



**REPUBLIC OF MACEDONIA**

**Shadow report on the implementation of the Convention on the Elimination of all Forms of Discrimination  
against Women**

Shadow report is prepared by the Association for Emancipation, Solidarity and Equality of Women of  
Republic of Macedonia – ESE in cooperation with Akcija Zdruzenska

**2012**

## METHODOLOGICAL NOTES

This report aims to represent the situation in relation to the level of compliance of the national legislation with the provision of the CEDAW Convention, as well as other relevant international treaties, the factual situation with regard to the discrimination against women in all spheres of society and provide insight in the achieved progress i.e. actions undertaken by the state upon the Concluding Comments of the UN CEDAW Committee issued in the last round of reporting by the state. In the light of preparation of this report different sources of knowledge and methodological procedures were used. The following methodological procedures were conducted within the legal and factual analysis of CEDAW: content analysis; national survey; focus groups and individual interviews and request for collecting public information data. The following civil organizations contributed to the drafting of this report: Women association “Bojana”, NGO “LIL “, Organization of women in the city of Skopje, Association of friendship among Turkish women, Women’s Forum Tetovo, Polio plus, Republic centre for supporting the people with mental disability – Poraka, HOPS, Association of young lawyers, Open Gate and H.E.R.A., Coalition for sexual and health rights of the marginalized communities.

### 1. Legal harmonization

In order to establish the normative harmonization, the Constitution, 14 other laws and other regulation were used as sources of our findings. The existing legislation valid until July, 2012 was analyzed, as well as other relevant legislation adopted later, which impact the status of women in the country.

### 2. Factual Status of women

Several methodological methods for surveying and collecting the necessary findings were used to establish the factual situation of women: women from different ethnic background, different age, geographic origin and belonging to urban and rural areas, including different marginalized groups of women; gathering available public data; use of secondary sources (statistics, reports, studies, surveys etc.) and data gathered from relevant civic organizations.

## **Article 1- DEFINITION OF DISCRIMINATION**

**The definition on discrimination in the national legislation is partially harmonized with the definition from the Convention.** The definition of the notion in the Law on Equal Opportunities of Women and Men does not include the elements which define both direct and indirect discrimination, as well as areas of societal life in which the woman is protected from discrimination and the grounds for discrimination; therefore it needs to be completely harmonized with the definition stipulated in the Convention.

## **Article 2-CONSTITUTIONAL AND LEGAL REGULATION OF DISCRIMINATION AGAINST WOMEN**

**The established mechanisms for legal protection from discrimination are not functional.** Court protection is not used at all, the Ombudsman does not keep record of complaints based on gender discrimination, and the Anti-discrimination commission encounters a range of problems given that it is the first year of its functioning. The legal representative was not functional for four years after being regulated by law as mechanism to establish the unequal treatment of men and women. Only one outreach activity has been implemented to inform the women about the possibilities and mechanisms for protection from discrimination. **The state should take measures and activities to provide efficiency and effectiveness of all mechanisms for legal protection from discrimination.**

**The Law on Equal Opportunities of Women and Men (2006) and the respective obligations arising from the law are not treated seriously by the competent institutions and therefore it is not being implemented.**

Precise methodology to monitor and report about the implementation of the Law on the part of the Sector for equal opportunities was neither developed, nor the secondary legislation which defines the necessary procedures for functional implementation of the Law. The implemented activities for strengthening of the machinery do not provide for the solution of the issue in a systemic manner and result in strengthening on individual level, while programs in gender mainstreaming for policy-makers are neither foreseen nor implemented<sup>1</sup>. Implementation of the respective law on local level was also ineffective due to the small extent of taken measures and activities, most of them initiated and financed by the civic society and

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<sup>1</sup> Akcija Zdruzenska, Report about the monitoring of gender equality policies in R. Macedonia, December 2010

donors, and lack of coordination and mutual shift of responsibilities within the institutional structures and dysfunctional machinery<sup>2</sup>. There is even more concerning trend of serious marginalization of the new Law on Equal Opportunities of Women and Men, adopted in January 2012. Its adoption has not been accompanied with any promotional activity, while the implementation of the technical provisions in accordance to the prescribed dynamics was not respected by a single institution, including the Government. **The state should develop a system for promotion of obligations, monitoring the application and assessment of results and effects from the implementation of the Law on Equal Opportunities of Men and Women.**

**The development and planning of annual operational plans for realization of the National plan for gender equality is determined by the financial resources of international organizations and donors and there are no established procedures for accountability and responsibility regarding their implementation.** The majority of the items in the annual plans for equal opportunities of women and men do not foresee funds for their implementation, whereas for the biggest part it is stated that it shall be/are provided from foreign assistance. There are many other unrealized assumptions for their successful implementation<sup>3</sup>. The foreseen institutional structure for coordination, cooperation and monitoring the effects from the implementation of the Plan, has not been established<sup>4</sup>. Unfortunately, this practice has continued. The Inter-sectoral consultative and advisory group for equal opportunities of women and men was not established by the Government in accordance with the prescribed dynamics of the new Law on Equal Opportunities for Women and Men (2012), while appointed members do not reflect the diversity criteria<sup>5</sup>. Despite the lack of capacities, the coordination, technical and administrative support to this body is foreseen to be provided by the Ministry of Labor and Social Policy. The absence of consultations that ensure the participation of all responsible and interested parties continued in the process of drafting the most recent policies related to the equal opportunities of women and men. The 2013-2020 Strategy for Gender Equality, was drafted in extremely short period, while the process has not been publicly opened for contribution and input. **The State should provide the necessary adequate resources (including finances) for implementation of the laws and policies in the area of gender equality. The Sector for equal opportunities should introduce procedures for accountability and responsibility in implementing the annual operational plans for realization of the gender equality policy.**

