

REPUBLIC OF MACEDONIA
Shadow Report on the implementation of
the Convention on the Elimination of
all Forms of Discriminations against Women

Shadow report is prepared and carried out by the Association for Emancipation, Solidarity and Equality of Women of Republic of Macedonia - ESE

2005

REPUBLIC OF MACEDONIA
Shadow Report on the Implementation of the
Convention on Elimination of all Forms of
Discrimination against Women

The Shadow report was prepared and carried out by the Association for
Emancipation, Solidarity and Equality of Women of the Republic of
Macedonia - ESE

Translation: ESP

Design and graphic prep.: **kreativanova**

Cover: *Eternal birth*, Lidija Sazdovska, oil on canvas, 2004

Edition: 1000 copies



The report is published with the support of the OSCE Spillover Monitor Mission to Skopje.

The content of this publication does not necessarily represent the view or the position of the OSCE Spillover Monitor Mission to Skopje.

CIP - Каталогизација во публикација
Народна и универзитетска библиотека "Св. Климент Охридски"
Скопје

305 - 055.2 - 028.83(497.7)(047)

Republic of Macedonia: Shadow Report on the implementation of the Convention on Elimination of all forms of Discrimination against Women. - Skopje: Association for Emancipation, Solidarity and Equality of Women of the Republic of Macedonia - ESE, 2005. - 99 стр. ; 20 см

Фусноти кон текстот

ISBN 9989 - 9930 - 4 - 1

а) Нееднаквост на жената - Македонија - Извештаи
COBISS.MK - ID 63264778

CONTENT

| | |
|--|----|
| Acknowledgements | 4 |
| SUMMARY REPORT | |
| 1. Profile of the state | 6 |
| 2. Methodology of preparing reports | 8 |
| 3. Summary findings | 9 |
| 3.1. Legal Harmonization | 9 |
| 3.2. Factual harmonization | 11 |
| 3.3. Recommendations | 15 |
| REPORT | |
| Methodological notes | 20 |
| Article 1 | 22 |
| Article 2 | 24 |
| Article 3 | 27 |
| Article 4 | 29 |
| Article 5 | 31 |
| Article 6 | 33 |
| Article 7 | 39 |
| Article 8 | 44 |
| Article 9 | 46 |
| Article 10 | 48 |
| Article 11 | 53 |
| Article 12 | 61 |
| Article 13 | 67 |
| Article 14 | 69 |
| Article 15 | 74 |
| Article 16 | 77 |
| Appendix 1: Legal and supplemental sources | 83 |
| Appendix 2: List of legal experts | 85 |
| Appendix 3: List of respondents and interviewers | 86 |
| Appendix 4: List of conducted focus groups | 87 |
| Appendix 5: List of nongovernmental organizations that participated in determination of the factual position of women | 88 |
| Appendix 6: Complete list of areas of concern | 89 |

ACKNOWLEDGEMENTS

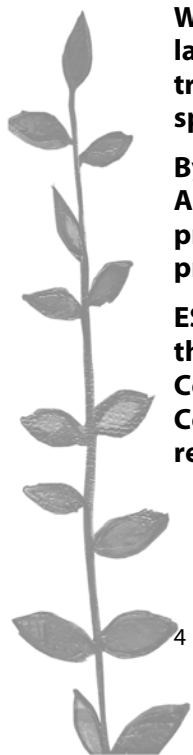
Almost two years have elapsed since the beginning of the process of preparation of the first shadow report to the Convention on Elimination of all Forms of Discrimination against Women in the Republic of Macedonia. Two of the ten steps which the Association for emancipation, solidarity and equality of women in RM has made in the decade that it has been in existence.

ESE, guided by the goal of providing a full account of the status of women in RM, embraced the challenge to prepare the First Shadow Report to the Convention on elimination of all forms of discrimination against women. The challenge was that much greater in light of the fact that RM, since it adopted the Convention in 1994, has failed to produce a single report to the United Nations about the extent of the implementation thereof.

The realization of the process commenced on December 18, 2003 with the training intended for the members of the de jure and de facto group. On this occasion, we would like to express our special gratitude to Ms. Hadar Harris, the executive director of the Human Rights and Humanitarian Law Centre at the American University in Washington, who worked side by side with ESE and the working groups members to lay the foundations of this long term, highly significant process, through delivery of training, strategy development, specification of methodology and identification of specifics associated with the roll out of this process.

By the same token, we would like to express special gratitude to the American Bar Association, Central and Eastern Europe and Eurasia Law Initiative, who supported the process from its very beginning and produced a manual that provided the basis for the preparation of this report.

ESE would also like to thank OSCE Spillover Monitor Mission to Skopje, who, amongst the traditional donors of ESE, the Interchurch Organization for Development and Cooperation - ICCO from the Netherlands, and the Protestant Association for Cooperation and Development - EED from Germany, provided financial support to the realization of the process and the publication of the report.



The contribution made by the working groups members (de jure and de facto), who lent their expertise and time at our disposal in such an unselfish fashion, was of particular importance.

We would also like to express our gratitude to the five legal experts who together with us invested enormous efforts to align the domestic legislation with the provisions of the Convention. Over a period shorter than six months, we jointly carried out a comprehensive legal analysis, of which the findings provided in this report speak for themselves.

Our gratitude also goes to the coordinator of the overall analysis of the factual situation, as well as to the interviewers who helped us to determine the status of women in the Republic of Macedonia properly and in a comprehensive manner. This part of the process turned out to be the most complex and time consuming in the preparation of the report.

We would like to thank all NGOs and all individuals who helped in the process of determining the factual alignment and who, along with ESE, were the champions of this process in Macedonia.

Our gratitude also goes to the experts that we interviewed and who, through sharing their opinions and views pertinent to their respective areas of expertise, provided major contribution to the analysis of the factual situation.

Last but not least, we would like to express our gratitude to the staff of the programme Women's Human rights, Stojan Mishev and Gabriela Mihova, who took a wholehearted part in the two year preparation process and made a major contribution to the final form in which the findings in this report are presented.

We trust that the findings and the recommendations contained in the First Shadow Report to the Convention on Elimination of all Forms of Discrimination against Women, having now been recorded and constituting a significant part of the history of improvement of relations between men and women, provide the basis and the starting point for all future activities undertaken in this sphere on a national level.

Jasminka Friscik, executive director of the Association for emancipation, solidarity and equality of women in RM - ESE

Marija Gelevska, deputy executive director and coordinator of the programme for Women's Human rights run by the Association for Emancipation, Solidarity and Equality of Women in RM - ESE

December 2005



SUMMARY REPORT

1. PROFILE OF THE STATE

Area: 25,713 km²

Capital: Skopje

Population: 2,022,547 inhabitants, 78,7 inhabitants per km²

Population structure by gender: men 1,015,377, women 1,007,170, i.e. there are 1,008 men per 1,000 women

National structure of the population: According to the 2002 census, the total population amounted to 2,022,547 inhabitants, of whom: 64.18% Macedonians; 25.17% Albanians; 3.85% Turks; 2.66% Roma; 0.48% Vlachs; 1.78% Serbs; 0.84% Bosniaks and 1.04% others.

Literacy and education: the 2002 literacy rate was 96.38%.

3.85% are with no education, 10.77% are with incomplete primary education, 34.77% have completed their primary education, 10.64% have completed a three - year's secondary education, 29.45% have a four - year's secondary education, there are 3.24% of the inhabitants with a two - year's higher education, 7.28% have a higher education degree, which makes a total of 1,579,500 individuals.

Economic development¹: the 2003 Gross Domestic Product of Macedonia was US\$ 2,243 per capita. The nominal amount of this indicator for the same year was MKD 253,454 million.

Real GDP Growth

The nominal growth of the GDP in 2003, as compared with the 2003 relative indicator, was 3.9%.

The real growth rate of GDP in 2003 - against the one in 2002 - was 3.4%.

Unemployment: In 2003, there were 390,361 unemployed persons, i.e. 36.7% of the total population.

Theatres, cinemas, libraries: In the Republic of Macedonia, there are 12 professional theatres². 19 cinemas are active in 2004 and there are a total of 208 libraries³.

Current situation: the integration into the European Union is, no doubt, one of the most

¹ Source: State Statistical Bureau, (2004; 2005)

² Source: State Statistical Bureau, 2003 data

³ Source: State Statistical Bureau, 2001 data

important strategic interests and priority goals of the country. The Republic of Macedonia is the first country in the region to have signed the Stabilization and Association Agreement in 2001. Having the Agreement ratified by the Parliament in the same year, the Republic of Macedonia confirmed its strategic interest and dedication to become a Union member. By the end of this year, Macedonia expects to have a date defined for the commencement of negotiation of membership in the EU.

The Republic of Macedonia gained its independence in September of 1991, by separating itself from the SFR Yugoslavia. In terms of its constitutional set up, the Republic of Macedonia is a republic with parliamentary democracy. The MP's are elected at general, direct elections. Thus far, three parliamentary elections have taken place. The Parliament of the Republic of Macedonia has a total of 120 members, 1 chairperson and 2 vice-chairpersons. The executive branch of the Government in the Republic of Macedonia is consisted of 14 ministries. Within the Government itself, there is a General Secretariat, consisted of several sectors.

Three local elections have taken place. The decentralization process is underway and includes delegation of the responsibilities from central to local level.

The judicial branch of the Government in the Republic of Macedonia functions at three levels. There are 27 basic, 3 appellate and one Supreme Court in the country. The public prosecutor's office also functions at three levels, i.e. there are basic, higher and national public prosecutor's offices.



2. METHODOLOGY OF PREPARING REPORTS

Methodological notes

1. Sources of Knowledge
 - The Constitution, laws, and secondary legislation in the state
 - Experts in various areas
 - Women belonging to different ethnic communities, of different geographic origin, and belonging to different urban or rural areas
 - Statistical evidence, studies, other written material
2. Methodological procedures
 - Content analysis
 - An interview with experts
 - Work with focus groups
3. Research question, description
 - The Constitution, laws, and secondary legislation in the state
 - 19 experts
 - 13 focus groups



3. SUMMARY FINDINGS

There are three global conclusions that may be drawn from the conducted legal analysis and the revealed factual situation:

1. 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;
2. The situation is somewhat less favourable in relation to the implementation of the harmonized legal acts, and
3. 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.

3.1. Legal Harmonization

a) Harmonization of Laws

The following legal dis - harmonizations of the existing legislation with the provisions included in the convention have been identified:

In the current legislation, there is a lack of a definition of discrimination against women. In Macedonia, there are neither separate laws on anti - discrimination, nor a separate law on gender equality. In a part of the individual laws (all, with the exception of the areas of education and labor relations), there are no provisions on ban on discrimination. Even in those parts in which there is a ban on discrimination, there are no penalty provisions for failures to abide by the banning provisions.

In the state, with the exception of the judicial procedure, there is no legal prescription of other protection mechanisms for cases of failure to abide by the law, procedures or practices of discrimination against women.

The only institutional mechanism of the state (the Department for Promotion of Gender Equality within the Ministry of Labor and Social Policy (MoLSP)) - which should aim at the realization and exercise of the rights of women in a fashion equal to men - is not regulated by law.

As regards the special temporary measures aiming at promoting the factual equality of women and men in Macedonia, despite their being partially foreseen, there is no precise legal definition. There is a lack of legally foreseen special temporary measures for women's participation in the remaining social spheres, with the exception of their participation in the political arena (the exact purpose they have been included for).

The following legislative measures for prevention of trafficking, prostitution and domestic violence, are not in place in the country: there are no legally foreseen separate social protection programs for women prostitutes, nor adequate legal regulation of domestic violence, and as a result of that, there are no formal systems for protection of victims of domestic violence; furthermore, there are no programs for training of the professional

structures dealing with this program, nor are there programs for raising the awareness about prostitution and trafficking in human beings initiated by the state. There is also no legal regulation of special programs that would provide free and accessible legal aid for victims of domestic violence on the part of the state.

As far as providing women with the opportunity to represent their Governments at the international level are concerned, there are no provisions that ensure proportional representation of women at this level.

In the education, i.e. in legal acts regulating the elementary education, there is a provision banning the discrimination, but there are no penal provisions for those that will not abide by the abovementioned provisions.

The labor relations laws do not contain a legal provision that explicitly obliges the employer to inform women on the working conditions that could harm their reproductive health.

There are no special provisions that regulate sexual harassment in the Labor Relations Law and in the general collective agreements.

There is no specific provision which guarantees the return of women employees at a working place requiring the same qualifications as those of men following the end of their maternity leave, without professionally degrading them in the process. Also, the Labor Relations Law and the Law on Protection at Work do not contain a legal provision stipulating that their provisions are changed in accordance with the new scientific and technological findings.

While the law does contain protection of workers, there are no provisions foreseeing special protection of women, with the exception of the special protection from night shifts. The institute parental leave is not regulated and there is a need to foresee it in a legal act.

There is no law on sexual and reproductive rights in the area of health care.

The state has failed to foresee any developmental programs aimed at developing the rural areas, which would resolve the problems of rural women.

In the existing family legislation, there are no provisions to ban entering into false marriages or marriages entered into for the purpose of achieving economic security, and there are no measures imposed by law, such that will aim at eradication of agreed marriages among the Roma and Albanian population.

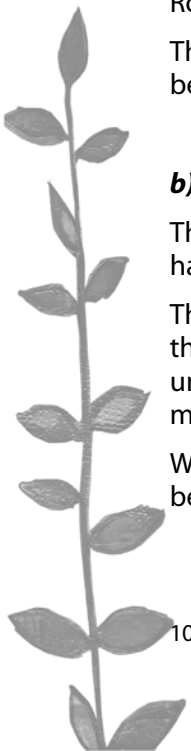
There is a gap in the legislation: living together with a minor and sexual intercourses between adults and minors at the age between 14 and 18 are not banned and penalized.

b) Implementation of Laws

The following omissions have been revealed in relation to the implementation of the harmonized existing legislation:

The National Action Plan - as the sole document supposed to foresee the improvement of the status of women - has not been revised and does not include any time frame for undertaking the foreseen activities. Nor does it foresee an indicative budget or a progress - monitoring plan regarding this document.

While there is legal regulation of phenomena of prostitution and trafficking in human beings, there are no specific programs for their prevention and suppression.



Under the Law on Asylum and Temporary Protection, an asylum seeker is an alien who is requesting the right to protection. This Law does foresee personal hearing of asylum seekers, but women are regularly not interviewed separately from men. Officials in the Asylum Department of the Ministry of Interior (MoI) fail to demonstrate gender sensitive interviewing techniques when interviewing female asylum seekers.

In the field of education, there is a need for provision of a consistent application of the law in relation to the mandatory nature of elementary education (sanctions for the parents).

There are no special programs for the girls and women that have dropped out of school too early, particularly for girls from rural areas, those with low social status belonging to certain ethnic groups, like Roma and - to a certain extent - Albanian girls. Appropriate educational programs aimed at the elimination of discrimination and the traditional understanding of the roles of men and women are insufficiently included in all educational levels, and the forms and teaching methods that are being applied are not properly adapted.

