their educational background and received training is hardly sufficient to conclude that their specific gender and women's rights knowledge is sufficient to serve the role of a sustainable source of expertise.

1.2. Human Rights and Protection of Minorities

1.2.1. Observance of international human rights

The general human rights situation for women in the country can still be described with the three global conclusions drawn from the conducted legal analysis and the revealed factual situation within the preparation of the First Shadow Report on the CEDAW Convention.¹⁷

The Report findings indicate that there is a great extent of harmonization between the existing legislation with the provisions in the Convention, regarding the elimination of all forms of discrimination against women. The situation is somewhat less favourable in relation to the implementation of the harmonized legal acts. The least favourable assessment is the one on the factual situation of the position of women in the family and society, i.e. there is a significant discrepancy between the legal and factual situation regarding the position of women.

There is continuous lack of promotion of women's human rights in the country. Therefore the CEDAW Convention was never used as a basis for protection from gender based discrimination in the country.

1.2.2. Civil and political rights

¹⁷ Shadow report on the implementation of the Convention CEDAW, 2005, Association for Emancipation, Solidarity and Equality of Women in the RM- ESE.

- **Ombudsperson**

The institution **Ombudsperson**, according to the Ombudsperson Law¹⁸ (article 2) should protect the legal rights of citizens when these are infringed by acts, actions and omissions by the state administration bodies and by other bodies and organizations that have public authority and undertake actions and measures for protection of the principle of non-discrimination. So far, the Ombudsperson office did not play a role for the elimination of gender related discrimination in the country. The Report of the Ombudsman office for 2008 does not contain any data related to gender discrimination, except the representation of women in the respective state institutions.

Additionally, protection from gender discrimination is unclear due to the provision foreseen within the Law on equal opportunities between men and women. Article 24 of the Law on equal opportunities between men and women, prescribes that an initiation of procedures can be undertaken by submission of a written initiative to the litigator. The established Litigator's mandate does not provide effective protection in cases of gender based discrimination, as the procedure results only in written opinions. This opinion may contain descriptions on the violations of the equal treatment principle, if determined as such, as well as recommendations for application of the principle. Afterwards the clients are referred for further protection to the responsible inspection body, public attorney or another responsible body. The way this procedure is foreseen in the Law on equal opportunities it **does not provide efficiency, on the contrary it postpones and duplicates the procedure itself**. Apart from these procedural aspects, the Litigator is not yet appointed, even though there is a need for reporting and processing cases of gender discrimination.

- **Prison system**¹⁹

There are allegations of **ill-treatment** against women in prisons, but they have never been documented. In general, this takes the form of officials bargaining with women inmates in return for meeting certain needs of the women. They are asking them to do things for them, even sexual favours. Although there are cases of ill-treatment, there is no formal procedure to address such cases.

There is no special institution or prison for female detainees, but there is a female ward in the prison of Idrizovo. All sentenced female prisoners are placed in this ward.

Regarding medical care, the serious shortage of medical staff in the Macedonian prison system applies to women prisoners also. Additionally, there is no education or activity for the women inmates organized by the State. There is no family therapy (with inmates and their families) that will ensure better re-socialization and reintegration after the penal detention.

There is no measure of redress and reintegration that is explicitly adjusted to women victims of torture or other ill-treatment. This issue is addressed in the context of the right to compensation, both for women and men. In practice, women initiate proceedings for compensation under the general articles of the Law on Obligations and do not face particular obstacles.

- **Freedom of expression**

Gender stereotypes and sexism in the media continue to be one of the main concerns. The Broadcasting Council should develop its capacity to address (at least) the most extreme cases of misogyny and hate speech directed towards women in the broadcast media.

- **Freedom of assembly and association in context of civil society organizations**

The space for critical positioning of the civil society in general became quite limited. Negative labeling of the non governmental organizations that dared to challenge the increase of discriminatory policies and promotion of traditional gender roles with partisan/opposition affiliation became the most effective way of the government for minimizing their public influence.

¹⁸ Official gazette nb. 60/03.

¹⁹ Human rights situation in Macedonia, OMCT and Association for Emancipation, Solidarity and Equality of Women in the RM- ESE, May, 2008 available at http://www.omct.org/pdf/UNTB/2008/shadow_report_omct_macedonia_women_children.pdf.