### **Article 3- STATE MACHINERY FOR ADVANCEMENT AND PROTECTION OF WOMAN'S RIGHTS**

**The sector for equal opportunities does not possess executive competence<sup>6</sup> and capacities to develop, monitor, assess and inform about the policies for protection from discrimination and promotion of the rights and status of women. The guidelines that serve to explain the role and tasks of the machinery and other entities which are competent for realization of the goal of the law have not been developed and promoted.** This directly affects the visibility of the state machinery for gender equality and the work of the institutions involved within. On national level, there are no formally prescribed duties, tasks and authorizations for the coordinators for equal opportunities and there is a need for strengthening of their capacities<sup>7</sup>. Some of them are not informed or consulted before they were appointed; some of them have very basic, whereas some have advanced level of perception and knowledge about gender equality; some

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<sup>2</sup> Akcija Zdruzenska, Monitoring the application of the Law on Equal opportunities for Women and Men within the units of local self-government in RM, 2008

<sup>3</sup> Lack of application of the principle for gender perspective as strategy and policy for gender equality, absence of clear procedures about consultations with all responsible and involved parties regarding the planning and procedures for accountability and responsibility for implementation of the operational plans; contribution of the coordinators for equal opportunities towards the creation of the annual operational plans for areas which are under the competence of the ministries due to the limited expertise and insufficient capacities.

<sup>4</sup> NAPGE foresees initiating and establishing inter-ministerial and inter-departmental groups for monitoring the NAPGE implementation, as well as initiating and forming a trilateral body for cooperation and monitoring of NAPGE with representatives of the state institutions, the civil sector and the international organizations; Developing and improving the indicators for change, if required; Reporting to the Parliament on the achieved objectives, difficulties and lessons learned in the implementation of NAPGE

<sup>5</sup> According to article 10, the Government should establish a mechanism that will promote and monitor the concept of inclusion of gender aspects in the general and sectoral policies of all public institutions in cooperation with the social partners and institutions, monitor the progress of harmonisation of the national legislation with the legislation and standards of the European Union in the area of gender issues, participate and give instructions in the preparation of the Strategy for Gender Equality and monitor the periodical reports of the institutions. It should be comprised of officials/managing civil servants, representatives of civil organisations, employers associations, experts, of local self-government, labour unions and other entities.

<sup>6</sup> Akcija Zdruzenska, Report about the monitoring of gender equality policies in R. Macedonia, December 2010

<sup>7</sup> Report about the established situation and recommendations for further development and cooperation of the coordinators for gender equality on national level, available at <http://www.mtsp.gov.mk/WBStorage/Files/Finalen%20izvestaj%20so%20preporaki.doc>

of them are not familiar with the content and the mandate regarding the implementation of the National action plan for gender equality; none of the appointed coordinators has prepared an annual report about their work, etc. The Parliamentary committee on equal opportunities is not very active<sup>8</sup>. During the period from 2008-2011<sup>9</sup>, the Parliament of R. Macedonia has reviewed total of 1849 laws, whereas this Committee reviewed five laws<sup>10</sup> and submitted only five amendments. There is a high level of non-functionality and inactivity of the state machinery on local level as well. Approximately 70 percent have not prepared annual work programs, and only one half of them have taken some measures and activities. The appointed local coordinators are people who are already employed in the municipal administration and most of them have not been given formal authorization and specified assignments<sup>11</sup>. **The sector for equal opportunities should develop and promote guidelines for explanation of the roles and tasks of each institution involved. Additionally, the state should provide adequate autonomy, independence and resources for strengthening the expertise of the state machinery towards provision of protection from discrimination and promotion of rights and status of women.**

#### **Article 4 - TEMPORARY SPECIAL MEASURES**

**Special interim measures, except in the area of political participation, have not been legally prescribed for any of the other areas, and those are not being used as policy to realize the factual equality of women and men.** The state only made effort to regulate these measures in the Law on Equal opportunities of Women and Men. The manner in which these measures are prescribed is quite unclear and ambiguous, i.e. the goal, the manner and areas in which those measures can be introduced are not clear. Therefore, except with regard to the political participation of women, interim special measures have neither been introduced in any other area by law, nor the effects from already implemented measures have been assessed. **The state should introduce interim special measures in all spheres as systemic policy for realization of the factual equality of women and men.**