The legal provisions in the health care sphere are not implemented in more than one aspects: the health care system services for the promotion of the reproductive health and rights are not functioning properly (especially in the rural areas and among vulnerable groups such as the poor people, people with low educational level and the Roma population), and in certain regions there is insufficient provision of health care for women in the sphere of women's and reproductive health. The state does not provide special measures for the support of motherhood and proper nutrition during pregnancy and breastfeeding. There are no special state programs for the protection of the HIV infected individuals, especially pregnant women, for raising the consciousness of young people for the use of contraceptives, and for changing the traditional practices of some ethnic groups, which lead to limitation of their sexual and reproductive rights.

As far as the elimination of discrimination in the economic and social area is concerned, there are no special procedures regarding the discriminatory behaviour in the private sector. There are no special programs for the promotion of women's entrepreneurship and guarantee funds for its stimulation. There are no credit lines exclusively for women.

The state is not undertaking any efforts to improve the position of women in rural areas, which is evidently rather more difficult than that of women in the urban areas. There are no measures and activities to include the rural woman in the local self - government bodies or in other bodies with decision - making power at local and national levels. There is a lack of separate programs to promote the participation of women and - at the same time - to encourage women to take part in certain political processes. There are no separate programs to ensure protection of women who are victims of domestic violence in the rural areas.

3.2. Factual Harmonization

The previous finding on the discrepancy between the real and true gender equality has been confirmed through the following factual situation.

While our laws do not provide for the operationalization of the notion of discrimination, all participants in the investigating activities understand its content in terms of its definition in the Convention, which may actually be also seen through the discrimination examples pointed out by them. One of those examples is: "During job interviews, the first question posed to women before signing an employment contract shall be: whether they are married and whether they plan to have children in the subsequent period. It is also worth noting that



even the international organizations working in our country oblige their female employees to sign a contract, assuming an obligation to have no children in the coming period, as a precondition of keeping their job." Discrimination has not been the grounds for initiating a court procedure, or an initiative for reviewing the constitutionality of laws in this area.

The fundament of the state machinery is the Gender Equality Unit, established within the Ministry of Labor and Social Policy (MoLSP).

At the initiative of both government and non - government organizations, meaningful and comprehensive measures were undertaken to introduce quotas of increasing the participation of women in the parliamentary elections and in elections of council members at the local level, i.e. only in the political life. There are no such measures in the other spheres.

There are no guaranteed rights related to the protection of mothers, such as firing during pregnancy, incomplete use of maternity leave and the right to shorter working hours of single parents and parents of children with impediments in their development.

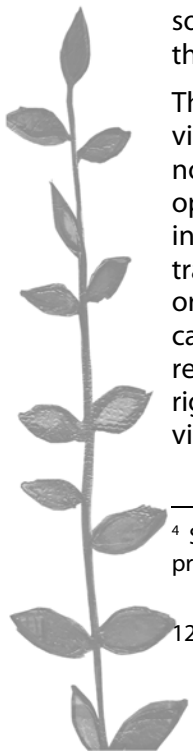
There is a patriarchal matrix in the men - women relations, as a dominant model regarding the division of roles in the family. The role of the mother is dominant in the raising and development of children. This was actually confirmed in the statements given by the focus groups: "It is the man and father who is obeyed"(a statement by an ethnic Roma woman from an urban area); "We all know what is the woman's job and what the men's. Even God himself said: the woman has the voice of a nightingale so that she may sing, and a strong back, so that she may be a laborer." (A statement by a woman from an ethnic Turk community in a rural - urban area)

In rural areas, the exemptions from such roles are minimal, while there have been changes and division of labor in the urban ones. Despite the fact that under our legislation the parental rights and obligations are rights and obligations of both parents, it is women who take the burden of the raising process in the practice. In raising girls, there is a rule that they should be 'calmer than boys, servile, quiet, and always nice. They should not engage in jobs that would separate them from the home too much or that require physical strength, and they should never express their opinion in public."

Prostitution, as a real phenomenon in the country, is mainly treated as an individual problem and less as a socially triggered phenomenon, and receives no treatment of a priority in society. The state fails to undertake special measures for education of women in relation with the health and safety risks arising from prostitution.

The programs in place at the shelter for trafficked women and girls are accepted only by victims who are ready to go back to their country of origin, while trafficked women who do not want to take part in the International Organization for Migration program have no other option but to be deported. One cannot identify the internally trafficked women and children in the state, although there are indications that they exist in the country. Close to 70% of the trafficked women from South - Eastern Europe may not or will not go back to their country of origin due to fears of condemnation, prosecution, and lack of trust in the local authorities' capacity to ensure proper protection.⁴ Women victims of trafficking should be allowed to remain on the territory of the Republic of Macedonia if they meet certain requirements. The right to seek asylum and to initiate the procedure is one of the tools that a woman victim of violence may use, in case of a fear of prosecution following the return to the country of

⁴ Shearer Demir, Jenna, "Trafficking in women for sexual exploitation: Gender - based and reasonable fear or prosecution?", UNCHR working material No. 80, 2003.



origin⁵. The Ministry of Interior has so far registered no application for asylum submitted by a woman victim of trafficking.

In the practice, one meets all the types of violence against women: sexual, physical, psychological, and economic. The dominant form of violence is the psychological one (the reported rate being 61.5%), followed by the physical one in terms of incidence and reporting (23.9%), and the sexual violence being third in terms of size and reporting - 5.0%. In spite of the existing mandatory health care to be provided by the state, it is not provided for women victims of domestic violence.

The women - mainly - exercise their right to vote. In the practice, there are only two deviations from this: the 'family' voting, mainly in the Albanian ethnic community (especially in the rural areas), and the abstinence of a portion of the Roma women. The following were identified as the key obstacles that prevent women from exercising their right to vote: the poor economic situation of some women and their low level of education.

The general conclusion is that the participation of the women in our country is at a low level, i.e. they have a minimum real decision - making power. In addition to the unsatisfactory participation of women in Parliament, their representation is only marginal in the organ of the executive branch - the Government of the Republic of Macedonia. Generally, the basic human rights of women are not violated on the basis of their political activities and affiliation.

A very small number of women from the state hold positions that mean representing the Government at an international level, just as is the number of Macedonian women working in international organizations. At an international level and at the level of ambassadors, the Republic of Macedonia is represented by a total of 30 representatives, of which 2 are women, i.e. the total percentage of women is 6.6%⁶. The Republic of Macedonia has four general consulates. No woman has been appointed a consul general.

Under our regulations, marriages with a citizen of another state or changes of nationality of the husband do not automatically mean a change in the citizenship, i.e. nationality of the wife. However, in the practice these changes often cause a change in the nationality or citizenship of the wife. This happens at personal request, not automatically.

Any person of age (regardless of the sex) has the right to obtain not only a passport, but also any identification document without the consent of the spouse or any other person. In the practice, especially among the Roma and Albanian population, the woman seeks the consent of the husband, mother - in - law or another person to obtain a passport. This consent has no formal value. The same happens when it comes to citizenship of their children.

In spite of the fact that - from a formal point of view - both parents have equal rights as to the selection of the citizenship for their children, the practice is such that the role of the father is stressed, i.e. what most often happens is that it is his citizenship that is taken (upon a joint request, therefore with the consent of the wife).

The legal regulations foresee an equitable approach to education for both men and women. In reality, however, it is not always so. Among the Roma population, girls still complete their elementary education to a lesser extent than boys.

⁵ The Protocol on Prevention and Suppression and Sanctioning Trafficking in Human Beings, particularly women and children, signed on December 14, 2000. It was ratified on September 28, 2004.

⁶ Web page, Ministry of foreign affairs

"Girls living in rural areas or those coming from lower social layers and/or belonging to certain ethnic groups, such as Roma and - to an extent - the ethnic Albanians, are with the highest risk of leaving the educational system at the initial stage. The general rate of reduction, i.e. of those dropping out of school totals an average of 2%, but in cases of the Roma population, this amounts to 10%". For both the boys and girls, the quality of education in terms of the educational programs, teaching staff, school space and equipment are equal (they go to school together). The topics of health education and family planning are not taught at the elementary and secondary schools.

The right to work is guaranteed by the Constitution as an inalienable one, but the practice does know of deviations, especially in the private sector. There is no mechanism of encouragement in the state, which will ensure an equal treatment of men and women in the working place. As a rule, women are free to choose their profession and employment. However, the usual practice is that women decide to accept professions that secure employment, while - due to the traditional customs - there are cases in the Albanian ethnic community in which women are not allowed to find employment. Retirement is defined in accordance with certain criteria that are no different for men and women, with the exception of the age limit in obtaining this right (62 years of age for women and 64 years for men).

Legally, it is forbidden to dismiss a woman during her pregnancy leave. Unfortunately, in certain circumstances, the practice is different than the legally guaranteed protection. Under the Law, women are entitled to a nine - month's paid maternal leave. This right belongs to the woman and may not be shared with the husband. There are women who do not use their maternal leave in full - in order to keep their job, to increase their domestic budget, etc. Maternal leaves may be also used by the husband, but only under exceptional, legally prescribed instances. In our country, there is no parental leave.

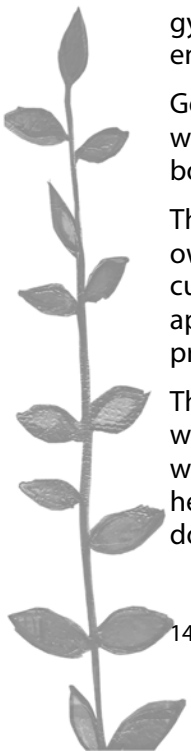
With the exception of kinder gardens, there are no other auxiliary social services that would enable the parents to bring into accord the family obligations with the working ones, and to still participate in the social life. Kinder gardens exist in rural areas only.

The economic factors come as the first obstacle for women to request health services. The cultural or social barriers may also be mentioned in the case of the Roma woman. "If not married, or if divorced, the woman will not go to a gynaecologist, out of fear of something that may be said about her honor." For the married women, it is no problem to visit a gynecologist on their own. The Roma women still believe that, if they go to a psychiatrist, the environment's reaction will be bad, they will be gossiped about, and will be labelled.

Generally, there is a lack of education in relation to the reproductive health, especially for women in the rural areas. This is confirmed by the abortion rate - 315 out of 1,000 newly born. One should also take into account the large number of unreported cases of abortion.

The legal equality of the legal ability of men and women - and in particular their rights - to own property is rarely implemented in the practice. This is a result of the tradition and customs existing in our country, which are mostly abided by. While women do have an equal approach to all forms of financial aid, they rarely apply for any. This is due to not possessing property in the name of women, which would be a guaranteed for the financial loan.

The life of women from rural areas is much more difficult in comparison with the life of women in the urban ones. The state undertakes no special efforts to improve the position of women in the country. The rural woman is not included in the government. Most often, the health services are inaccessible for them. They do not use such services, as the latter simply do not exist in their places of residence. The women in the rural areas, the access to



information related to the reproductive health and family planning, are all limited. The barriers mainly come down to cultural, religious and moral values of certain sub - cultures. In terms of their direct utilization of programs for social protection of the rural population, it may be concluded that there is a rather unfavourable situation. In the rural areas, women are not organized to ensure equal access to the economic activities through employment or carrying out an independent economic activity. There are rural areas in which the usual living standards are met, but there are also regions in which there is a lack of the elementary living prerequisites - accommodation, healthy water, good communication, etc.

Voluntariness is a constitutive element of the marriage and affects both partners. Therefore, women have the right to refuse to enter into a marriage. In the case of the Roma and Albanian population, agreed marriages still happen (although not frequently), where the male parent is obeyed.

Under the legal regulations, men and women have equal rights in relation to the ownership and transactions with property. Although they have the same rights in the eyes of the law, the situation is different in practice. The property, i.e. real estate is as a rule registered in the name of the husband. The reasons for such a situation lie in the customs and tradition, but also in certain objective circumstances.

Educational campaigns to promote equal rights of men and women within the family are almost not undertaken at all. This gap is filled in by the non - governmental sector, which is very active in this area. Women are not equal to men in making decisions on financial issues within the household. This is mainly due to the fact that in our state (largely) the men are still those who financially support the family.

3.3. Recommendations:

On the basis of the above analyses and findings, the following recommendations may be formulated and issued:

ARTICLE 1

- There is a need to enact a Law on Gender Equality.

ARTICLE 2

- There is a need to enact separate act on anti - discrimination;
- There is a need to introduce penalty provisions in individual laws (except for in the laws in the area of education and labor relations), to regulate violation of the ban on discrimination;
- There is a need of raising the awareness of citizens on the existence of a general criminalization of discrimination as an act of crime, which in reality lacks practical application.



ARTICLE 3

- The gender equality department shall be raised to a higher organizational level in the form of a governmental body, instead of as an integral part of the MoLSP;
- There is a need of establishing and strengthening the capacities of the institutional mechanisms for gender equality on a local level;
- The national Action Plan shall be revised to define the activities and, in particular, set a time frame for their realization, as well as an indicative budget and a progress monitoring plan.

ARTICLE 4

- There is a need to introduce measures to encourage the political parties to abide by and implement the special temporary measures;
- There is a need of introducing special temporary measures in other areas as well, such as economy, business and managerial positions.

ARTICLE 5

- The state shall undertake activities - via the introduction of educational and pedagogical measures, as well as through the adjustment of the teaching methods to help in the overcoming of the dominant traditional divisions of roles in the family, as well as the overcoming of the bias and stereotypes that have strong influence on the factual situation of the men and women;
- The state shall increase its cooperation with NGO's through supporting, encouraging and incorporating their activities, as the sole pillars of the efforts to overcome the traditional models and to improve gender relations.

ARTICLE 6

- The state shall intensify its activities in the field of trafficking in human beings at a national level and become involved in the regional initiatives in this area;
- There is a need to legalize the prostitution;
- There is a need to introduce separate programs for social protection of women prostitutes;
- There is a need for the state to introduce special programs for legal aid (free and accessible) for victims of domestic violence;
- The right of trafficked human beings to seek asylum in the Republic of Macedonia shall be strengthened and incorporated in the national law, in accordance with the Palermo Protocol.



ARTICLE 7

- The state shall undertake activities to eliminate the negative attitudes of citizens towards women engaged in politics, which is a phenomenon existing in our reality;
- The state shall undertake activities to achieve a higher level of women representation in decision - making bodies, committees at the central government level, Parliamentary committees, being placed in the process at positions of chairpersons of committees, state secretaries, deputy ministers, ministers, etc.

ARTICLE 8

- There is a need to adopt a Law on Foreign Affairs, such that will foresee measures to increase the level of participation of women therein.

ARTICLE 9

- The state shall introduce adequate and gender sensitive procedures, including separate interviews in the decision - making process regarding women asylum seekers.

ARTICLE 10

- The state shall insist on consistent application of the Law in relation to the obligation to complete the elementary education, by prescribing sanctions for the parents, etc;
- The state shall endeavour to functionally link the needs of the labor market and the society with the career and professional orientation of female children;
- There is a need to enhance the level of availability of information on education, so that assistance is provided in the efforts to provide well - being of the family (family health, sexually transmitted diseases and sexual violence), including information and advice on family planning;
- The state shall undertake activities to overcome the objective obstacles (provision of transportation for students, free schoolbooks, opening of school in certain environment, etc.), which disable female children to attend school;
- The state shall increase its activities in relation to the education of individuals with special educational needs and/or impediments in their development.