The participation of relevant women's CSO (Civil Society Organizations) in policy development and planning is limited. Most of their recommendations given during the process of development of the gender equality policy and legal framework were not duly taken into consideration by the governmental institutions.

The lack of financial resources for the women's groups or CSO whose primary mandate is to work on gender equality and women's right is endangering their focus and existence. Governmental funding is closely connected with the priorities set by their policies and gender equality is definitely not the priority issue. Most of the foreign funding has insufficient focus on specific gender or women's empowerment related issues. A great portion of the funding is usually absorbed by international agencies or big development organizations, which persist in replication of "successful models" that might not be appropriate for the Macedonian context and needs.

- **Freedom of religion**

Freedom of religion has become widely misinterpreted as a right to influence peoples' individual choices. An increased power base of the religious institutions and communities resulted with their visible, even aggressive attempts to affect various policies. The leading institution is the Orthodox Church whose representatives very publicly and very clearly placed women in their only "natural" role of mothers, care givers and saviors of the Macedonian nation. Most troublesome is the risk for promotion of such attitudes in the formal educational system since the efforts to re-introduce religious education in primary schools continued, even after the Constitutional Court's decision to null the respective legal provisions.

1.2.3. Economic and social rights

The persistence of traditional roles of men and women: If there have been some changes in urban areas in this respect, rural areas and some ethnic communities (Albanian, Roma) continue to have patriarchal models of relationships, especially within the family context. As an example, even if both parents are equally entitled to parental rights and responsibilities according to the law, in practice women are those responsible for raising the children.

Housing and inadequate living conditions²⁰: Inadequate living conditions, in terms of positioning of water supply, electricity supply and sanitary systems, seem to be a common problem for most of the regions in the country. They have a particularly negative effect on the way of life in the communities outside of the city areas, but there are also examples where water supply is not suitable to the needs in some city areas. The fact that women do not participate in the activities of municipal councils, or at any other level of local decision-making, confirms that the needs of women are not taken into account regarding the urban and rural development and housing. Reducing the time necessary to carry/collect water, as well as the time necessary to meet the sanitary needs and conditions, would increase the available time for women.

Education: The phenomenon of girls leaving schools during primary school education or at the turn of primary to secondary education is present in all regions of the country. This is especially evident with Roma, Albanian and Turkish population and in the rural areas. The reasons are the following: no financial means for education; unapproachable districts far from schools, unawareness among parents for the long term benefits of education, traditional values resulting in boys continuing education, and low efficiency of the educational inspection departments. Inspection teams do not control functioning of the obligation for primary and secondary education and do not punish parents whose children leave schools. Other reasons are very early marriages, begging, prostitution enforced by other members of the family for existential purposes.

Traditional concepts about male and female roles are present in the educational programs resulting in promotion and reinforcement of traditional gender roles. There is a limited approach to the possibilities offered by informal education. Although it refers mainly to children, it also refers to elderly people (both men and women) who have a limited approach to the possibilities of lifelong learning.

Informal education offers certain skills and knowledge, which boys and girls cannot acquire during formal education. This refers mostly to girls who, compared to boys, are less frequent users of computer programs and information technology.

²⁰ Information provided in this report for housing and adequate living, education, health care and social security were predominantly used from the report "On the path to EU: A contribution of the civil society sector in the creation of the policy of social inclusion in the Republic of Macedonia", 2008, Ludwig Boltzmann Institute of Human Rights –BIM.

Healthcare protection: Women as part of the total population face deficiency of primary and secondary health care in rural areas and small towns. The worst effect is on women's reproduction health, since there is insufficient primary gynaecological health care in these areas. Only a small percentage of women use contraceptives and their usage are particularly low among the Roma and the Albanian women.

There are several facts that have a very negative effect on women's health, especially their reproduction and sexual health. There is a very low level of health education and consciousness, traditional practices among women, lack of special/effective programs for increasing their consciousness etc.

Women in the menopause are facing number of health problems. The dominant problem of the women in this age is osteoporosis. There are still no programs that are dealing with the problems connected to the prevention and early discovering of osteoporosis. This fact contributes for the worsening of the health situation of the women in this age and cause difficult handling of all problems that are part of the menopause period. There is a lack of information and awareness among the women on the menopause and osteoporosis related problems, and especially on the importance of this problem among the Roma women. There are no bone densitometry devices (devices used to diagnose osteoporosis) in almost all municipalities. There are bone density meters in Tetovo and Ohrid, located in private healthcare organizations, where the high price renders this examination inaccessible for the majority of women.