#### **Article 5- TRADITIONS AND FAMILY UPBRINGING**

**The biggest concern is related to the increased trend of promoting regressive traditional models for division of roles and family values through interventions in laws and policies, as well as big number of media campaigns supported with significant funding from the budget.** Relatively high allowances are stipulated in the law on Child Protection for having a second, third and fourth child<sup>12</sup> which were later annulled by the Constitutional court as discriminatory due to the non-application on the whole territory of the country<sup>13</sup>. The comments made by the experts and non-governmental organizations about possible negative effects from awarding such big allowances under conditions of high unemployment rate and low incomes of women and lack of services to take care of children<sup>14</sup>, that is, returning the women to their reproductive roles, were not taken into consideration. The enhanced promotion of retrograde and traditional relations among men and women is confirmed by the messages contained in the governmental campaigns for promoting the importance of family<sup>15</sup>: emphasizing the importance and wealth of having children and the values of the family, whereby the accent should be put on the third child in the family ... *the tradition of the Macedonian family as family with many children, children give sense to our life and are essential component of the nation's wellbeing, children are our best teachers, having children increases our self-esteem and makes us feel younger, creation of new life brings us closer to God, the family is a natural society, the family is the support in life, patriotism starts from home... ,,*. In this context is also the content of the governmental campaign for „explaining the harmful consequences from abortion,,. It was announced in the context of protecting the health of the woman, and the key messages of the campaign entitled „Choose life- you have a right to choice,, are full of highly ideological pro-life rhetoric, and comply with the messages from the state about their preparation: *..The purpose of the information is to show that abortion*

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<sup>8</sup> Since the key authorizations under the competence of this committee are only partially realized, such as the promotion of the legislation, monitoring the implementation of policies by the executive branch of government and development of recommendations for their promotion.

<sup>9</sup> Until April 2011

<sup>10</sup> Proposal for Law on Domestic Violence, proposals for changes of the Labor Relations Law, Electoral Code, Law on Equal Opportunities of Women and Men, Proposal for Law on Budget

<sup>11</sup> Akcija Združenska, Monitoring the application of the Law on Equal opportunities for Women and Men within the units of local self-government in RM, 2008

<sup>12</sup> Introduced in municipalities with natural growth lower than 2.1 per mil.

<sup>13</sup> Labor Market in the Former Yugoslav Republic of Macedonia, Euro-Balkan Institute, October 2009

<sup>14</sup> From 84 municipalities in RM, only 33 have public or private kindergartens

<sup>15</sup> Bureau for public procurements, Open call (No. 11/07) available at [www.bjn.gov.mk](http://www.bjn.gov.mk)

means taking the life of already formed living organism. ... Messages which indicate that creation of one's own offspring is God's blessing and biggest wealth of one family. „These campaigns were broadcast for a long period of time on most on the national and local media and the state allocated significant budget funds, which is not the case with the activities and measures from the policies for promotion of gender equality and women's rights, which are largely realized with foreign assistance. The most recent analysis conducted by the Broadcasting Council<sup>16</sup> shows significant absence of gender sensitivity in the program concepts and content of the broadcasters. **The state should take adequate measures that reduce the traditional models of roles division and family values and to reexamine the effects from the campaigns which promote family values and protection of the woman's reproductive health.**

## **Article 6- VIOLENCE AGAINST WOMEN**

### **a) Prostitution**

**There is serious violation on the part of the state institutions with regard to the women who provide sexual services.** Prostitution is still treated as an individual problem in our country and there is complete absence of official response to this phenomenon. The inexistence of adequate system for protection and processing the cases of violation of their rights, especially when it is done by authorized officials, results in discouragement of sexual workers, i.e. non-reporting of these cases to the competent institutions. **The state should take measures for sanctioning all serious violations of human rights of women who provide sexual services, in particular violations made by the state institutions.**

**There are neither special programs for social protection of women who provide sexual services, nor measures to eliminate health and safety risks of these women.** These aspects are completely provided by the non-governmental sector in the sense of provision of the following: free gynecological check-ups regardless if they have health insurance coverage; free, voluntary and confidential testing for HIV/AIDS, support for obtaining personal identification documents, health insurance as well as exercising the social welfare rights in front of the competent institutions. **Special programs for support and assistance to women who provide sexual services need to be introduced, especially with regard to the provision of social protection and elimination of health and safety risks.**

### **b) Trafficking in women**

**The state has failed to fully enforce the national legislation on trafficking, including the prosecuting and punishing of the perpetrators.** The state made limited progress with regard to the implementation of legislation on human trafficking in 2009. In addition, during this period there is no single completed court procedure in which perpetrator of human trafficking was convicted. In 2010, the number increased to 21 convicted persons in procedures for human trafficking. **The state should fully enforce the national legislation of trafficking and ensure that effective prosecution and punishing of the perpetrators is provided.**

**The state has not allocated funds for realization of the preventive activities and provision of assistance and support to women victims of trafficking.** The preventive activities stipulated in the relevant strategic documents<sup>17</sup> are not implemented due to the lack of financial resources provided. The activities from these strategic documents are usually implemented by citizen associations, which are financed by foreign donors, and insignificantly by the competent state institutions. The Program for resocialization of children victims of trafficking is not implemented because of the lack of financial and human resources. The state partially allocates funding to provide the necessary protection of victims of human trafficking. The fact that the operation of the state shelter is not completely financially supported by the state presents a major concern. Most of the funding needed for its operation, i.e. 83% are provided by the two non-governmental organizations which provide services in the shelter<sup>18</sup>. The continuation of these practices can be shown within the process of development and adoption of the 2013-2016 National strategy for combating trafficking, since it was neither included in the revision of the previous 2009-2012 strategy 2009-2012, nor appropriate financial resources for its implementation were foreseen and allocated.