ARTICLE 11

- The state shall endeavour to include gender equality in its strategic documents;
- The state shall undertake specific measures to increase the level of employment of women, as well as their inclusion in well - paid sectors;
- The state shall introduce an explicit legal provision to oblige the employer to inform women on the working conditions that might adversely affect their reproductive health;



- The state shall introduce a separate provision to regulate sexual harassment;
- The state shall introduce a concrete provision to ensure the return of women employees to working posts, in case their qualifications are the same as those of men, without professionally degrading the women, following the expiry of their maternity leave;
- The state shall introduce a legal provision to change the special protection of women at work, in accordance with the latest scientific and technical findings;
- The special protection of pregnant women shall be expanded, with the exception of the protection against night shifts;
- The institute of the parental leave shall be introduced in the legislation.

ARTICLE 12

- The state shall improve the accessibility of the health system (information and services) in the rural areas;
- The state shall ensure adequate coverage with health protection for women, in the areas of women and reproductive health via sufficient coverage with gynaecological practices, mammograms, etc.;
- The state shall ensure special measures to support motherhood, as well as adequate nutrition during pregnancy and breastfeeding;
- The state shall recognize the need to enact a law on sexual and reproductive health and rights;
- The state shall introduce special programs for protection of women infected by HIV, especially of pregnant women, to prevent discrimination against women and promote their health status related to this illness;
- The state shall introduce special/effective measures to raise the awareness among the youth of the use of contraceptives and of the changes needed in the traditional practices among certain ethnic groups, as those practices lead to limitation of their sexual and reproductive rights.

ARTICLE 13

- The state shall introduce special procedures on preventing any discriminatory behaviour in the private sector;
- The state shall introduce special programs to promote women entrepreneurship;
- Individual credit lines for women shall be introduced, as well as guarantee funds for women - entrepreneurs.

ARTICLE 14

- The state shall undertake urgent measures to improve the position of the women in rural areas, which is evidently much more difficult than the one of women in the urban environment;



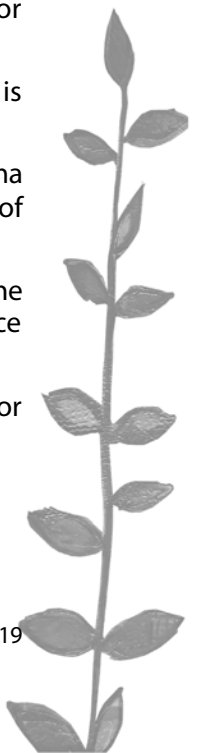
- The state shall undertake measures and activities to include the rural woman in the bodies of the local government, as well as in the other decision - making bodies at a regional and national level;
- The state shall insist on overcoming obstacles preventing women to become included in the political, economic and social life, such as stereotypes, economic factors, and traditional men - women roles;
- Special programs shall be introduced to promote the participation of women and - at the same time - to encourage them to become included in applying for certain political processes;
- The state shall insist that groups are formed for self - assistance and participation of women in the work of the local communities;
- The state shall facilitate the access to agricultural loans and shall especially take care of the access of women to those loans;
- The state shall design development programs, the goal of which will be the development of rural areas;
- The state shall undertake activities in the direction of improvement of the sub - standard living conditions in the rural areas, particularly the communication with the urban regions, which largely contributes to making it difficult to access the legal, educational, health care and services system;
- The state shall design special programs for protection of women - victims of domestic violence in the rural areas.

ARTICLE 15

- The state shall introduce mechanisms for legal protection of women.

ARTICLE 16

- The state shall introduce a legal provision to ban entering into agreed marriages or marriages entered into for the purpose of ensuring economic safety;
- The state shall introduce measures to enhance the accessibility of abortion, which is legally permitted in our state;
- The state shall introduce measures to increase the awareness of the Roma population of the need to register their marriages and, particularly, to take care of cases of minors living in unregistered marriages;
- The state shall undertake activities to overcome the present practice of leaving the inheritance to the male descendents, in spite of the fact that the right to inheritance belongs equally to the male and female offsprings;
- The state shall regulate by law the sexual intercourse between an adult and a minor at the age between 14 and 16 years, which is not banned and penalized.



REPORT

METHODOLOGICAL NOTES

INTRODUCTION

The subject of the report is description of the situation in the state in relation to the level of harmonization of the legislation with the provisions in the Convention on Elimination of all Forms of Discrimination against Women, as well as description of the factual situation regarding the discrimination of women in the family and society. For that reason, the report was built on the assumption that several sources of findings and methodological procedures would be taken into consideration.

In structural terms, the report is divided into two subject areas:

1. Legal Harmonization

In determining the normative harmonization of the legislation with the Convention, the following were the sources of knowledge: the state's Constitution, 50 laws, 2 general collective agreements and five programs, which regulate the relations in areas referred to in the Convention provisions. The existing legislation valid until July of 2004 was analyzed, with two exceptions (the Local Elections Law and the Family Law).

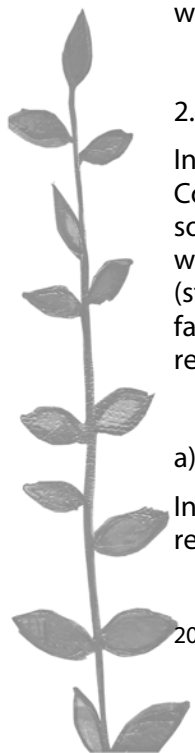
A team of five legal experts (it included judges, attorneys at law, lawyers) analyzed the Constitution and laws only from the perspective of their level of harmonization with the provisions in the Convention. In this, an analysis was conducted of the content, the latter totalling 185 pages. The subsequent stage included a selection of the relevant material, which - in a summarized and shortened form - constituted the portion included in the report.

2. Factual Situation

In determining the factual situation in the state in regard to the implementation of the Convention provisions, as well as in determining the level of discrimination of women in the society, three references were used: experts employed in areas in the focus of interest, women belonging to the ethnic communities living in Macedonia, and secondary sources (statistical documentation, research reports, analyses, monographies, etc.), related to the factual situation of the women in the country, published not later than 2004, except one report, published in 2005.

a) Experts

Interviews were conducted with 19 experts employed in areas connected with problems related to the exercise of rights of women. In certain areas, there was even more than one



expert. The questions the experts were asked - in a portion - were common for all interviewees, and - in another portion - tackled only the area of their activity.

The interviews were led by six female associates, which they had been especially trained for. They were recorded into a dictaphone, and then the material was taken down from the tape, thus ending up with a text of a size of more than 350 pages of typed material.

The content obtained was analyzed and the analysis was used in the preparation of this report.

b) Focus groups

The factual situation of the women in our environment was determined on the basis of their personal experience. Namely, focus groups were organized of Macedonian, Albanian, Roma and Turkish ethnic origin. In organizing the focus groups, the second criterion was the place of residence of the women. The research included women from both urban and rural areas. A total of 13 focus groups were organized, of which four groups of women of each of the Macedonian and Albanian ethnic affiliation, and two focus groups of women coming from the Turkish and Roma community each. Also, it included a focus group of males.

The focus groups consisted of 15 - 20 women. The talks in the focus groups were directed at three problems: 1) the situation and exercise of the rights of women within the family; 2) the sphere of education; and 3) the political life sphere.

The conversations within the focus groups were recorded into the dictaphone.

c) Secondary sources

In determining the factual situation of the women in Macedonia, secondary sources of information were also used - statistical documentation, research reports, analyses, monographies, etc. Certain findings of those sources were used in the preparation of this report.



Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of concern

- There is no definition of discrimination against women in our applicable legislation;
- There is discrepancy between the legal and factual equality between man and women;
- Discrimination has not been the grounds either for initiating court proceedings or for revisiting the constitutional compliance of the laws governing this subject area.

De jure compliance

The Convention on Elimination of all Forms of Discrimination against Women has been ratified by the Republic of Macedonia, which means that it imposes an obligation on the state to incorporate it in its positive legislation, to abide by it and to act in accordance with its provisions.

There is no law in the Republic of Macedonia that defines "discrimination against women", nor has the definition of discrimination against women contained in Article 1 of *CEDAW* in its present form been embodied in the applicable laws and regulation.

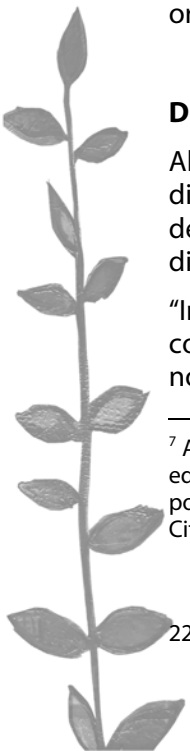
The Constitution of the Republic of Macedonia proclaims equality of all citizens in their freedoms and rights, regardless of their **GENDER**, race, complexion, national and social origins, political and religious beliefs, property and social status⁷.

De facto compliance

Although the legislation in the country contains no provisions to make the term discrimination against women operational, all researchers understand its meaning as it is defined in its definition in the Convention, which may actually be seen in the instances of discrimination pointed out by them, as follows:

"In the process of hiring, the first question for women before they sign the employment contract is: are they married and do they plan to have children in the coming period. It is also noteworthy that some international organizations working in the country also make the

⁷ Article 9 of the Constitution of the Republic of Macedonia states "Citizens of the Republic of Macedonia shall be equal in their freedoms and rights, regardless of their gender, race, complexion, national and social origins, political and religious beliefs, property and social status.
Citizens shall be equal in the eyes of the Constitution and the laws."



women sign agreements, under which the latter undertake an obligation not to have children in the forthcoming period, as a precondition for keeping their jobs”.

RECOMMENDATIONS:

- There is a need to enact a Law on Gender Equality.



Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Areas of concern

- There are no stand alone anti - discrimination laws;
- Certain laws (in essence all but the laws governing the area of education and employment) have no provisions prohibiting discrimination, and where it is envisaged, there are no penalty provisions;
- There is a general type of discrimination classified as a crime which is punishable with imprisonment, however in reality there are no practical experiences in this respect;
- There are no mechanisms for protection in cases of non - compliance, procedures or practices of discrimination against women other than court proceedings.

De jure compliance

Constitutional Basis of the Equality

The Constitution of the Republic of Macedonia does proclaim equality of all citizens in their freedoms and rights, regardless of their **GENDER**, race, complexion, national and social



origins, political and religious beliefs, property and social status. This is the case in both the Constitution - as the highest legal act - and the other legislation⁸.

Article 54⁹ of the Constitution contains an additional second guarantee for the human rights and freedoms (postulated in Article 9 of the Constitution), which precisely states the instances in which the rights and freedoms of citizens may be restricted.

Legal Protection against Discrimination

What is of particular importance is the provision in Article 137 of the Criminal Code of the Republic of Macedonia, which prescribes imprisonment for those who will deprive of or restrict the rights of people and citizens defined in the Constitution, law or a ratified international convention on the basis of their gender, race, complexion, etc., as well as for those who, on the basis of such differences, will entitle citizens to privileges contrary to the Constitution, law or a ratified international convention¹⁰.

Provisions prohibiting gender discrimination are contained in the laws regulating the areas of labor relations and education.

When it comes to protection of freedoms and rights of citizens defined in the Constitution and laws, there are special powers assigned to the Public Attorney, who may initiate a procedure within his/her competence, upon identifying such a violation on part of state administration bodies and other bodies and organizations with public authorities.

There are no anti - discriminatory laws related to gender issues in the country.

In case of violation of the legal provisions related to gender issues, the substantive legislation in the Republic of Macedonia envisages two types of liability: offense and criminal liability. The former is postulated in individual laws¹¹, while the latter is defined in Article 137 of the Criminal Code of the country, which refers to violations of equality of citizens.

The laws in the Republic of Macedonia prohibit gender - based discrimination, regardless of the tradition, customs and religion.

The criminal law prescribes the same penalties for all perpetrators and the citizens are equal in the eyes of the Constitution and the law.

Domestic violence over women, i.e. violence within the family, is regulated by the latest amendments in the Criminal Code of the Republic of Macedonia from 2004. The latter

⁸ Law on Labor Relations, Law on Obligation, Family law, Law on inheritance, Law on Associations of Citizens and Foundations, Law on Health Protection, Law on Ownership and other Material Rights.

⁹ Article 54 of the Constitution of the Republic of Macedonia reads: "Freedoms and rights of people and citizens may only be restricted in instances defined in the Constitution.

Freedoms and rights of people and citizens may be restricted in times of war or extraordinary situations, in accordance with the constitutional provisions.

Any restriction of freedoms and rights may not be discriminatory on grounds of gender, race, complexion, language, religion, national or social origin, property or social status.

No restriction of freedoms and rights may refer to the right to life, prohibition of torture, inhumane and humiliating treatment and punishment, legal definition of punishable acts and sanctions, as well as to the freedom of belief, conscience, thought, public expression of thought and religion."

¹⁰ From three months to five years; in case such an act is committed by an official in the course of their service, they shall be punished by imprisonment of 6 months to 5 years. Following the amendments to the Criminal Code in 2004, legal entities are also subject to fines for such criminal acts.

¹¹ The Law on Labor Relations, Law on Health Protection, Law on Elementary Education, Law on Secondary Education, and other special laws.

defines and sanctions the phenomenon of violence within the family. It foresees several punishable acts to protect women against physical, psychological and sexual violence. The Law on Family contains so - called civil orders for protection, as a parallel way of resolving the issue.

De facto compliance

The state provides for complete legal gender equality. The Constitution and laws guarantee gender equality. The only deviation in the formal equality is the fact that the country's Law on Labor Relation recognizes only the right of mothers to maternal leave, while fathers have such a right only under exceptional circumstances.

The applicable legislation although mostly is in compliance with the provision of the Convention, is such that its practical application knows of deviations, as a result of customs, tradition and stereotypes existing in the country.

Legal Protection - Practice

In cases of discrimination, the laws foresee court and other type of legal protection that women may turn to in the same manner and under the same terms as men. The court practice of the Constitutional Court includes several initiatives for assessment of legality of laws and provisions related to discrimination, but none has been accepted thus far. As pointed out, it is interesting that women submitted none of those initiatives. Judges interviewed in a capacity of experts stated that their court practice (both civil and criminal) includes no cases of discrimination based on gender. No statistical records are kept of the issue.

RECOMMENDATIONS:

- There is a need to enact separate act on anti - discrimination;
- There is a need to introduce penalty provisions in individual laws (except for in the laws in the area of education and labor relations), to regulate violation of the ban on discrimination;
- There is a need of raising the awareness of citizens on the existence of a general incrimination of discrimination as an act of crime, which in reality lacks practical application.



Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Areas of concern

- There is no law regulating the relevant state machinery;
- The Gender Equality Department within the Ministry of Labor and Social Affairs, despite the fact that it has been in existence for a significant number of years, still has a legally undefined mandate;

De jure compliance

The only state institution for improvement of the status of women is the Gender Equality Unit, established with governmental resolution within the Labor Sector of the Ministry of Labor and Social Policy.