Inadequate implementation of the cancer of the uterus channel and ovaries protection Program and difficult usage of this program for the women that don't possess health insurance, are making the female health condition even worse and brings carcinogenic illnesses of the reproductive tract at women in the advanced phase. The country has a high rate of cancerous diseases diagnosed at later stages among its female population.

Social security: The women appear as a victim of all kinds of violence that without exception are present in Republic of Macedonia. Deficiencies in the enabling of the necessary social protection are various and related to the kind of violence where a woman is the victim. Beside the various kinds of violence against women, there are also various injuries of the guaranteed rights and freedoms of women like the freedom of free marriage and especially selection of the future husband and the condition of single parents/mothers.

Adequate official reaction and especially social protection of the women- sexual workers does not exist. Prostitution is present without exception in all regions of the Republic of Macedonia.

The prescribed forms of the social protection measures of the victims of the family violence are not fully realized. Adequate preventive measures for the reduction of the family violence are also absent. Programs for the support of the woman victims of the family violence and their employment that should enable the woman financial independence do not exist. The scope and types of family violence against women in our country are determined through researches conducted in years 2000 and 2006. According to the last research, the most present type of violence is psychological (56, 4%), than the physiological violence (17, 7%) and sexual violence (10, 6%).

The issue of sexual harassment has been of considerable concern for the public in Macedonia for quite some time; the government has not commissioned any research on the subject. Only a few non-governmental organizations and academics have seriously addressed the issue²¹: "Women in the Republic of Macedonia do not have a clear understanding of what sexual harassment at work is really about. [...] According to the survey, 59.3 percent of the respondents had experienced some form of sexual harassment at work, 11.3 percent believed that although they were exposed to some form of sexual harassment, still – as they put it – it was nothing serious – just a normal thing that can happen at a workplace; and 40.7 percent stated that had not been exposed to any form of sexual harassment at work."

Trafficking in women, in particular internal trafficking with girls and woman from eastern Macedonia to western Macedonia was underlined as a problem in south-western and north-western region. Uncoordinated actions among the relevant participants and institutions in the human trafficking, cases of threats on the civil organizations volunteers in aforementioned regions, threats on the SWC employees, are the basic problems in the handling of this type of violence against woman. Different kinds of violation of the woman's right for

²¹ See Master's degree thesis by Viktorija Gavritova entitled "Sexual Harassment at Work", University of Cyril and Methodius and the Institute for Sociology in Skopje, 2005.

free decision regarding the marriage conclusion and the choice of the future husband have been determined in the different regions of the country.

Participation of the agreed marriages (among the Roma, Albanian and Turkish population) underage marriages and fictive marriages, represent the vulnerable position of the woman.

The position of the single parents/mothers, especially of the unemployed mothers is very critical even beside the existence of the programs for the employment of the single mothers. This unfavourable condition of the single parents/mothers is composed of absence of help and assistance in the support of their children; no benefits for their families, especially in the families where no one from the family is employed; absence of the support for the single mothers that have children with certain obstacles in the development; absence of advantages regarding the realization of the right for proper housing and existence of the obstacles in the utilization of the adequate social help.

- **Socially vulnerable groups**

Besides the already mentioned vulnerable categories of women, there are also other vulnerable categories of women, such as: women workers in bankruptcy firms, redundant female workers and unemployed women (in particular those who have never been employed).

- **Anti discrimination policies**

A draft Antidiscrimination law is being prepared. Although this law refers to rights and system of protection of many interest groups, Macedonian government didn't find a way to make the process of this law transparent and inclusive. Many relevant civil society organizations are left out of this process of preparation and are not consulted at all. Therefore, there is a serious concern that this, so long expected law, may not meet the needs and reality of the citizens.

- **Roma**

As part of the Roma Decade, separate Action plan for enhancement of the position of Roma women for the period 2008-2010 was prepared.²² In accordance of the action plan, operative plans for the years 2008²³, 2009²⁴ and 2010²⁵ are developed.