**The state should allocate adequate resources (including finances) for implementation of the preventive activities from the relevant strategic documents and provide the necessary assistance and protection for victims of human trafficking.**

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<sup>16</sup> Broadcasting Council, Gender and TV Programs, Report on the gender analysis of representation of women and men in the program concepts and content of the media

<sup>17</sup> National action plan to combat human trafficking and illegal migrations (2009-2012), the Action plan to combat trafficking in children (2009-2012)

<sup>18</sup> Report, *Otvorena porta* (information obtained for the needs of preparing this shadow report)

**There is a lack of coordination between the relevant bodies for implementation of the National strategy and Action plans.** For example, in 2011 the Secretariat of the National Commission has held only two sessions. **The state should take measures to increase the level of coordination between all relevant stakeholders in the implementation of the National strategy and action plan.**

#### **c) Domestic violence**

**There is a trend of continuously high prevalence of domestic violence in a period of the last ten years<sup>19</sup>. The implementation of the National strategy for prevention of domestic violence (2008-2011) was exclusively dependant on foreign financial assistance, while the newly adopted National strategy for prevention of domestic violence (2012-2015) does not have financial plan for implementation of the foreseen activities.** The 2008-2012 National strategy for protection from domestic violence is implemented through the realization of the project “Strengthening the national capacities for protection from domestic violence”<sup>20</sup>. This practically reduced the state policy to project activities, which are implemented by different international organizations. The results from the implementation of the National strategy are measured through the reports about the implementation of the same project. **The state should provide funds for implementation of the 2008-2011 National strategy for domestic violence 2008-2011 and the new 2013-2016 National strategy.**

**The measures for protection are provided in non-unified manner and are not available on the whole territory of the country.** The measures for protection, as stipulated in the Law on Family (provision of adequate health care, psycho-social intervention and treatment, provision of necessary accommodation for the victim of domestic violence, provision of free legal assistance) are not provided completely and on continuous basis, and according to previously established standards and criteria. This situation is substituted by the services which are traditionally provided by civic organizations<sup>21</sup>. The number of state shelters has been reduced. Namely, the number of shelters from 7 in 2009 was reduced to 4 in 2011. There are two organizations in the country which provide urgent accommodation for a period of 24-28 hours and they are both placed in the capital of the country. **The state should take measures for effective protection of victims of domestic violence on continuous basis on the whole territory of the country.**

**Restraining orders for protection from domestic violence are not affirmed and used, especially on local level.** The restraining orders for protection, which are essential part in the provision of civil legal protection to victims of domestic violence, have been insufficiently affirmed and applied by the competent institutions, especially on local level due to lack of knowledge and non-understanding of their nature and purpose. **The state should take measures for affirmation of restraining orders for protection from domestic violence, in particular on local level.**

#### **d) Rape**

**There is no established system for prevention and protection for victims of rape.** The rape as severe form of violence against women is not treated adequately and no preventive or protective measures are realized by the state institutions and civil society organizations. There is no research conducted about the prevalence of this phenomenon and its characteristics in the country. The work and experience with victims of domestic violence and trafficking has shown that this form of violence against women requires that the state takes separate systematic measures. **The state should take immediate measures to treat rape as form of violence against women and provide adequate assistance and support for the victims.**

#### **e) Psychological harassment (mobbing)**

**There is no adequate legislative regulation of the psychological harassment, particularly regarding the forms of manifestation; the mandate of the responsible institutions and the procedures for protection of victims.** There is a high prevalence of mobbing. According to the latest data<sup>22</sup> every second woman (57%) has suffered psychological harassment or mobbing at her workplace. However, only 20% of them have

<sup>19</sup> Survey about the dark figures of domestic violence, 2000 (psychological – 61,5%, physical-23,8 and sexual -5% ; Research - Life in shadow, 2007 (psychological- 56,4%, physical -17,7% and sexual 10,6%) and survey carried out for the needs of this shadow report, 2010 (psychological - 64.80%, physical - 27.70%, and sexual - 13.80%) all conducted by the Association ESE. In the period 2006-2011, as result of domestic violence 12 women were killed by their male partners in the period, which illustrates the seriousness of the consequences suffered by the victims of domestic violence. In the same period Ministry of interior<sup>19</sup> has registered 9 criminal acts “attempt to murder”

<sup>20</sup> This project was financially supported by the Kingdom of Netherlands and the UN agencies (UNDP, UNICEF, UN WOMEN, SZO and UNFPA). For the project realization, USD 500.000 were foreseen for 2009 and USD 760.596 for 2010

<sup>21</sup> The Centre for legal assistance at ESE is the only resource, which provides free legal assistance and representation to victims of domestic violence continuously in the past 10 years. So far, the state has not provided funding for its sustainability, although the state is using the centre as substitute for the non-existence of state service for free legal assistance of this type. From 2002 to 2012, total of 2859 women approached the centre, total of 1282 petitions were prepared, 106 criminal charges were filed and free representation was provided to 173 victims of domestic violence