De facto compliance

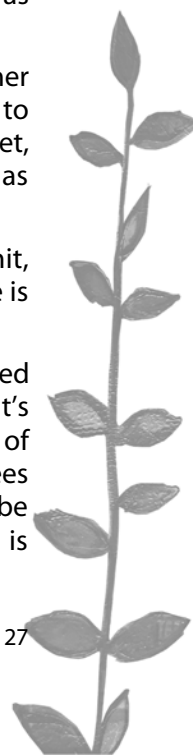
State Machinery

The fundament of the state machinery is the Gender Equality Unit established in January 1997, under the Rules of Systematization and Internal Organization of this Ministry. Its basic goal is improvement of the status of women in all spheres of the social life, as well as ensuring equal opportunities for both men and women through various activities.

The Gender Relations Improvement Unit - having in mind the goals set - needs further strengthening of its capacity and having its mandate defined. There is an evident need to revise the National Action Plan (2000) and establishing a timeframe to achieve the goals set, as well as an indicative budget and a progress monitoring plan. Thus far, no assessment has been made on the degree of realization of the planned activities in the above Action Plan.

There is no separate body, i.e. a mechanism, which would follow the operation of this Unit, and would ensure independence in the operation of the latter by such a monitoring. There is also no separate body to enable coordination of the activities of the Unit and the NGO's.

It is also worth mentioning that several Gender Equality Committees have been established at the local government level. They work independently and are not a part of the Unit's structure. The Gender Relations Improvement Unit will initiate the introduction of amendments and addenda to the Law on Local Self - government to include the committees as an integral part of the local government structure and these committees will no longer be established as a mandatory obligation, as is the case at present. What should be stressed is



the development of local action plans for gender equality, which include the participation of women in politics and decision - making structures as one of the issues of priority.

RECOMMENDATIONS:

- The gender equality department shall be raised to a higher organizational level in the form of a governmental body, instead of as an integral part of the MoLSP;
- There is a need of establishment and strengthening of the capacities of the institutional mechanisms for gender equality on a local level;
- The national Action Plan shall be revised to define the activities and, in particular, set a time frame for their realization, as well as an indicative budget and a progress monitoring plan.



Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention that are aimed at protecting maternity shall not be considered discriminatory.

Areas of concern

- There are two special temporary measures for greater participation of women in politics and decision - making structures (the Law on Election of Members of Parliament and the Law on Local Elections);
- Notwithstanding the fact that the special temporary measures are prescribed, they are vaguely defined (they do not specify what should be the positions of women on the lists of candidates).

De jure compliance

There are two instances of prescribed temporary special measures aimed at accelerating a de facto equality among men and women. Both instances refer to the enhancement of the participation of women in politics and decision - making structures¹².

De facto compliance

1. Temporary Special Measures

Significant measures were introduced in the form of quotas for increasing the representation of women - candidates for parliamentary elections and election of council members at a local level. The quotas impose an obligation on political parties to ensure representation of at least 30% of each gender in their lists of candidates, while such representation on both the upper and lower part of the lists of candidates is to be additionally précised for the election of local council members.

The temporary special measures will result in a higher level of representation of women, provided that the political parties are incited to abide by these provisions in full and provided that the legal obligation to have both genders represented by 30% on the lists of candidates be further précised by additional provisions, such as for instance that women

¹² Such temporary measures are contained in the Law on Election of Members of Parliament and the Law on Local Elections, which foresee a 30% representation of women.

should be proportionally distributed on the lists, i.e. equally included in both the upper and lower part of the lists.

No sanctions are foreseen for political parties who will fail to respect the quotas in the making of the candidate lists as stated in both of the above mentioned laws. The only measure foreseen is the rejection of the list upon a decision of the Election Committee on the basis of the irregularity of such a list (disrespect of the quotas).

A part of the political parties have included in their internal acts certain level of representation of women in their bodies.

2. Protection of Motherhood

In addition to the constitutional provision on protection of motherhood, children and minors, the applicable legislation - i.e. the Law on Labor Relations - includes a separate chapter to prescribe special protection of women in the period of motherhood.

The following is included in the legislation to ensure protection of motherhood:

- Pregnant women may not be fired;
- Women have the right to maternity leave in duration of nine months;
- Single parents and parents of children with impediments in their development are entitled to shorter working hours.

The legal basis of the above measures allows women to initiate labor litigations and protect their rights in case of violation at court.

The legislation contains no special prohibition of having pregnant women work under conditions harmful for their health (there is only a general prohibition that refers to all employees).

RECOMMENDATIONS:

- There is a need to introduce measures to encourage the political parties to abide by and implement the special temporary measures;
- There is a need of introducing special temporary measures in other areas, such as economy, business, and managerial positions.



Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Areas of concern

- Presence of a traditional dominant model of division of roles in the family and a dominant position of the mother in raising and upbringing the children;
- Transcending the traditional models of raising children from generation to generation, particularly in the rural areas.

De facto compliance

a) Traditional Roles of Men and Women

The traditional roles in the family do exist. Recently, there have been changes in this area. Yet, the majority of citizens accept the traditional roles (men are responsible for ensuring material safety in the family, while women are responsible to take care of the children and home).

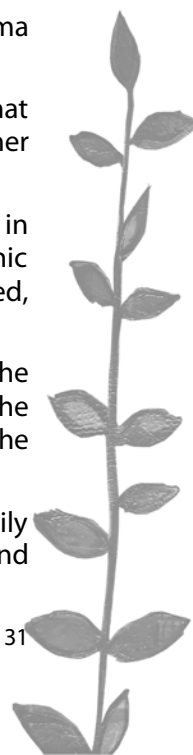
"It is the man and father who should be obeyed" (a statement of a woman from a Roma urban community).

"It is the man who usually provides for the family. It is known that the unwritten rule is that women are those who should cook and clean. Men are not willing to undertake other obligations" (a statement of a woman from a Macedonian urban community).

In rural areas, the exceptions to these roles are minimal, while things have been changing in urban areas, where there is division of tasks. It may also be concluded that in certain ethnic communities (Albanian, Roma) the patriarchal pattern of relations, which is strictly respected, has an impact on the overall conduct of and towards women.

"Women undertake all domestic chores (cooking, hygiene, raising children, working in the field). Men, as a rule, are supposed to provide for the family and possibly fix things in the home. One of the largest chores of men is to go to the village shop and to drink beer with the neighbors." (a statement of a woman from a Macedonian rural community)

The credit for the start in overcoming traditional models of conduct in the home and family goes to the non - governmental organizations that emerged after 1991. Their work and



activities are also supported by the state and this support has been strengthened significantly over recent times. Therefore, it is necessary that all NGOs are supported and involved in all spheres of decision - making, particularly in the area of improving the position of women.

b) Upbringing in the Family

Although both parents are equally entitled to parental rights and responsibilities according to the legislation in the country, in practice it is women who are responsible for upbringing the children. There are still traditional models of raising children, which are more present in rural areas.

"A woman, it is a known fact, should know how to cook, do the laundry, take care of the children, clean the courtyard and work in the field." (a statement of a woman from an Albanian rural community)

In the upbringing of female children, there is a rule that says they "should be more obedient than boys, servile, quiet and always nice". Girls are not to be engaged in activities that would take them too far from the home or in activities requiring physical strength and should never express their opinion in public.

RECOMMENDATIONS:

- The state shall undertake activities - via the introduction of educational and pedagogical measures, as well as through the adjustment of the teaching methods to help in the overcoming of the dominant traditional divisions or roles in the family, as well as the overcoming of the bias and stereotypes that have strong influence on the factual situation of the men and women;
- The state shall increase its cooperation with NGO's through supporting, encouraging and incorporating their activities, as the sole pillars of the efforts to overcome the traditional models and improvement of gender relations.



Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.

Areas of concern

- Absence of concrete programs for prevention and suppression of trafficking in human beings and prostitution, which are on the rise at present;
- There are no separate programs for social protection of women prostitutes;
- No applications for asylum are submitted by victims of trafficking in human beings, despite strong signals that many fear return to their countries of origin;
- There is no relevant legislation in place to regulate the issue of domestic violence and, as a result, there are no formal systems which offer protection to victims of domestic violence;
- There are no training programs for professional structures who deal with this issue, nor are there programs aimed at raising the awareness about this phenomenon initiated by the state;
- There are no special legal aid programs (free and available) for the victims of domestic violence, but there are NGO's that are providing these type of services through the existence of so called ESE's Legal aid centers .

De jure compliance

Prostitution

Prostitution is not legalized. Women engaged in prostitution are believed to be disturbing the public order and are liable for committing offence and punished¹³, while mediation in and organizing prostitution are defined as separate criminal acts and are punishable¹⁴.

Trafficking in human beings

According to the Criminal Code of 2002, all forms of trafficking in human beings¹⁵ are incriminated as a separate criminal act and are punishable.

¹³ Monetary fine.

¹⁴ 6 months to 5 years.

¹⁵ The term trafficking in human beings means: the use force or serious threat to mislead or the use other forms of coercion, kidnapping, deceit, abuse of position or a condition of pregnancy, inability or physical or mental disability of others, or giving or receiving money or other benefits to obtain the consent of a person with control over another person, to recruit, transport, purchase, sell, shelter or accept a person for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, illegal adoption or any other similar relations or illegal transplantation of parts of the human body.

The country signed the Protocol for Prevention and Suppression and Sanctioning Trafficking in Human Beings, in Particular in Women and Children, which complements the Convention against Transnational Organized Crime, on December 14, 2000. It was ratified on September 28, 2004. In the part related to protection of victims of trafficking in human beings, the assistance and protection measures (Article 7) states that each State Party shall consider the possibility to adopt legislation or other appropriate measures to allow the victims of trafficking in human beings to remain within their territories, temporarily or permanently, depending on the circumstances of the individual cases.

De facto compliance

Prostitution

Prostitution is an existing phenomenon in the country. It is mainly treated as an individual problem instead as a socially preconditioned phenomenon, and is not treated as a social priority.

“Street prostitutes¹⁶ are predominantly local women and girls between the ages of 14 and 60. With the exception of the oldest women, all women work for pimps who are usually their husbands or boyfriends. Women working on streets come from the poorer regions of the country and from the poorest district from Skopje. Some of them are ethnic Roma¹⁷.”

Hidden prostitution is a special problem, both from the aspect of its treatment by society and from the aspect of its suppression. This type of prostitution is on the increase, due to the economic conditions in the country. The phenomenon has not been statistically researched in recent years.

The state undertakes no special measures of education of women in relation to the health and safety risks from prostitution. In the past, the police took prostitutes to have medical checks, but currently this is not the practice. This aspect is covered only by the non - governmental sector.

Social and Health Protection of Women Prostitutes

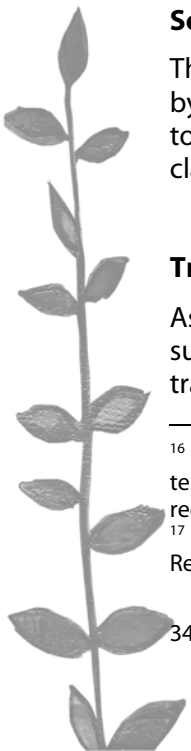
There are no separate programs of protection of women prostitutes. They are only recorded by the Centers for Social Work for the purpose of acquiring certain material benefits granted to individuals with a status of social deprivation. A significant portion of the prostitutes are classified in this category and receive social benefits on those grounds.

Trafficking in Human Beings

As regards the **trafficking in human beings**, the state undertakes certain activities aimed at suppressing and preventing this phenomenon. A Government body for combating trafficking in human beings was established in 2001 under the name of a National

¹⁶ While there is a tendency to replace the term prostitutes by the term commercial sexual workers, the former terms is still exclusively used in the country. The term "prostitutes" was used during the research due to it's recognize ability.

¹⁷ UNICEF, UNHCR, and OSCE/ODIHR (with the administrative support of UNDP for Bosnia and Herzegovina), Report: Trafficking in Human Beings in Southeastern Europe, 2003.



Commission for Combating Trafficking in Human Beings. Its executive body is the Secretariat, which embodies all relevant ministries, international organizations and NGOs engaged in the suppression of this type of crime. In February 2000, the Government adopted a National Program for Combating Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia.

"In 2001, IOM (the International Organization for Migration) and the Government signed an agreement for the police to inform IOM about all female illegal migrants. The identification and referral system for trafficked women operates within the framework of this agreement. The police identify women and girls who might be trafficked and transfer them to the Transit centre - a shelter for victims of trafficking in Skopje.

The findings of the OSCE (Organization for Security and Cooperation in Europe) field missions suggest that not all women are brought to the shelter (Transit Center). Moreover, as the shelter takes only those victims who are willing to return in their country of origin, trafficked women who do not want to take part in the IOM program have no choice but to be deported. Internally trafficked women and children are not identified at all"¹⁸.

Victims of trafficking often refuse the assistance available at the Transit Center or do not seek help at all, fearing repatriation, deportation and public condemnation in their countries of origin, that is facing again all problems that led in the first place to their having been trafficked: poverty, discrimination, small education and job opportunities.

Nearly 70% of the trafficked women from Southeastern Europe may not or will not return to their country of origin due to fears of being condemned, prosecuted and lack of trust in the local authorities' capacity to provide adequate protection.¹⁹

A trafficked human being shall be accorded the right to remain on the territory if certain conditions are fulfilled. The right to seek asylum and access to the asylum procedures is one remedy if the victim fears persecution upon return to her country of origin.²⁰ The Ministry of Interior has so far not received or registered any application for asylum submitted by a trafficked human being.

"According to the shelter management, there were 189 victims registered in the shelter in Skopje in the period between January 2001 and October 2002, 12 percent of whom under 18 years of age. Overall, 251 persons were accommodated in the shelter during this period, but some were not victims of trafficking but illegal migrants, who were accommodated in the same building.

In January 2002, a special anti - trafficking article was introduced (418 a). Since then, 8 cases have been initiated against traffickers in accordance with the new law, including 4 in Skopje".²¹

¹⁸ UNICEF, UNHCR, and OSCE/ODIHR (with the administrative support of UNDP for Bosnia and Herzegovina), Report: Trafficking in Human Beings in Southeastern Europe, 2003

¹⁹ Shearer Demir, Jenna, "Trafficking in women for sexual exploitation: Gender-based and reasonable fear or prosecution?", UNCHR working material No. 80, 2003.

²⁰ Protocol for Prevention and Suppression and Sanctioning Trafficking in Human Beings, in Particular in Women and Children, signed on December 14, 2000. It was ratified on September 28, 2004.

²¹ Report: Trafficking in Human Beings in South Eastern Europe, 2003 Update on Situation and Responses to Trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia and Montenegro including the UN Administered Province of Kosovo, the former Yugoslav Republic of Macedonia, Moldova and Romania - funded by UNICEF, UNOHCHR and OSCE/ ODIHR, with administrative assistance of UNDP in Bosnia and Herzegovina.

There is a Transit Center for victims of trafficking in human beings. It was established by the Ministry of Interior and IOM. The Transit Center accepting these women (victims of trafficking) attempts to provide social and psychological assistance. Rehabilitation and re-socialization, however, require much longer periods than the time spent by the women at the Center.

The main problem is the lack of coordination with the victims' countries of origin and the fact that victims are not monitored once they return to their country and there are no information about whether they have been re-trafficked and whether, once they go through the process of rehabilitation, have been successfully reintegrated and found a suitable job.