There is no information whatsoever on the status of the implementation of these documents.

2. Economic Criteria

2.1. Statistics

Systematic collection, production, updates and review of data on the current state of affairs of gender relations, relevant for development and implementation of policies and programs is not practiced. For example, the last (and only) Time - Use Survey²⁶ was performed by the State Statistical Office back in 2004, as a pilot project. The gender segregated statistical data need to be improved in terms of diversity and quality.

2.2 Employment and social policy

Macedonia is the third country in the ECA (Europe and central Asia) region (after Kosovo and Turkey) with the lowest female participation in the labor force. In 2007, the women constituted 63,7% of the inactive population in the country²⁷. The gap between the employment rates of men and women is high and

²² Available at: <http://www.mtsp.gov.mk/WBStorage/Files/akcionen%20plan.pdf>.

²³ Available at: <http://www.mtsp.gov.mk/WBStorage/Files/operativen%20%202008.pdf>.

²⁴ Available at: <http://www.mtsp.gov.mk/WBStorage/Files/operativen%202009.pdf>.

²⁵ Available at: <http://www.mtsp.gov.mk/WBStorage/Files/operativen%202010.pdf>.

²⁶ The State Statistical Office of the Republic of Macedonia in the frame of its international activities has realized a project that was part of the PHARE programme known as Time Use Survey, available at http://www.stat.gov.mk/english/statistiki_eng.asp?ss=07.05&rbs=5.

²⁷ FYR Macedonia Labour Market Profile 2004-2007, WB June 27, 2008.

amounted to 17% in 2006 (16% 2007). Lower female participation rates are mainly driven by very low levels of participation of young-rural-unskilled women. Most of the women who are not in the labor force are either in school or undertaking household activities. Large proportions of the inactive women are housewives, living in rural areas (74%), with primary (or less) education (67%)²⁸. Around 83 % belong to the age group of 15-34 and 25-54²⁹.

According to the study conducted among minority women through interviews and focus groups, they face various difficulties to access the labor market:

Age and skills: Low-skilled women (older than 35 years-old) from Non-Macedonian origin who have never participated in the labour market claimed that they do not believe they could find employment because of their age. However, contrary to younger and more educated women, they also did not believe they possessed the appropriate skills needed in the labour market.

Marital Status: Female participants argued that when they go to an interview, questions regarding their marital status appear to be a deciding factor for getting the job: "*The first questions they (employers) pose to you when you go to an interview are: Are you married / planning on getting married?; Are you planning to have children any time soon? etc. If you answer –Yes, then you can say good-bye to the possibility of getting the job.*"— Serbian woman from Kumanovo (mother of a small child)

Physical appearance: Several female participants (mainly from Macedonian origin) have experienced discrimination on the basis of their looks when seeking employment in the service-sector (e.g. catering, sales). They reported that private employers from this sector tend to look for attractive women and advise them to flirt with the customers. This was a definite hindrance for these women to continue to seek employment in these sectors.

Lack of jobs: A general discouragement was noticed among many women (mainly from non-Macedonian origin) that could find a job with their qualifications (regardless if they had primary or a university education). '*There are no jobs for us*' concluded a woman from Struga. Although they believe that theoretically there are no constraints for them finding employment, since they are physically and mentally healthy, in reality most of them can not see this happening, since there are none or very few adequate job openings in their towns.

Political affiliation: Almost all participants who reported they would like to work, agreed that they feel frustrated and disappointed because of the 'unofficial' employment policies in the country. Specifically, if one wants to find employment in a state institution (still perceived as the most secure form of employment), one needs to be affiliated with the political party in power.

Family responsibilities: A relatively large part of women from Non-Macedonian ethnic groups explained that their responsibilities as care givers do not allow them to work. These responsibilities can be divided into i) taking care of their small children and ii) taking care of ill/elder family members.

Precarious job conditions: Another important discouraging factor for seeking employment in the private sector is related to the employers' disrespect of existing labour regulations. For example, it is a common practice of many private employers to hire someone to work for 1-2 months on a trial/probation basis and then fire him/her, paying a probation wage or no wage at all. Women from almost every town agreed that this is a common practice in the private sector (especially in the textile industry). Experiences working for private enterprises were resoundingly negative and involved late payments of salary, long working hours, and no health benefits or social insurance, among others.