<sup>22</sup> Research: “Violence against women at the work place”, 2010 Association ESE

undertaken formal reaction<sup>23</sup>, mainly as a result of the identified deficiencies in the legal framework. **The state should review and supplement the legal provisions on mobbing, take measures for bigger affirmation and introduce those measures for women, as well as generally improve the treatment of this phenomenon.**

#### f) Sexual harassment

**The sexual harassment is still treated as taboo and there is a lack of measures taken by the state to prevent this form of violence.** There is a low level of reporting of sexual harassment; only 17.1% of women have reported sexual harassment, however, only 30.9% of them have undertaken formal reaction<sup>24</sup>. **The state should develop and undertake measures for informing all relevant institutions, including the public, about the seriousness and consequences from sexual harassment.**

#### Article 7 - POLITICAL AND PUBLIC LIFE OF WOMEN

**There is lack of measures and activities specified by law, which should aim to encourage and support women candidates at presidential, parliamentary and local elections.** According to women, family obligations and the negative attitude towards women who deal with politics are two main reasons for their non-participation in politics. Special funds, which would encourage women to run for elections, i.e. for their participation in public and political life in R. Macedonia, still do not exist. In addition, there have been no campaigns or implemented educational activities aimed to encourage women to run at elections. **The state should prescribe legal measures and activities that encourage and support women to run as candidates at presidential, parliamentary and local elections.**

**There is absence of women as mayors.** On the local elections in 2005 three women (3,5%) as mayors were elected, whereas in 2009 not a single woman was elected for mayor<sup>25</sup>. **The state should foresee adequate measures that ensure participation of women at mayoral positions.**

**There is low representation of women in the executive branch of government in R. Macedonia that is, as ministers and deputy ministers<sup>26</sup>.** **The state should take measures and activities to increase the representation of women in the executive branch of government, i.e. as ministers and deputy ministers.**

#### Article 8 - PARTICIPATION OF WOMEN AT INTERNATIONAL LEVEL

**There is a dissatisfactory and inadequate participation of women in executive<sup>27</sup> and legislative<sup>28</sup> branch of government at international level.** The provision on respecting the equal opportunities principle exists only with regard to the appointment of ambassadors of R. Macedonia, and such provision does not exist with regard to other levels of representation of the Government of R. Macedonia at international level, such as general consul, special representative, honorary consul, deputy head of the diplomatic representative office and acting deputy. **Measures and activities should be taken to ensure adequate representation of women in executive and legislative branch of government at international level.**

#### Article 9 - CITIZENSHIP

**The gender-sensitive approach is still not fully implemented into the procedure for evaluation of the request and approval of the asylum/refugee status of women who seek asylum.** The procedure for personal questioning and interpreter of the same gender are generally observed. Nevertheless, there are cases when male inspector is working on the case of a woman asylum-seeker and female interpreter is provided when possible. The police officers who are making the first contact with the asylum seekers usually do not have sufficient knowledge about the procedure (gender sensitive approach) for

<sup>23</sup> 99.6% have taken personal reaction and 98.2% undertaken informal reaction.

<sup>24</sup> 100% have taken personal reaction and 89.2% undertaken informal reaction

<sup>25</sup> State statistical bureau, Women and men , 2010

<sup>26</sup> During the period from 2006 to 2011 there were three compositions of the Government. In the composition of the government appointed in 2006, there were three women appointed as ministers from total of 21 ministerial positions and one woman appointed as deputy minister from total of 14 deputies. In 2008, from total of 22 positions only two women were appointed as ministers and from total of 15 deputy positions only three women were appointed as deputies. In 2011, from total of 23 positions only three women were appointed as ministers<sup>26</sup> and only three women were appointed as deputy ministers (from total of 15)

<sup>27</sup> At international level, from the total number of 37 representatives<sup>27</sup>, at level of ambassadors, only two women (5,4%) represent R. Macedonia at this level<sup>27</sup>. At the level of general consuls, from total of nine general consular offices<sup>27</sup> not a single woman represents R. Macedonia at this level. From total of eight permanent missions in international organizations<sup>27</sup>, only two are represented by women – acting officers (acting officer at the permanent mission of R. Macedonia at FAO and acting officer at the permanent mission of R. Macedonia at the Council of Europe)

<sup>28</sup> In the parliamentary composition from 2006-2008, one woman was head and another woman was deputy head of delegation. During the period 2008-2011, there were no women who were heads of delegations, and there was one deputy head of delegation. In the current composition of the parliament for the period 2011 -2015, two women are heads of delegations and one is deputy head of delegation

acknowledgement of the right to asylum and have no special attitude towards women. **The state should take concrete measures to fully implement the gender-sensitive approach in the procedure for approval of the refugee/asylum seeker status.**