"In 2003, 132 foreign women were identified as victims of trafficking in human beings at the Transit Center, which is a decrease in comparison with the 240 victims in the previous year. 19% of those were girls younger than 18, while 3 - 4% were even younger than 15.

The international community is aware of the several cases in the regions of Gostivar, Bitola and Kicevo in 2003 and 2004, which included Roma children as victims of internal trafficking, and believes that the Roma children are especially vulnerable to this type of crime".²²

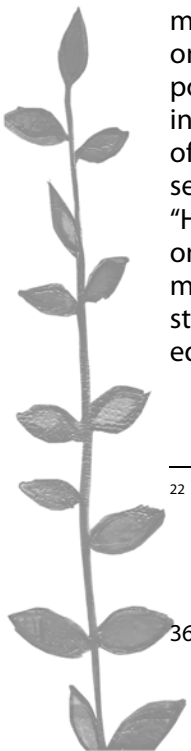
The NGO sector undertakes a series of educational and preventive activities, especially among the risk groups - in secondary education and university dorms, in secondary and primary schools, at universities, and in rural areas. The target groups also include individuals from dysfunctional families, homeless, and children from the centers for orphans. There is also an information and prevention SOS line operating 12 hours a day, employing trained operators, social workers, pedagogues, psychologists, and lawyers, who can speak several languages. In addition, local strategies for combating trafficking in human beings are being developed through establishing local coalitions, initiated by local female organizations.

Domestic Violence - Factual Situation and Legal Regulation

In the practice, all types of violence against women: sexual, physical, psychological and economic are present.

"The dominant form of violence against women in Macedonia is the psychological one. It is most often demonstrated through the following forms: 'his word must always be the last one', 'he insists to know where and who the wife is with at all times', 'excessively jealous and possessive'. These situations show and also support the traditional roles of the spouses, the inferior position of the woman and the ownership attitude of men towards women. This type of violence has been registered as constituting 61.5% of the overall violence, i.e. every second woman is subjected to this type of violence. An example of psychological violence: "He demonstrated jealousy and possessiveness at the very beginning. This, however, not only did not bother me, but I was even flattered by it, as I thought it was a sign of his love for me. As time went by, he began turning into Mr. Perfect, and I was becoming the face of stupidity, clumsiness and incapability. (A Macedonian woman at the age of 38, with a higher education, whose husband is six years older and has a higher degree of education).

²² UNICEF Report on Trafficking in Children in Southeastern Europe, 2005



The physical violence follows the psychological one, constituting 23.9% of the overall violence. Four women in ten suffer from this type of violence. It is demonstrated through several different forms, both easier and more serious. Instances of this type of violence: "I even became bitten by a belt and was chased around the house with a gun in his hand, threatened to be really killed one day. He burnt me with cigarettes on several occasions. He cut my dresses to pieces several times. (A Macedonian woman at the age of 47, highly educated, employed, and paid decently.)

Sexual violence comes in third by ranking among all types. It comprises 5% of the overall violence. Yet, this is not a real reflection of the situation, having in mind that only a small number of respondents who reported sexual violence stated they had not been subjected to physical one. This indicates that the sexual violence is combined with physical abuse. An example of this type of violence: "I was born in Albania. I do not know how much my husband paid for me, but I was bought for money and he keeps reminding me of that. I am slave, he can do with me whatever he wishes. I am ashamed to say, but he forces me to do 'it' any time he pleases and he wants us to do it in front of the children (An Albanian woman at the age of 36)."²³

Legal measures for prevention of violence: the Criminal Code incriminates the domestic violence. Rape in marriage is punishable and prosecuted ex officio. In addition to these incriminations, there are also others that sanction gender - based violence. The Family Law foresees several measures of protection of victims of domestic violence, i.e. temporary measures of protection issued by the court. Any failure to execute those measures by an official or a person assigned by the court will result in criminal liability.

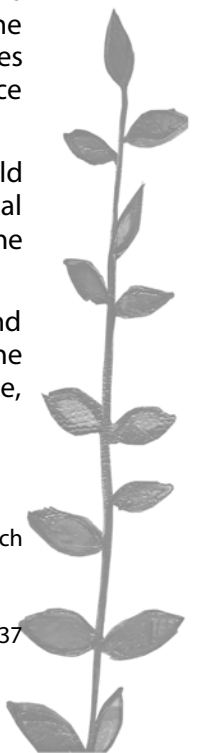
Despite the latest legal provisions in the Family Law (2004), where there is an obligation on part of the Ministry of Labor and Social Policy to provide health protection of the victims of domestic violence, this is not being provided. There are initiatives to resolve this issue at an inter - ministerial level, between the above mentioned and the Ministry of Health. A part of the initiative relates to the provision of health care for the victims of domestic violence even in cases of no possession of health insurance, as well as to the facilitation in the provision of the required medical documentation (medical certificate) necessary for initiating legal proceedings for protecting the victim.

As there are no procedures and protocols for the actions of all relevant institutions, there is no obligation to train the medical personnel and no description of the manner in which the latter is to act regarding this issue. In the course of its schooling, medical staff acquires information in order to be able to recognize symptoms, but not the specifics of the violence against women.

The state fails to provide mandatory training for employees at the Mol, such that would enable them to detect and react to domestic violence. In cooperation with the international organizations and NGO's, however, seminars are organized with the aim of informing the Mol employees about and make them able to recognize the phenomenon.

There are five shelters for victims of violence in the state, partly organized by the state and one organized by an NGO. The oldest SOS line for women victims of domestic violence at the Organization of Women of the City of Skopje - 15 700 in 2004 grew into a national SOS line, supported by the Ministry of Labor and Social Policy.

²³ Association for Emancipation, Solidarity and Equality of Women in the Republic of Macedonia, Research "Domestic violence", 2000



There are no special types of programs for protection of victims of domestic violence among women coming from rural areas.

RECOMMENDATIONS:

- The state shall intensify its activities in the field of trafficking in human beings at a national level and become involved in the regional initiatives in this area;
- There is a need to legalize the prostitution;
- There is a need to introduce separate programs for social protection of women prostitutes;
- There is a need for the state to introduce special programs for legal aid (free and accessible) for victims of domestic violence;
- The right of trafficked human beings to seek asylum in the Republic of Macedonia shall be strengthened and incorporated in national law in accordance with the Palermo Protocol.



Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non - governmental organizations and associations concerned with the public and political life of the country.

Areas of concern

- The state fails to provide financial assets and technical assistance to encourage women to run for candidates at elections (campaign, education, etc.).

De jure compliance

The Constitution and the laws proclaim equality of citizens²⁴ in the political and public life.

In accordance with the Law on Election of Members of Parliament, the proposed list of candidates should include not less than 30% of candidates of both genders. There are no other special temporary measures aimed at increasing the representation of women in the political and public life. The amended Law on Local Elections introduces a step further in improvement in this area - the 30% of women candidates must appear on both the upper and lower part of the list of candidates.

There are no provisions encouraging the political parties to provide information, financial and other types of resources, to ensure full participation of women.

Right of Women to Vote at Elections and Public Referenda

In accordance with the Constitution of the Republic of Macedonia, every citizen of age - 18 or over - is entitled to an electoral right, i.e. a right to vote. This right is equal for all citizens and is exercised through free elections and anonymous cast of votes. Violations of the electoral right are sanctioned in the Criminal Code²⁵, in a special chapter as separate punishable acts against elections and voting.

²⁴ The term used by the Constitution and laws to refer to persons is CITIZENS (men and women).

²⁵ The following acts are incriminated as criminal acts against elections and voting:

- Obstructing elections and casting of votes
- Violation of the electoral right
- Violation of the freedom of choice of voters
- Abuse of the electoral right

All citizens of the country at the age of 18 and above and capable of working are entitled to the right to vote at referenda.

According to the legislation, there must be an equitable approach in the media presentation of candidates. There are no provisions prohibiting the existence of certain traditional and cultural stereotypes that discourage women to exercise their right to vote.

Right of Women to Run at Elections for all Publicly Elected Bodies

In accordance with the Constitution of the Republic of Macedonia, all citizens are entitled to perform public functions.

All citizens of the Republic of Macedonia are entitled to an equal right to run at presidential, parliamentary and local elections. The overall conditions²⁶ for running for position and the procedure for electing members of parliament, mayors and members of councils of local governments are the same.

In accordance with the Law on Defense of the Republic of Macedonia, all male citizens at the age between 17 and 55 are subject to the obligation to serve in the army. Women may be subject to such an obligation²⁷. Under the Law on Service in the Macedonian Army, women meeting the general requirements may also join the Army as officers, non - commissioned officers and professional soldiers²⁸.

Right of Women to Participate in NGOs and Associations

The Constitution²⁹ of the Republic of Macedonia guarantees the freedom of citizens to join for the purpose of exercising and protecting their rights and interests.

Citizens may freely establish, join and leave associations of citizens.

Right of women to hold offices in the public sector and perform public functions at all government levels

This right is guaranteed in the Constitution of the Republic of Macedonia.³⁰ The laws allow for women to hold offices in the public sector at all government levels.

-
- Bribery during elections and voting
 - Violation of the secrecy of voting.

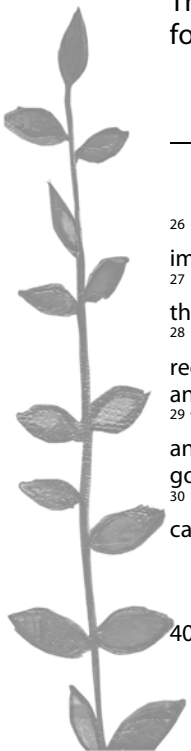
²⁶ Age of 18 years and above and ability to work, as well as Macedonian citizenship and not serving a penalty of imprisonment.

²⁷ Under the requirements of paragraph 1 of this Article, women may do so if they enlist voluntarily in the Army by the end of the calendar year in which they turn 27.

²⁸ To be a citizen of the Republic of Macedonia; to be of age; to possess a special health and physical fitness required to serve in the Army and not to have been sanctioned by a measure of prohibiting the performance of any profession, activity or duty.

²⁹ The Law on Associations of Citizens and Foundations regulates in more details the goals, nature, establishment and termination of such associations, foundations, associations of foreigners, foreign and international non - governmental organizations.

³⁰ Under the Constitution of the Republic of Macedonia, all citizens are entitled to the right to participate in carrying out public functions.



There are no provisions ensuring proportional representation of women in the Government of the Republic of Macedonia and the state administration organs as holders of public authorities.

De facto compliance

a) Right to vote

Women mainly exercise their right to vote. There are only two instances of deviation in the practice - family voting (mainly among voters in the Albanian ethnic community, especially in the rural areas) and abstaining from voting by a portion of women from the Roma ethnic community (a position of a woman representative of the Roma NGO).

Another problem identified in the practice is the level of independence of the decision for whom the women is going to vote for. There are communities in which it is reasonably suspected that women do not make independent decisions as to who they vote for. In this context, it should also be stressed that this practice is diminishing, as a result of the educational activities carried out mostly by NGOs, but also by the state.

The following may be identified as obstacles preventing women from exercising their right to vote: tradition (family voting in Albanian ethnic communities), poor economic conditions of certain women (as those living in poor conditions are not interested in obtaining information and have no interest in voting in general, so that there is a degree of apathy or disbelief that an impact can be made by casting a vote), low levels of education of certain women as a reason preventing them from deciding to exercise their right to vote (if they know at all that they possess such a right).

Attitude towards the participation of women in the political life and their representation in the media

There are communities that look negatively at participation of women in the political life. The state has not undertaken a special campaign to change the negative attitude towards women engaged in politics, but the non - government sector covers this aspect as well.

“Men believe that we, the women, know nothing of politics. The politics is a man’s business.” (a statement of women from Macedonian rural community).

“The politics require time and absence from home. A woman would have to leave her children and house.” (a statement of a woman from a Roma urban community)

There is no equitable media presentation of candidates in the election processes, which is at a disadvantage of women.

b) Factual participation of women in the decision - making

It is a general conclusion that women in the country are not sufficiently involved in the government, that is they have a minimal real decision power. A good illustration of this is the data according to which over 47% of the women are employed in the state administration, but only a small percentage is at high decision - making positions.

“Following the first parliamentary elections in 1990, women were represented by five seats in Parliament, by four in 1994, nine in 1998 and twenty one following the last parliamentary

elections in 2002 (meaning that the percentage of representation has risen from 4.2% in 1990 to 17.5% in 2002). Yet, this increase, although evident, is still insufficient.³¹

Regarding the representation of women in the existing Parliament working bodies (a total of 18), there are five women - presidents and four women - deputy presidents of those bodies³².

In addition to the unsatisfactory representation of women in Parliament, it is also marginal in the Government of the country. Prior to 1998, one to two women - ministers were appointed among the total of 20 ministerial positions. In 1998, four out of the total of 27 ministers³³ were women. In 2002 there were two women - ministers, and the total number of ministers was 17. In proportion, the participation of women in the Government of the Republic of Macedonia is on the increase, but this is due to the reduction in the number of ministerial position and not to real commitment to enhance their representation in the Government.

The position and role of women at a local level is a key issue with regard to a significant representation of women in the political and public life. No woman was elected mayor following the first two local elections in the country. On local elections in 2000 three women were elected as mayors. It is worth mentioning that the number of women - members of local councils is considerably lower than the number of their male colleagues.³⁴

Women - members of political parties are involved to a lesser degree than men in the development of political party platforms. The reasons behind this is the fact that the platform is designed at the top party level, and women are less represented there than men.

The state has not allocated special fund to be used to encourage women to run for offices at elections.

Overall, the fundamental human rights of women are not violated because of their political activities and commitments. But, in certain segments of the political life, the affiliation to a political party is a factor that will be decisive in allowing women to exercise certain rights. In case a woman belongs to the ruling party, it is easier for her to exercise certain rights as compared to women belonging to the opposition.

c) NGO sector

What is typical for the Republic of Macedonia is that women are the major players in the non - governmental sector. There are several national networks and a large number of women non - governmental organizations whose work is focused on improving the relations between the sexes.

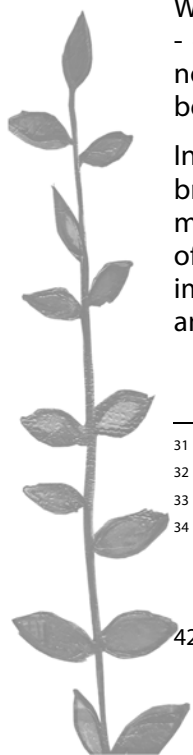
In their work, NGOs increasingly attempt to communicate and cooperate with the legislative branch of the government. This cooperation is unfortunately still a one - way one, which means that is initiated and carried out by the NGOs. Frequently, NGOs appear in the capacity of parties proposing bills and amendments and addenda to certain laws related to the improvement of relations between the genders. Due to the structure of the Government, and particularly the relations between the legislative and executive branch of the

³¹ State Statistical Bureau, Women and man, 2003

³² Web site of the Ministry of Foreign Affairs

³³ UNDP, Status of women, 1999

³⁴ State Statistical Bureau, Women and man, 2003



government, no recommendations on part of NGOs have been proposed for adoption or adopted.