Source: World Bank and ETF (forthcoming).

The government National Employment Strategy³⁰ (2010) and a National Action Plan for Employment 2006-2008³¹ specifically address the women's unemployment.

The 2008 Operational plan by MLSP includes: 1) programs to support self employment, 2) "the formalization" of existing businesses, 3) training, retraining or upgrading skills when the employer is known, 4) foreign language and IT training, 5) pilot training for occupation and skills in short supply, 5) entrepreneurship training, 6) subsidised employment for orphans, handicapped, single parents and elderly and 7) first work experience of young people.

Women as a specific target group have been mentioned only in the first category of active measures, meaning that the Plan has not been gender mainstreamed across all the active measures.

²⁸ FYR Macedonia Labour Market Profile 2004-2007, World Bank, June 27, 2008.

²⁹ Ibid.

³⁰ Available at: <http://www.mtsp.gov.mk/WBStorage/Files/strategija.pdf>.

³¹ Available at: <http://www.mtsp.gov.mk/WBStorage/Files/nap.pdf>

Some analysis note that the statistics on the usage of the employment measure show that they are used more by men than women, and that only 25-30% of the beneficiaries of the financial assistance coming from the government are women³².

The analysis of the impact of the active measures from the gender perspective to be conducted in 2009 as a project of the Sector on Equal Opportunities in cooperation with UNIFEM should provide more detailed information on the effects of these programs.

The funding for 2009 for the active labour market measures increased, and target groups were extended with unemployed women who suffer violence. However, it is hardly possible that the program will have significant impact on women's employment situation, considering the concerning indications of the negative influence of the economic crisis on the clothing/textile sector dominated by women.

There are certain efforts for encouraging women's self employment both by government and projects funds by some donors: However there are several important obstacles that were undermining the effects: many women (self employed and entrepreneurs) function in the informal economy and there is a lack of clear motivation to formalize their status, because of the expenses. The programs that are targeting women usually provide small amounts, and women do not apply to available credit lines. This is due to the requirements for real estate collaterals or persons who will guarantee the repayment of the credit, because the ownership of the real estate land and capital in the traditional Macedonian family regardless of the ethnic origin is usually on the name of the husband. There are indications that those who formally received support, are not involved in the management and decision making since in reality the business is actually led by spouse.

GENERAL RECOMMENDATIONS

Preparation for EU accession requires concentrated efforts on the part of both candidate and potential candidate countries to meet EU gender standards, especially in light of the Roadmap for equality between women and men, specifying in 6.1. the following ***"Countries joining the EU must fully embrace the fundamental principle of equality between women and men. They must ensure strict enforcement of legislation and put in place adequate administrative and judicial systems. Monitoring the transposition, implementation and enforcement of the EU gender equality legislation will be an EU priority for future enlargement processes"***.

- 1. Twin track-approach for achieving gender equality should be followed: mainstreaming gender equality as a cross-cutting issue across all policy areas, as well as development and application of specific actions for women and girls empowerment.**
- 2. Comprehensive national policies on gender equality, followed by sufficient funding, as well as clearly formulated implementing framework on both national and local level should be developed.**
- 3. Systematic collection, production, updates and review of data on the current state of affairs of gender relations, relevant for development and implementation of policies and programs should be practiced.**
- 4. Promotion of the principle of equal opportunities for women and men and establishment of mechanisms for effective protection from gender based discrimination.**
- 5. Effective monitoring and evaluation of the approximation and implementation of the policies and projects, based on clearly formulated indicators (in accordance to already set EU policy for gender equality and specifics of the national context) should be continuously performed.**
- 6. Knowledge and skills for gender impact analysis in planning, implementation and evaluation should be an obligatory part of the capacity building programs within the institutions/administration.**

³² Local Government Support to Women Entrepreneurship in RM, Adrijana Bogdanovska Djurovic, Center for Knowledge Management, January 2009.

7. Permanent, genuine and structured policy dialogue should be enforced and expertise of the civil society in the field should be used in order to assist and secure that specific knowledge in the local context will be taken into consideration and integrated in the policy development, implementation and evaluation process.

8. Financial sustainability and strengthening of the women NGOs capacities to act as watchdogs for the implementation of gender policy should be ensured.