#### **Article 10 - EDUCATION**

**There is insufficient coverage and inclusiveness of girls in the educational process.** Despite mandatory primary and secondary education (introduced in 2007), the situation with regard to students who were enrolled and completed the education and the respective gender structure, show that policies for education are insufficiently efficient regarding the coverage and inclusiveness, in particular among minority groups. According to some analyses<sup>29</sup>, the mandatory secondary education, in general resulted in overall increase in the numbers of enrolled students, however, from the total female population that completed primary education, only around 89% continued with secondary education. Part of the reasons for this situation can be seen in the prevailing patriarchal norms, in particular in the minority communities; unfavorable infrastructure; financial limitations; the language of the majority group is not spoken. **The state should increase coverage and inclusiveness of girls in the educational processes, particularly among minority groups.**

**There is a dissatisfactory level of integration of the gender perspective into text books and teaching curricula<sup>30</sup>,** that is: invisibility of women in the history, literature and sociology textbooks; stereotypes, inequality and selectivity in depiction of men and women; fragmentation and isolation, i.e. examples of women scientists, writers etc. are singled out as “unique”; linguistic marginalization, i.e. exclusive use of male gender and „cosmetic,, surpassing of marginalization through visual expression (photographs, posters, textbook covers). **The state should integrate gender perspective into text books and teaching curricula.**

#### **Article 11 - EMPLOYMENT**

**There is high percentage of women’s share in the total number of inactive population and big number of women who work as unpaid family workers.** Almost half of the unemployed population in Macedonia are women. Women are represented with 64% in the category of inactive population, as opposed to 36% men. The biggest participation in the inactive population is of the group of housewives<sup>31</sup>. The participation of women in the active population accounts for 39% or 20% less than men (men participate with 61%). The percentage of women and men in the total active and inactive population remains unchanged during the period from 2006<sup>32</sup> to 2011<sup>33</sup>. **The state should take concrete and proactive measures to reduce the number of unemployed women, to reduce the rate of inactive women and women who are unpaid family workers. There is increase in the percentage of informally employed women and increase in the gap between formally employed women and men and formally and informally employed women.** The trend for lower participation of women in the total employed population has remained unchanged in the period from 2006<sup>34</sup> to 2011. The number of formally employed men is bigger than the number of formally employed women, and the number of formally employed women is lower than the number of informally employed women. **The state should take concrete measures for protection and regulation of labor relations of women in R. Macedonia , i.e. reduction of the number of informally employed women.**

**There are differences in the enjoyment of labor relations rights in the state and private sector. The state should introduce concrete legal provisions that guarantee the labor relations rights in the state and private sector.**

**The principle of equal pay for work with equal value is not respected.** “A large wage gap between male and female employees exists, mainly in the private sector, due to the fact that low-skilled males earn wages that are higher than those of low-skilled women; despite little labor occupational segregation and despite the fact that women display higher human capital indicators”<sup>35</sup>. Moreover, the biggest percentage of

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<sup>29</sup> Achieving Gender Equality in Macedonia, Center for Research and Policy Making, 2009 <http://www.crpm.org.mk/wp-content/uploads/2012/03/Achieving-gender-equality-in-Macedonia.pdf>

<sup>30</sup> The invisible gender: analysis of secondary textbooks from gender aspects, Katerina Kolozova, Mitko Cheshlarov, 2006

<sup>31</sup> 31,4% of the total inactive population in 2009

<sup>32</sup> In 2006, total active population is 892.000, and inactive is 727.000

<sup>33</sup> In 2011, total active population is 937.326, and inactive is 721.854

<sup>34</sup> In 2006, the total number of employees is 570.000. Number of employed women is 218.310, and number of employed men is 351.690

<sup>35</sup> The FYROM Decent Work Country Programme 2010-2013, ILO

employed women receives lower than the average salary<sup>36</sup>. **The state should take adequate measures for complete respect for the equal remuneration principle for work of equal value.**

**The segregation of women in certain sectors is still persistent.** Women are mostly employed in the sectors of health and social work<sup>37</sup>; education and public administration and defense<sup>38</sup> and mandatory social protection<sup>39</sup>. **The state should reduce the existing segregation of women in certain sectors, through introducing quotas for employment of women in sectors where they are least represented.**

#### **Article 12 - HEALTH CARE FOR WOMEN**

**There is insufficient coverage of women with primary gynecological health care, especially in rural areas and small towns.** Only 59,9% of the women have selected a gynecologist. This coverage is to a lesser extent among women from rural areas<sup>40</sup>. Significant factor for the accessibility of gynecological health services is the distance from the services to the place of residence<sup>41</sup>. **The state should introduce measures that enable universal coverage of women with gynecological services from the primary health care on the whole territory of the country.**

**There is low rate of usage of contraception (oral hormonal contraception and barrier methods) by women in the reproductive period, which leads to the situation that abortion is still used as birth control method, in particular among married women. Health institutions that perform abortions provide insufficient counseling for the women in terms of contraception usage, as well about the abortion procedure.** The main reason for the low rate of use of contraception is the lack of knowledge among women about their efficiency and the possible harmful effects to health. About 26% of women stated that they were prevented to use contraception, and the main reasons are the fear from possible harmful consequences to health, and the objecting from the partner to use contraception. 15% of women in reproductive period had at least one abortion in their life<sup>42</sup>, from which the majority (57,6%) performed it in the period when married. The most frequent reasons for performing the abortion are the inappropriate socio-economic conditions for raising a child (33,2%) and the fact that they did not want to have a child at that period of time (15,6%). **The state should introduce a comprehensive network of centers that provide counseling services for reproductive health and family planning and take measures to improve the availability of contraception, such as placement of oral hormonal contraception on the positive list of medicines of the Health Insurance Fund of Macedonia and reduction of the prices of the barrier contraception and condoms. The state should take measures to introduce mandatory counseling in the health institutions which perform abortions.**