“The non - governmental organizations of women are becoming solidaristic in terms of women - candidates and certain changes may be seen in this respect. The usual practice is that women - candidates are supported by the female members of the same political party. The efforts in this context are still modest. It is perfectly safe and normal to support a woman - candidate of the Roma affiliation, as they have a very small number of seats in Parliament. Yet, it is debatable whether all women would be solidaristic in their support of a woman - candidate from the large and influential political parties.” - an opinion of a woman from a Roma NGO.

Most usually, women NGOs support women - candidates through certain activities including advice on how to organize campaigns.

RECOMMENDATIONS:

- The state shall undertake activities to eliminate the negative attitudes of citizens towards women engaged in politics, which is a phenomenon existing in our reality;
- The state shall undertake activities to achieve a higher level of women representation in decision - making bodies, committees at the central government level, Parliamentary committees, yet being placed in the process at positions of chairpersons of committees, state secretaries, deputy ministers, ministers, etc.



Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Areas of concern

- There are no provisions to ensure proportionate representation of women in the Government of RM at an international level (absence of special temporary measures aimed at increased participation when representing their governments at an international level and in the work of international organizations).

De jure compliance

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.

There are no provisions to ensure proportional representation of women in the Government of the Republic of Macedonia at an international level.

No law on foreign affairs has been enacted in the Republic of Macedonia. No special procedures for appointing and promoting women to certain positions and official delegations have been foreseen. Those procedures are the same for all, regardless of the sex.

De facto compliance

Factual Situation of Women at International Level

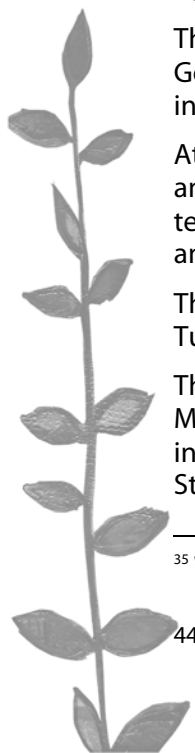
There is a very small number of women at positions that include representing the Government at an international level, as there is a small number of women working in international organizations.

At an international level, the Republic of Macedonia is represented by a total of 30 ambassadors, of whom two are women (the ambassador in Tirana, Albania, and the temporary acting ambassador in Sofia, Bulgaria), which makes a total of 6.6% women at ambassadorial positions³⁵.

The Republic of Macedonia has four general consular offices (Republic of Greece, USA, Turkey, and Canada). No woman has been appointed to a position of a Consul General.

The country has a total of eight resident missions (a resident mission of the Republic of Macedonia at: the International Organizations in Vienna, Austria; the European Community in Brussels, Belgium; NATO, Brussels, Belgium; UNESCO, Paris, France; Council of Europe, Strasbourg, France; FAO, Rome, Italy; UN, Geneva, Switzerland; and UN, New York, USA).

³⁵ Web site of the Ministry of Foreign Affairs



Women are represented by 12.6% in the resident missions, i.e. there is only one woman representing these missions out of the total of eight.

Unlike the executive branch of the Government, the legislative one, i.e. the Parliament of the Republic of Macedonia³⁶ does foresee in its acts - decisions on establishment of delegations, parliamentary groups and other forms of international cooperation of the Macedonian Parliament - representation of both sexes in the stated bodies.

The Parliament of the Republic of Macedonia has a total of seven delegations with the Parliamentary Assemblies. For instance, three out of the total of 6 individuals in the delegations to the parliamentary Assembly of the Council of Europe are women. However, there are parliamentary assemblies - such as the one at OSCE and the North Atlantic Treaty Organization - in which there are no women in the delegation.

The enactment of the Law on Foreign Affairs should introduce measures for proportional representation of women in this area.

RECOMMENDATIONS:

- There is a need to adopt a Law on Foreign Affairs, such that will foresee measures to increase the level of participation of women therein;

³⁶ Official gazette nb. 60/2002, Decisions on establishment of delegations, parliamentary groups and other forms of international cooperation of the Macedonian Parliament



Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Areas of concern

- There are no appropriate and separate procedures in the conduct of interviews and assessment of applications for asylum by women applicants;
- Concerning the nationality of children, the role of the father takes precedence in practice; or, in other words, children usually take the nationality of their fathers.

De jure compliance

The Constitution and the Law on Citizenship of the Republic of Macedonia recognize and ensure equal rights for both women and men regarding the obtaining, changing and retaining their citizenship. It is allowed that a citizen of the Republic of Macedonia also has citizenship of another state (dual citizenship).

Neither a marriage with a foreigner nor any changes in the citizenship of the husband during the marriage will automatically change the citizenship status of the wife.

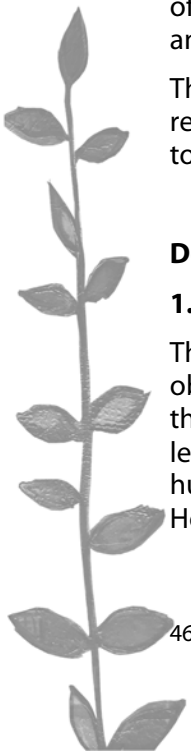
As regards the acquisition of citizenship by children, the Law on Citizenship of the Republic of Macedonia regulates the manner of obtaining citizenship by origin, birth on the territory of the country and naturalization. The law also foresees an equal right of both parents (male and female) to decide on the citizenship of their children.

The Law on Citizenship also guarantees the equal right of both the husband and wife regarding the identification of the citizenship of their children. There is no imperative norm to prohibit automatic inheritance of the citizenship of the father.

De facto compliance

1. Acquisition, Change and Retainment of Citizenship by Women

The national legislation makes no distinction between the husband and wife in terms of obtaining citizenship. Citizenship may be obtained in the country in several ways. Provided that the man or woman meets the requirements, this is granted smoothly. According to our legislation, a marriage with a national of another state or a change in the nationality of the husband does not automatically mean a change in the citizenship or nationality of the wife. However, in the practice these changes often cause a change in the nationality or citizenship



of the wife, as well. This is done upon a personal request and not automatically. The practice also includes opposite cases.

Any person of age (regardless of the gender) is entitled to the right to obtain not only a passport, but also any identification document without the consent of the husband or any other person. However, in the practice - especially among Roma's and Albanians - women ask for permission of their husbands, mother - in - law or another person to obtain a passport. This permission has no formal value.

According to the Law on Asylum and Temporary Protection, an asylum seeker is a foreign individual seeking a right to protection. This law foresees personal interview of the asylum seekers, yet women are regularly not interviewed separately from men. Officials at the Asylum Unit within the Ministry of Interior fail to demonstrate gender sensitive interviewing techniques, when interviewing women asylum seekers.

In a conclusion adopted in 1993, the Executive Committee of UNHCR notes that asylum seekers who have suffered sexual violence are to be treated with special care. Also, it calls upon asylum countries to introduce special programs for gender sensitization of individuals included in the asylum granting procedure.

2. Citizenship of Children

From a formal point of view, both parents enjoy equal rights regarding the choice of citizenship of their children. In practice, nevertheless, the role of the father is emphasized, i.e. the citizenship of the father is the one chosen (upon a mutual request, i.e. with the consent of the wife).

RECOMMENDATIONS:

- The state shall introduce adequate and gender sensitive procedures, including separate interviews, in the decision - making process regarding women asylum seekers.



Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre - school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop - out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well - being of families, including information and advice on family planning.

Areas of concern

- The laws governing the field of education provide for anti - discriminative measures, though there are no penal provisions for those that fail to comply;
- High illiteracy rate in particular amongst the Roma population and the need to take measures to ensure that they complete elementary education with a special emphasis on the most vulnerable groups;
- Partial coverage of girls in elementary education, especially among Roma and high percentage of drop - outs in certain environments;
- There are no special programs for girls and women who leave school prematurely, in particular for girls who live in rural environments, those who have a low social status and are members of some ethnic groups, such as the Roma and to a certain degree ethnic Albanians;



- Educational programs are insufficiently present and the teaching methods are not adapted in such way that they might lead to the elimination of discrimination and traditional views.

De jure compliance

The Constitution guarantees the right to education, containing no norm prohibiting discrimination. No such prohibitive norms exist and in fact may not exist, as elementary education is mandatory. There are penalty provisions in the Law on Elementary Education against a failure to enroll the children and against their irregular attendance of school.

The most explicit prohibitive provision against discrimination is the one in the Law on Secondary Education, while there are no sanctions for non - compliance. The Law on Higher Education, on the other hand, prohibits any discrimination, postulating that citizens of the Republic of Macedonia are entitled to a right to higher education under the same conditions.

Scholarships

The Law on Standard of Pupils and Students foresees the use of scholarships and loans for pupils and students, making no male - female distinction, which means that they are entitled to the same right of usage provided that they meet the requirements defined in the law. This may be regular pupils and students, citizens of the Republic of Macedonia, who are selected by a public competition.

Adult education

The elementary education for adults in the country is regulated in the law on Elementary Education, which states that it may be organized in elementary schools, institutions for adult education and other institutions in accordance with the law, and is carried out as per separate curricula and syllabi issued by the Minister.

Professional orientation and advice

The Employment Agency provides advice regarding professional orientation and choice of profession for all unemployed, pupils, students, handicapped, and employed. The advice is provided by the Agency's unit on the territory of residence of the individual seeking such advice, whereas in the case of students in their final years of education at all levels of education, this is done by the Agency on the territory of which the educational institutions are located. This type of Agency's services is free of charge.

Education of individuals with special educational needs, i.e. impaired development

This issue is regulated in the laws on both elementary and secondary education. The laws make no distinction between male and female handicapped, but speak generally of education of individuals with special educational needs, i.e. impediments in their development; special programs are adopted and special schools or special classes within the regular schools are organized for the education of such individuals.

De facto compliance

a) Access to Education

The legislation provides equitable access to education for both the male and female population. Yet, it is not always so in practice³⁷. The prejudice, traditions and stereotypes existing among certain ethnic communities are the reason behind the fact that girls complete only fourth or eighth grade and are kept at home once they finish school, to work in the agriculture or to take care of the household, but these are in a smaller number. In certain communities, male children have a priority when it comes to education.

The education of the Roma is a burning issue and the number of female children who complete elementary education is lesser than the number of boys. The phenomenon of drop outs of the educational process - often after grade four or five - was particularly stressed. The poor economic situation in the family, poverty, and low degree of education of the parents are the main causes behind this situation. However, it was underlined that the female children are in a less favorable situation than the male ones. The decision which of the children will continue with the education is still most often to the benefit of the boys (finding confirmed by a Roma focus group).

"It is best for the woman to be a housekeeper. She will get married and will go to another home." (a statement of a woman from a Macedonian rural community)

"Even if we did learn, we would not have a chance for employment." (a statement of a woman from a Macedonian rural community)

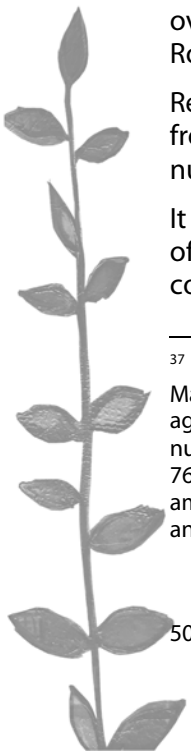
The following are obstacles preventing girls from attending or completing schooling: inaccessibility of schools in certain regions where children walk for a few hours to arrive to school (due to the fear of parents to let the girls alone over mountains), cultural and especially economic barriers, that is in cases when the parents may afford to finance the education of only one child, it is usually the male one (particularly so in the case of Roma's).

"Girls living in rural areas or those coming from lower social layers and/or belonging to certain ethnic groups such as Roma's and to a certain degree ethnic Albanians, are faced with the highest risk of dropping out of the educational system at the initial stage. The overall rate of reduction of those leaving school averages at below 2%, but in the case of the Roma population, this percentage is 10%.

Regarding the secondary education, there are differences in the level of inclusion of girls from various ethnic groups. The trend over the past four years indicates an increase in their number, except in the case of Roma's and Serbs.

It may be seen that the number of girls in the higher education is the same with the number of boys. At this level of education, the inclusion rate of students from the Roma population is considerably below the national average. As regards the total population of ethnic

³⁷ Governmental Report on the Millennium Development Goals, 2005, the literacy rate in the Republic of Macedonia in 2002 was 96.38%. According to the data, there are 3.62% illiterate individuals in the country at the age of above 15, which is a drop in comparison with the illiteracy rate identified by the 1994 census, when the number of illiterate persons was 5.96%. Of the total number of illiterate individuals at the age of 15 or above, 76.41% are women. In 2002, the illiteracy rate among women of Macedonian nationality was 3.62%, it was 6.89% among women of Serbian nationality, 7.54% among Albanian women, 10.66% among those of Turkish nationality and 28.55% among Roma women.



Albanians, it is believed that the recently established University of Southeastern Europe satisfies their needs of higher education and results in a significantly improved access for Albanian girls.³⁸

In the past, female children were deprived of access to certain educational institutions - such as the military and police academies. Nowadays, this practice is abandoned - the number of girl students at the military and police academy is growing. The only exceptions are the religious schools, which are male or female only. In Macedonia, there are three secondary theological schools: two in Skopje and one in Tetovo. In the Islamic secondary school in Skopje Isabeg medresa allows male students only, accommodated in dormitory. The Islamic secondary school in Tetovo allows female students only. The Christian secondary school - which also has a dormitory - enrolls only male students. There is no Christian secondary school for girls. At the Christian Faculty and the one on the Islamic sciences, the groups are mixed. What stands out is that none of the faculties employ women professors or assistants, although there are women postgraduates from those faculties. The only positions occupied by women at the faculties are within the administrative and technical departments. Women who have obtained a degree at these faculties are not allowed to give religious services. This is in accordance with the canonic rules.

In some traditional families, the girls are still encouraged to choose certain "female" professions or a school that is located in the immediate vicinity.

Pregnant students and young mothers continue their education on part - time basis.

b) Teaching Curricula

The quality of education in terms of the curricula, teaching staff, school space and equipment are equal for both male and female children (they go to school together).

"In future, the state should undertake measures to improve the capacities, learning conditions and equipment at the schools, as well as the activities aimed at increasing the level of quality of teaching. These measures will be aimed not only at ensuring complete inclusion of all children in the elementary education, but also at reducing the early drop out rates. In the rural areas, there is a need of special efforts to raise the quality of the teaching through additional benefits and advancement and acquisition of further qualifications of the teaching staff."³⁹

c) Dealing Away with Traditional Attitudes towards Roles of Men and Women

For several years already, the Agency for Development of Education within the Ministry of Education, together with experts also involved in the work of the Council of Europe - Committee for Education, work on the introduction of the concept of gender equality in the curricula of the educational institutions in the country. Textbooks still contain content with traditional attitudes.

The contribution of women - leaders is to a certain degree included in learning the national and international history. The textbooks have very little content on the contribution of women in the fields of natural sciences, mathematics, literature, music and art.

³⁸ Governmental Report on the Millennium Development Goals, 2005

³⁹ Governmental Report on the Millennium Development Goals, 2005

d) Scholarships

Scholarships for pupils and students are granted on the basis of unique criteria and all dissatisfied parties (regardless of their gender) are entitled to the right to objection.

e) Access to Education for Adults

Within the Workers' Universities, there is an organized additional education in the country for adult education, accessible for individuals who have not finished their secondary education. These institutions are not present countrywide, which makes them practically not accessible for all, especially for women due to their domestic obligations and the economic situation.

f) The additional education of women primarily depends on their need; for instance, if they need such education for the purpose of retaining their job. In case they want to enhance their educational level, they are faced with economic, political, social and cultural barriers.

g) Sports and Physical Education

Women, like men, have equal opportunities to be actively engaged in sports and physical education.

h) Health education and family planning

Health education and family planning are not taught at elementary and secondary schools, although several programs have been developed on the issues of health education and the essence of family planning. Their implementation, for the time being, depends solely on the good will and engagement of individuals. In the past, there was a Center for Humane Reproduction within the Gynecological Clinic in Skopje, which used to coordinate such activities at a national level, but its activities have unfortunately completely ceased several years ago.

The curriculum of the Social Medicine Department at the Medical School in Skopje contains topics dealing with the issue of health and social protection of women, family planning and contraception, prevention of acute and chronic diseases, with a special emphasis on malign neoplasm's of the breast, uterus, etc. The lectures are intended for all students, regardless of their sex. These topics are also included in the internship programs for graduated health professionals (physicians, dentists and pharmacists).

RECOMMENDATIONS:

- The state shall insist on consistent application of the Law in relation to the obligation to complete the elementary education, by prescribing sanctions for the parents, etc;
- The state shall endeavour to functionally link the needs of the labor market and the society with the career and professional advancement of female children;



- There is a need to enhance the level of availability of information on education, so that assistance is provided in the efforts to provide well - being of the family (family health, sexually transmitted diseases and sexual violence), including information and advice on family planning;
- The state shall undertake activities to overcome the objective obstacles (provision of transportation for students, free schoolbooks, opening of school in certain environment, etc.), which disable female children to attend school;
- The state shall increase its activities in relation to the education of individuals with special educational needs and/or impediments in their development.



Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, disability and old age and other incapacity to work, as well as the right to a paid leave;
- (f) The right to protection of health and to safety at work, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of concern

- The high unemployment rate, increased inactivity rate and the high number of women as unpaid family workers;



- There is no legal provision that explicitly obligates the employer to inform women about conditions at the workplace, which may have a harmful effect on their reproductive health;
- There are no special provisions in the Law on Employment and the collective agreements to regulate the issue of sexual harassment;
- There is no specific provision that will ensure that women are returned to their jobs with the same qualifications and without any professional demotion after the maternity leave;
- There are no provisions in the Employment Law and the Law on protection at work which allow for modifications of provisions in line with the most recent scientific and technological developments;
- Despite the fact that there are general provisions covering protection at work, there are no special provisions that provide special protection for pregnant women other than protection at night work;
- The institute parental leave is not included in the law.

De jure compliance

The Constitution of the Republic of Macedonia provides for equality through its provision "Every job is open to all under equal conditions". Any person that is 15 or older, and is work capable, may be employed. Upon the succession in 1991, the Republic of Macedonia has accepted several conventions of the International Labor Organization, which constitute a part of this applicable legislation.⁴⁰

Right of women to equal employment opportunities as men

The law - maker stipulates that women and men must be provided with equal opportunities and equal treatment in the process of recruitment. In addition, employers are forbidden to put in an unequal legal position an applicant or an employee on the grounds of race, color of skin, sex, age, health status/disability, religious, political or other belief, membership in trade unions, national or social background, family status, property status, or any other personal circumstances.

The pregnancy or marital status of women have not been specified as criteria on the grounds of which the employer must not put the person seeking employment or the employee in an unequal legal position. However, there is the criterion "Because of other personal circumstances".

⁴⁰ Some of those are: the Convention on Equal Remuneration (No. 100); the Convention on Protection of Motherhood (No. 103); Convention on Discrimination - Employment and Vocation (No. 111); Convention on Worst Forms of Child Labor Abuse (No. 182) of 2002; Convention on Employees With Family Obligations (No. 156); Convention on Nightshifts of Women (No. 89); Convention on Working Environment (No. 148); Convention on Protection at Work, Health Protection and Work Environment Protection (No. 155), etc.



Right of women to equal wages

The Constitution provides for the right to appropriate wage of each employee. Each employee has the right to a salary and women are not exempt from this. The law - maker obliges the employer to pay equal wage to employees for the same job including equal job requirements irrespective of their gender. Any violation of the previous legal provisions is punishable.

Ensuring equal rights to social security and paid leave for women

Under the Constitution, citizens have the right to social security and social insurance as established by law and collective agreements. The Constitution provides that the Republic of Macedonia should ensure the social protection and social security of citizens in accordance with the principle of social justice. The State provides the right to social protection in accordance with the Social Protection Law. The Law includes penal provisions that envisage sanctions for violation on the part of any social welfare institution or another legal entity that fails to provide social protection to individuals at social risk.

There is a difference between the terms "vacation" and "leave". The Constitution guarantees paid vacation, and the Law guarantees both a paid vacation (daily, weekly, annual) and a paid leave amounting to a maximum 7 days annually, whereas in case of vocational training this leave may last longer and applies to all employees. A female employee is entitled to a paid maternity leave lasting for a maximum of 9 months.

There are penal provisions for employers that fail to provide a female employee with special protection, including the use of maternity leave.

Equal rights of women to health care and safety at work

The Constitution and the laws provide for the right to health care for all people, without using the terms "man" and "woman". The Constitution guarantees special protection of mothers, whereas the law guarantees special protection of women at work.

The law - maker imposes a responsibility on the employer to provide the necessary conditions for protection at work and to make the worker familiar with all the risks at work and with the rights and obligations concerning the protection at work and working conditions. The worker has the right to refuse to work if he/she is under threat of an immediate danger to his/her life or health resulting from the failure to enforce the prescribed measures for protection at work.

It is not explicitly stated that the employer is obliged to inform the women about the conditions at work that may have a negative impact on their reproductive health. The law sets out that a female worker may not work at a workplace that primarily involves strenuous physical activities, activities under the ground and under water, nor any other jobs that could have a harmful impact on her life and health.

Sexual harassment

There are no special provisions regulating the issue of sexual harassment in the Labor Relations Act and in the general collective agreements.



Indirectly, this phenomenon is regulated through the incrimination of acts against gender liberty and gender morale, i.e. as solicitation into sexual relation by means of abuse of position. Namely, those who will abuse their position of power to solicit into sexual intercourse or other sexual activities persons who are subordinate to or dependent on them, or - with the intention of harassing, intimidating or treating other individuals in a manner that humiliates human dignity and human personality, shall be punished.⁴¹

Prohibition of dismissal because of marriage, pregnancy or maternity leave

There is no imperative legal provision prohibiting dismissal because of marriage and pregnancy. Maternity leave as grounds for employment termination is not a justified reason.

Right of women to reasonable maternity leave

The national legislation provides for the right of women to a reasonable maternity leave, although it lacks a specific provision on ensuring an appropriate position when returning to work, as it does for the soldiers while doing their military service or for persons referred to execute a public function who are guaranteed the return to a position that matches their qualifications.

Workers are protected in general, but there is no particular protection for pregnant women, except their special protection in cases of night work.

Protective legislation faced with the scientific and technological knowledge

There is no legal provision in the Labor Relations Act or in the Law on Protection at Work stipulating that the respective provisions will change in accordance with the new scientific and technical knowledge.

The legislation does not define in advance the harmfulness of a job and the extent of harm a job can produce. It actually leaves it to any individual to assess whether the job is harmful for his/her health, and it is left up to his/her individual judgment to initiate a process of protection.

De facto compliance

1. Right to and Opportunity of Employment

a) Right to Work

The right to work is a constitutionally guaranteed inalienable right.

b) Equal Employment Opportunity

From a formal aspect, men and women have the right to equal employment opportunities including the use of equal criteria. However, there are deviations in practice, especially in the private sector.

⁴¹ By imprisonment of 3 months to 3 years, Criminal code of R. of Macedonia,

“The transition to a market economy has had a negative impact on the position of women as well as men in the labor market. Though it is obvious that the transition negatively affected both genders, the share of women in the economically active population is much lower than that of men, women tend to be mostly represented in the low paid sectors, and a lot of women are working in the informal sector⁴².”

There are no guarantees in the legislation that women should obtain equal jobs as men and be able to make a free choice of jobs. Most often, women can find jobs in the private sector, mainly in the textile industry, where they are paid the least and where the employment is based on a Temporary Service Contract, which is not a legal basis for employment (in this case no contributions or any other benefits due from the employment status are paid). She is forced to accept anything that is offered to her, with no possibility to choose.

“The unemployment trend over the past years shows a larger number of unemployed women in comparison with men, whereas the two rates have become almost identical in the past three years (2000 - 2003). However, even this equal representation of women in the total unemployment rate is disconcerting for the simple reason that the share of women in the economic activity rate is far below the share of men. The activity rate, in accordance with the data obtained from the Labor Force Survey carried out in April of 2003 by the State Statistical Office, amounts to 43.4 % for women and 65.6% for men. These data indicate a lower representation of women in the economically active population, which can result in difficulties for women, unlike men, to gain access to well - paid jobs, but it can also be a result of their discouragement because of constant job seeking and their subsequent withdrawal from the labor market.”⁴³

Equal Treatment of Men and Women

The State lacks an incentive mechanism that would provide equal treatment of men and women at work. The only tool is the Labor Inspection that oversees the application of the Labor Relations Act and of the Law on Employment.

The monitoring of the application of the law, as in all other regulations related to employment and labor relations, is the task of the state administration organ in charge of labor inspection. The worker, labor union and employers may request from this organ to conduct inspection. In case violation of the law, other regulation, collective agreement, etc. is revealed in case of those inspected, the inspection may issue a decision to order the employer to remedy any such omissions within a certain dead line. In case of a failure of the employer to abide by the order, the inspector will initiate a court procedure.

It should be emphasized that there is a difference in practice between the state and the private sector. In the private sector, legislation is not observed with regard to the issue of entering employment and the enjoyment of the rights arising from employment in general. It is becoming more and more frequent that in the existing, newly formed private sector, not all employees enter employment in accordance with the legislation and the collective agreement, or there may be wage differences. In this sector the salaries are much lower, and gender - based discrimination is more emphasized (with respect to recruitment, dismissal etc.).

⁴² Governmental Report on Millennium Development Goals, 2005

⁴³ State Statistical Bureau, Labor Force Survey, 2003



Out of the total number of employed people in 2003 (545,108 persons) 63.32 %, 54.5% worked under the private ownership category, and 45.6% worked under another ownership category (social, mixed, cooperative, state and non - defined ownership). In the two categories, women are represented with approximately 40% in comparison with men with 60%. In the textile industry, 82.5% of the employees are women.⁴⁴

In case they have been denied equal opportunities or equal treatment at work, they have the possibility, under the law, to initiate a court procedure, to address the Trade Union or report to an NGO dealing with the gender equality issue.

There are no special interim measures aimed at improving the employability of women in the areas where they are underrepresented. However, there are spontaneous steps forward in this respect. For example, it was believed in the past that a job in the Police was not a job for women, but nowadays there are more and more women becoming Police employees. A similar trend has been noticed in the Army, and now there is even one female pilot. This has not been a result of the interim measures, but of the gender equality provisions in the legislation.

c) Free Choice of Vocation and Employment

As a rule, women choose their profession and employment freely. Deviations from the usual practice include the economic situation (they tend to choose occupations that are career promising) as well as the traditional customs (in certain ethnic communities, such as the Albanian, there are cases where women are not allowed to have a job).

“My father has a salary of 8,000 MKD. This is why it was only possible for my brother to continue with his education. He enrolled into the Faculty of Theology, and I had to be satisfied with the general high - school diploma. I am aware that my parents had no other choice. I agreed with their decision.” (an observation from all focus groups is that the women respondents themselves practically support the division of professions into men and women ones.)

There is a clear separation of “women’s” and “men’s” sectors. Women are best represented in the health and social welfare sectors, followed by the financial brokerage and education sector. Unlike them, men are predominant in the sectors of fishing, construction and electricity supply.⁴⁵

The existential pressure is such that at times it forces women to do jobs that they would otherwise refuse. Because of their responsibilities at home, they most often opt for professions that provide them with more free time. There are professions and workplaces that are exclusively done by women or by men: almost 100% of the staff in the kindergartens are women; female workers are impossible to find in mines; all managerial positions, with few exceptions, are occupied by men.

A particularly indicative group among women is the group of unpaid family workers, which points again to her specific vulnerability and position that she has in the family, thus in the society. Unlike women, men are twice less represented in this category, i.e. with 36.8%.⁴⁶

⁴⁴ State Statistical Bureau, Labor Force Survey, 2003

⁴⁵ State Statistical Office, Labor Force Survey, 2003

⁴⁶ State Statistical Office, Labor Force Survey, 2003

According to the economic status, the women in Macedonia, besides the already mentioned category of unpaid family workers, are for the most part employed (40.7%), then employers (20.9%), and self - employed (18.4 %).⁴⁷

d) Equal Remuneration

Women obtain equal wage as men do (including the non - material benefits) for a job of equal value. This issue has been solved a long time ago (after World War two). There may be exceptions to this in the private sector.

e) Right to Pension and Other Benefits

The pension is determined according to criteria that do not distinguish between men and women. The new law sets the retirement age at 62 for women and 64 for men. The benefits for unemployment, sick leave and disability are the same for both men and women. Unless these rights of theirs are recognized (or in case they don't receive them equally as men), women have the right first to file a complaint or a petition to the employer. If they are not satisfied with that, they have the right to seek help from the trade union, the labor inspector and eventually to institute a labor dispute. These possibilities are based in the legislation. The court is the last resort.

2. Discrimination of Women On Grounds of Marriage or Motherhood

a) It is forbidden by law to dismiss a woman on maternity leave. Unfortunately, in certain cases, the practice deviates from the legally guaranteed protection:

"In certain enterprises, as early as during the recruitment process, women are asked questions like if she is married, if she has children, and if she is planning to have a child in the forthcoming period. There are also cases when they tell her that no matter if she has a child or not, she must not get pregnant in the next three or four years."

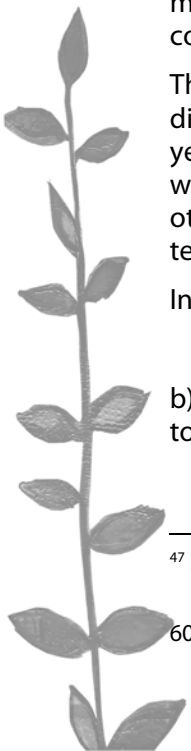
"Employers normally don't dismiss pregnant women, but a case like this occur after the maternity leave has been over - and in this case her employment is terminated or her contract is not renewed if it is a temporary one."

The economic situation of women delays the pregnancy and delivery because it is very difficult to find a job in our country. The average waiting period for the first employment is 4 years. This means that some people find a job for the first time as late as after 7 - 8 years. So, when an employer asks a woman not to get pregnant in the first years of her service, because otherwise she would be terminated or her contract would not be extended (if it is a temporary employment), women accept this condition.