**There is absence of comprehensive system for health education, including the reproductive health, neither for young people nor for vulnerable groups of citizens. The state should introduce a system of comprehensive health education for young people, including sexual and reproductive health. The state should introduce special and targeted measures for health education, including the sexual and reproductive health of vulnerable groups of population (rural population, rural women, Roma, as well as other socially and health vulnerable groups).**

#### **Article 13 - ECONOMIC AND SOCIAL LIFE**

**There is no gender-disaggregated statistics with regard to all separate categories of cash benefits, that is social allowances, while the procedure for exercising social protection rights is extensive and difficult.** Most often, men are the holders of rights to social welfare<sup>43</sup>. This fact further contributes to the practice that women neither have access to those funds nor right to decide how to use the funds. **The state should**

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<sup>36</sup> The biggest number of employed women (over 70%) receive salary which is lower than the official average net salary in the country. 31,9% belong to the group that earn salary at the amount from 8.001 – 12.000 MKD; 20,9% in the group that earn from 5.001 – 8.000 MKD, and finally 19,9% who belong to the group that earns from 12.001 – 16.000 MKD. In January 200, the average net salary was 19.598 MKD and in December 2009 it amounted to 20.446 MKD. It is worth noting that in the past several years, about 2% of the total number of unemployed people have not received salary

<sup>37</sup> 22.804 women in 2006 and 25.791 women in 2009

<sup>38</sup> The number of employed women in 2006 is 18.741 and 21.749 women in 2009

<sup>39</sup> 11.727 women in 2006 and 12.604 women in 2009

<sup>40</sup> 48,7% of the women from rural and 63,3% from the urban areas have selected their chosen gynecologist

<sup>41</sup> Only 25% of women have gynecologist in their vicinity

<sup>42</sup> Assessment of the situation regarding sexual and reproductive health and rights of the population in RM, Dr Borjan Pavlovski, Association ESE, 2009-2010

<sup>43</sup> State Statistical Bureau, <http://www.stat.gov.mk/pdf/2012/2.1.12.15.pdf>. Data about adults who are beneficiaries of social welfare are recorded in the following categories: beneficiaries with behavioral disorders, physical and mental disability, materially deprived beneficiaries, older beneficiaries and other. According to the available data for 2007, 2008 and 2009, only 20 % of women were holders of this right

provide the available statistics disaggregated by gender and divided in all categories of social cash benefits and other social welfare rights, and provide free, simple, efficient (without extensive documentation) administrative procedure for exercising social protection rights.

**There are obstacles that prevent women to fully enjoy their economic rights.** The main limitations for unhindered inclusion of women in economic life are the traditional values (18.80%) and lack of property in the name of the woman (17.50). **The state should address obstacles that women face with respect to economic rights and to implement measures to encourage and support women's entrepreneurship, including the provision of trainings and access to credit.**

#### **Article 14 - RURAL WOMEN**

**There is lack of measures and activities which would encourage the rural woman to participate in political and public life.** Unlike urban women, rural women to a lesser extent are members of political parties and civic organizations<sup>44</sup>. **The state should take measures and activities for the purpose of encouraging the rural woman to participate in political and public life.**

**The right to health, in particular reproductive and sexual rights of women in rural areas is limited.** The closest gynecological clinic for 32,4% of rural women is at more than 10 km distance from their residence. Every fourth woman from rural area stated that there are problems regarding the access to services for abortion. Almost half of the rural women have to consult their husband if they want to see a doctor. Preventive health program for mandatory and free PAP test for all women is not known to 27% of rural women, while 12,7% have used the preventive program and made free PAP test. **The state should enable the exercising of the right to health, in particular the reproductive and sexual rights of rural women.**

**There is a lack of serious and systemic measures for employment of women from rural areas, in particular for elimination of the obstacles they face.** Rural women are dominantly housewives (28,8%); employed (17,6%); unemployed who seek employment (16,1%) and unemployed who do not seek employment (5,8%). Contrary to urban women, they are only to a bigger extent represented in agricultural work, selling and seasonal work. The attitude that career making and motherhood are contradictory is more prevalent among rural women and lack of measures for harmonization of the family and professional obligations of women are contributing to this situation. **The state should establish and eliminate the barriers that prevent the economic empowerment of rural woman.**

**There is dissatisfaction among rural women regarding the acquired educational degree.** Rural women have dominantly completed secondary (34,8%) and primary education (31,5%)<sup>45</sup>. However, dissatisfaction from the acquired education is bigger among rural women (35,8%). **The state should introduce special measures to enable the rural woman to acquire the desired educational degree.**

**There is lack of systemic measures for economic empowerment of women from rural areas, in particular elimination of the obstacles they face and the number of women who use certain types of financial support for agriculture and rural development is low.** Almost every second woman from rural areas thinks that there are obstacles which prevent women to start their own business or to participate in other economic activities. There are several reasons that contribute to this situation: home and family obligations; the perception that a woman can deal with business is unacceptable; non-possession of property and lack of support from the family. As for the women farmers, despite the fact that regional offices of the Ministry of agriculture have established network of advisors to help women farmers in the creation of business plans and provide assistance regarding the applications for the public calls, yet from total of 125 concluded contracts within the IPARD Program<sup>46</sup>, only fifteen have been concluded with women<sup>47</sup>. **The state should eliminate the barriers that prevent the economic empowerment of rural woman and take measures to increase the number of women beneficiaries of certain types of financial support in agriculture and rural development.**

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<sup>44</sup> 8,5% of women from villages as opposed to 12% of women from towns are members of political parties. 3,3% of women from villages as opposed to 7,1% of women from towns are members of civic organizations.

<sup>45</sup> Followed by 10,3% who have not completed primary education; 9,7% with high education; 3,9% without education (can read and write); 2,7% with higher (college) education and 0,3% with completed master studies

<sup>46</sup> Instrument for Pre-Accession Assistance for Rural Development

<sup>47</sup> Because the beneficiaries of these contracts are not disaggregated according to gender, the stated number was established on the basis of general data of the individuals who are beneficiaries of the contract, excluding legal entities (no data whose is the ownership)

## **Article 15 - LEGAL EQUALITY AND LEGAL CAPACITY OF WOMEN**

**There are no efficient mechanisms for free legal protection of women.** Regardless of the adoption of the Law on Free Legal Assistance<sup>48</sup>, still women are facing problems with regard to the efficiency and timely protection of their rights. The high cost of legal services and the weaknesses of the legal system in the country, such as corruption, tardiness, inaccuracy and political affiliation are the reasons that limit the legal capacity of our women in the country. **The state should introduce efficient mechanisms for free legal protection of women.**

## **Article 16 - WOMAN'S STATUS IN MARRIAGE AND FAMILY**

**There is high level of acceptability of arranged marriages and the percentage of concluded juvenile marriages in female population is five times higher than in male population.** Every fifth woman thinks that she does not have the right to refuse the marriage if the choice of the partner was made by her family. As for the juvenile marriages, the data from 2007 -2011 show that the rate of this phenomenon is declining<sup>49</sup>, however, it is significantly higher among women. **The state should introduce legal provisions that prohibit the conclusion of an arranged marriage and take measures and activities aimed towards raising the awareness of young female population in order to reduce juvenile marriages.**

### **STATUS OF WOMEN/GIRLS WITH DISSABILITIES**

#### **a) Women/girls with physical disability**

**There is a lack of physical access for all people with physical disabilities in public institutions.** Major problem for the realization of their rights is the physical barriers and lack of access ramps to the educational, health, cultural and other institutions. **The state should provide adequate physical access for the people with physical disabilities in all public institutions. The situation with regard to the employment opportunities of the women with physical disabilities<sup>50</sup> is unfavorable.** The women expressed dissatisfaction from the working conditions in the enterprises and from the attitude of the superiors and managers of these enterprises<sup>51</sup>. The working hours and the conditions under which they acquire the right to retirement are other problems faced with regard to the employment of people with disabilities. **The state should take measures to prevent violation of labor rights for persons with disabilities and the Labor inspectorate should increase its visits and controls to the protective workshops. The state should introduce shortened working hours and early retirement for the people with disabilities.**

**There are no centers for people with severe physical disabilities established, or services for assistance and care in their homes provided.** The respondents stated that many of the people with severe physical disabilities, following the death of their parents, end up in the homes for old people, although they are aged below 50 and the care in these homes is inadequate for them. **The state should open care centers for people with severe physical disabilities and introduce services for assistance and care for the people with disabilities in their homes, including care for the children whose mothers have physical disabilities.**

#### **b) Women/girls with intellectual disability**

**There is a lack of integration of students with disabilities in the regular educational process.** Some of the girls who attended regular schools for primary education encountered non-acceptance and inadequate treatment by the teaching staff and the students. Because of this, most of the girls who started their education in the regular schools were later transferred to the specialized schools. **The state should take measures and activities to integrate students with disabilities in the regular educational process.**

**The situation of the women that take care for persons with disabilities is unfavorable.** Individuals who take care of people with intellectual disabilities are usually women and they dedicate all their free time to provide this care. There is necessity for separate departments and services for care and socialization of people with intellectual disabilities. It is more important that such services also enable care for the people with intellectual disabilities following the death of their parents. **The state should open separate departments and services for care and socialization of people with intellectual disabilities.**

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<sup>48</sup> Official Gazette No. 161/2009

<sup>49</sup> Women and men in Macedonia, 2010 and 2012. In 2007, the percentage of women aged 15-19 who got married was 16,04 %; in 2008 it was 15,9 %; in 2009 it was 14,47 %; in 2010 it was 13,8% and in 2011 it was 13,07%

<sup>50</sup> The situation is referring to the women with intellectual disability as well

<sup>51</sup> Owners employ the people with disabilities in order to use the benefits from the state, and afterwards treat these people improperly