In case of violation of these rights, women have a judicial protection.

b) According to the law, women get a 9 - month paid maternity leave. This right belongs only to the woman and she may not share it with her husband. There are women who don't make

⁴⁷ State Statistical Office, Labor Force Survey, 2003



a full use of their maternity leave - reasons for this include the wish to keep the job, to increase the family budget etc.

Men may use maternity leave only in exceptional cases provided by law. There is no parental leave in our country.

c) Besides kindergartens, there are no other auxiliary social services to help the parents find a balance between the family obligations and the requirements of the job, as well as to participate in the life of the society. Kindergartens are available only in urban areas.

The State should undertake measures to open auxiliary social services, in particular kindergartens in rural areas.

3. Special Protection at Work

In case one would harmonize the labor protection legislation with the latest scientific and technical achievements, it is certain that women would have even bigger protection. The Law on Protection at Work was amended twice after 1998 (in 2000 and 2002), but these amended versions have not included such provisions.

RECOMMENDATIONS:

- The state shall endeavour to include gender equality in its strategic documents;
- The state shall undertake specific measures to increase the level of employment of women, as well as their inclusion in well - paid sectors;
- The state shall introduce an explicit legal provision to oblige the employer to inform women on the working conditions that might adversely affect their reproductive health;
- The state shall introduce a separate provision to regulate sexual harassment;
- The state shall introduce a concrete provision to ensure the return of women employees to working posts, in case their qualifications are the same as those of men, without professionally degrading the women, following the expiry of their maternity leave;
- The state shall introduce a legal provision to change the special protection of women at work in accordance with the new scientific and technical findings;
- The special protection of pregnant women shall be expanded, with the exception of the protection against night shifts;
- The institute of the parental leave shall be introduced in the legislation.



Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post - natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

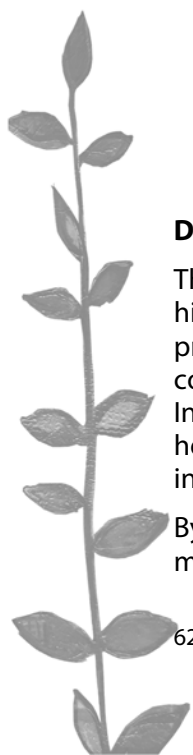
Areas of concern

- There is a discrepancy between the urban and rural environments in terms of access to the health care system (information and services);
- Improper functioning of the health care services that work on promotion of reproductive health and rights, in particular in rural environments and amongst the vulnerable groups such as people living in poverty, poorly educated people and the Roma population (family planning centers, women counseling offices, pregnancy and young mothers counseling);
- In certain regions, there is inadequate coverage with health protection for women, in the areas of women's and reproductive health (insufficient coverage with gynecological practices, mammograms);
- The state does not provide special measures of supporting motherhood or appropriate food during pregnancy and breast - feeding;
- There are no special programs for protection of HIV - infected women - especially of pregnant women - to prevent discrimination against women and to improve their health status related to this disease;
- There are no special/effective programs for raising awareness among young people for use of contraceptives or for changing traditional practices among certain ethnic groups, which leads to limitation of their sexual and reproductive rights.

De jure compliance

The Constitution of the Republic of Macedonia provides that each citizen is guaranteed his/her right to health care. In addition, every citizen has both the right and the duty to preserve and promote his/her own health and the health of the other people. These constitutional provisions are embedded in the Law on Health Care and in the Law on Health Insurance. The Constitution of the Republic of Macedonia guarantees the right to basic health care in the public sector notwithstanding the existence of the private health institutions.

By using the terms "citizen" and "everyone", the law - maker does not differentiate between men and women as health service users. However, neither the Constitution nor the Law on



Health Care contains specific provisions on prohibition of the discrimination of women in the area of health insurance as per the relevant Convention.

There are no provisions in the legislation of the Republic of Macedonia regulating the gender - based violence as a health problem, nor is training of health personnel in this topic envisaged.

Access to quality health services

Explicit provisions on the existence of quality health services and definition of the term “quality” are lacking, but the health care users have the right to file claims for a damage occurring as a result of mistakes or inappropriate treatment⁴⁸, in accordance with the provisions of the Law on Obligations.

Providing voluntary, accessible, appropriate and affordable (even free of charge if necessary) services to women

There is no law in the Republic of Macedonia that requires the consent of the husband or the parents of a woman for using a certain health service. In emergency cases when the life of the patient is at risk, or when the patient is in such condition that she is not able to decide on her own, consent from her family is sought, and if such consent can not be provided, the intervention is undertaken based on the decision of two physicians - specialists in the respective surgical branch and in protection with regard to pregnancy and delivery.

If a woman (pregnant woman or a birth giving woman) has no health insurance, she is obliged to pay for all the health services at a price that is not means tested. There are no legal provisions providing for appropriate nutrition during pregnancy/breastfeeding.

Protection of women during pregnancy, delivery and the first 40 days after delivery

Under the Law on Health Care, which provides for special measures and activities for protection of women during pregnancy, delivery and the first 40 days after birth, a special Programme for Active Maternal and Child Health Care in the Republic of Macedonia is adopted. This program provides for special protection of women during pregnancy, delivery, and the postnatal period. These are annual programs adopted by the Government of the Republic of Macedonia.

Provision of training and information to women or girls about their health, including their sexual and reproductive health

In order to facilitate the provision of primary and preventive health care by the health centres, the State undertakes measures and activities such as the adoption of annual

⁴⁸ Sanctions: A doctor who applies clearly inadequate means or manner of treatment, or does not apply proper hygienic measures, or in general, acts unscrupulously and as a result causes deterioration of the health status of other persons, shall be punished with a fine, or with imprisonment of up to three years.

The punishment referred to in the previous paragraph shall apply also for a midwife or some other health care worker who, when providing medical care, behaves unscrupulously and as a result causes deterioration of the health situation of other persons.

programmes (Programme for Early Detection and Prevention of Diseases of Reproductive Organs in Women; Programme for Active Maternal and Child Health Care etc.).

Special Programme for Protection of HIV Infected Women

A General Programme for Protection of the Population against AIDS has been adopted in the Republic of Macedonia. This program provides for measures and activities for protection of the population against AIDS, in accordance with the recommendations included in the relevant UN program. One of the measures and activities is the training of the health workers and the health education activity.

Interruption of pregnancy

From a legal point of view, interruption of pregnancy is provided for in the 1977 Law on Pregnancy Interruption. It provides that by exception, pregnancy interruption may be done after the 10th week if the inception was a result of a criminal offence: rape, sexual abuse of incapable person, sexual abuse of a minor, sexual abuse based on abuse of the official post and incest.

De facto compliance

Right and Accessibility

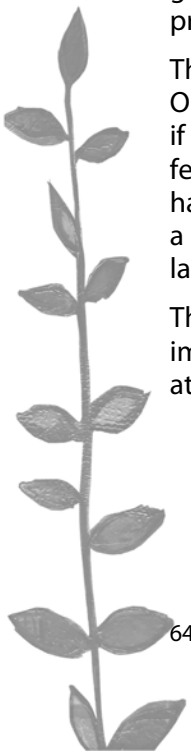
The decision to use health care belongs to the woman, but there are still certain social and/or cultural subgroups where women are denied this right.

According to the law, women in rural areas have equal access to health care as those in urban areas. However, in practice there are a lot of deviations from this legal provision.

The Ministry of Health has developed thirteen preventive programmes for health care for the year 2005, to be implemented by the health care providers. The activities specified in those programmes are available to all people in both urban and rural areas, irrespective of their gender, religion or ethnicity. These preventive programmes are however not enforced in practice.

The economic factor is the predominant obstacle for women to seek health care services. One should also mention the cultural and social barriers among Roma women. For example, if a Roma woman is not married or if she is divorced, she does not go to a gynecologist from fear that something might be disclosed about her honor. A married Roma woman does not have a problem going to a gynecologist by herself. Roma women still think that if they go to a psychiatrist, the environment will react in a bad manner or that they will be subject to gossip, labeled, etc.

There is no difference in the treatment of women and men suffering from developmental impairments. It should be emphasized that this is a problem that is not receiving enough attention.



HIV/AIDS

"The Republic of Macedonia is still among the countries with the lowest diagnostic rate of incidence in the region and Europe - 0.2% registered cases, as compared with the average of 4.31% in Europe in 2001.

The total number of registered cases of HIV/AIDS in Macedonia is 64 (46 cases of AIDS and 18 HIV positive individuals).

However, the official data fail by far to reflect the real situation. The monitoring system, measuring the distribution and rate of incidence of HIV/AIDS is insufficiently developed and does not refer specifically to the high - risk groups. Almost all registered cases who are HIV positive were tested for HIV only after the appearance of health problems.

Thus, 99% of all registered HIV/AIDS cases visited the clinic at their own initiative, due to health problems related to the infection.

Until today, there has been no anonymous random testing of a serum, as one of the manners of detecting the incidence of the HIV infection in the country.

According to the 2003 results, the proportion of men and women infected by HIV/AIDS in Macedonia is about 2.21:1, in comparison with the 1.02:1 of several years ago. Having in mind the fact that women traditionally take care of the ill members of the family, there are no data as to how they look upon the HIV/AIDS issue and the other sexually transmitted diseases. The dominant age group is the one between 30 and 39 years, followed by the 20 - 29 age group.

The ethnic structure of the registered cases (64 individuals) of HIV/AIDS in Macedonia is as follows: Macedonians 47.6%, ethnic Albanians 33.3%, Roma 11.1%, Turks 1.6%, Serbs 1.6%, Macedonian Muslims 1.6% and 3.2% foreigners. The percentage of the Roma population and, to a lesser extent, the ethnic Albanians is significantly higher than their proportion of the total population. Thus, 69% of the registered cases come from urban areas, while 31% from the rural ones.⁴⁹

A part of the overall national response to the HIV/AIDS epidemic is the establishment and functioning of the national Multi - sectoral Commission on HIV/AIDS, which brings together governmental sectors and the civil society, but still is not fully inclusive. It is responsible for the planning and coordination of the prevention of HIV/AIDS and related interventions. It is presided over by the Minister of Health. It was set up in April 2003. The Republic of Macedonia has developed a National HIV/AIDS Strategy, with specified areas of priority. Those are: prevention of the spreading of HIV/AIDS among the groups (young, intravenous drug users, commercial sexual workers, homosexuals, mobile groups, Roma population, and prisoners); improvement of the access to services related to counseling and testing the quality of such services, improvement of the national epidemiologic and behaviorist monitoring systems (with a special monitoring and evaluation plan); prevention of HIV spreading in health institutions and strengthening the capacity and coordination of the national response to HIV/AIDS.

The Republic of Macedonia obtained funds from the Global Fund, but the financial gap between the national budget funds allocated for prevention and the factual expenditures for interventions is still significant, whereas the weak institutional capacity to provide leadership

⁴⁹ Governmental Report on Millennium Development Goals, 2005

and coordination of the internal and external groups of interests are serious impediments that need to be overcome.

There is a need of additional efforts on wider inclusion of persons living with HIV/AIDS.

2. Reproductive Health, Situation and Education

“From a quantitative point of view, the services related to pregnancy and deliveries are sufficient and cover a larger portion of the population. It is possible that only women living in isolated villages have no access to such services, especially in the winter period. The quality of the neonatal care is good and improving, as a result of the efforts in the joined perinatal health care project (Ministry of Health/World Bank) and the Initiative for Hospitals For Special Care of Babies (UNICEF). Yet, poor quality was observed in the antenatal care and even more during the delivery sufferings and deliveries themselves. The woman’s right to privacy, respect and social support should be respected. There is insufficient awareness among mothers giving birth of the use of health services and, consequently, there is a need to inform about and promote the health services for pregnant and birth giving women, especially in the rural and poor urban communities. Other factors in these communities - such as in favorable health conditions in particular living environments, widely dispersed poverty, low educational level of the population, and conservative cultural behavior - are additional obstacles that also need to be addressed, to reduce further the death rate.

There is still a need to pay greater attention to women in the Roma community, as a highly vulnerable and marginalized group. Pregnant Roma women are often with no health insurance and may not afford co financing and informal costs related to the regular antenatal and postnatal checks, and the delivery itself.⁵⁰”

There is lack of education concerning the reproductive health of the women in the rural areas. Despite the existence of such campaigns or programs, more attention should be paid to the organization of meetings/lectures in the municipality buildings or in surgeries where both doctors, but also women, and more importantly men, are invited. The latter would receive education through those lectures and counseling.

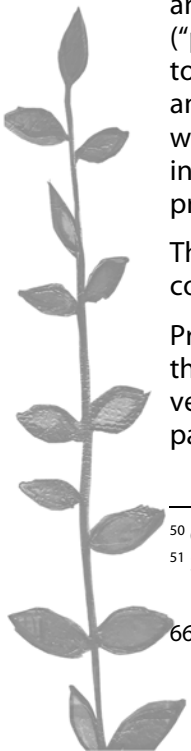
For the purpose of providing access to appropriate health care during pregnancy, delivery and motherhood, The State has established a special district health nursing service (“patronage” or home visits service) functioning under the health care providers in every town. These district health nursing departments employ medical nurses who visit pregnant and newly delivered women in their homes, provide them with health education, help them with the care and breastfeeding of the newborn, with referral and linkage to other institutions and services of the health sector etc. This service employs around 300 nurses providing home visits.

The situation in the field indicates that there is full coverage of the entire territory of the country with health institutions and home visits units providing health nursing service.

Pregnancy termination is carried out in public health care providers and in other institutions that fulfill the legal requirements (gynecological - obstetric hospitals). This intervention is very expensive and amounts to 4,500 MKD or approximately 90 USD, i.e. 40% of the average paid salary⁵¹ in Macedonia. The rate of abortions according to the European HFA database is

⁵⁰ Governmental Republic on Millennium Development Goals, 2005

⁵¹ Statistical Yearbook of the Republic of Macedonia for 2004



315 per 1000 live births⁵². Account should also be taken of the large number of non - reported cases of abortion.

Besides the economic barriers, other barriers restricting the access of women to the various health care services related to their reproductive health include the traditional views. For example, in Roma communities there are some outdated views, such as asking the husband or the mother - in - law for permission to go to a gynecologist, especially if both the husband and the wife are uneducated. Some women can't say "no" to the husband concerning the number of children they will have.

"There are also social barriers, which are linked to economic reasons. Even if a woman is willing to go to her gynecologist several times she can't do that because she needs to travel to get there, leave her home, incur expenses etc. A cultural barrier worth mentioning that may be found in other populations is the case of women not allowed by their husbands to go to a gynecologist by themselves, or to abort" - (interviewed representative of a Roma organization).

The State does not take measures to include the concept of shared responsibility of both parents for raising their children with emphasis on education pertaining to family issues. There is a need for additional sensitivisation of the general population with regard to this question.

RECOMMENDATIONS:

- The state shall improve the accessibility of the health system (information and services) in the rural areas;
- The state shall ensure adequate coverage with health protection for women, in the areas of women and reproductive health via sufficient coverage with gynaecological practices, mammograms, etc.;
- The state shall ensure special measures to support motherhood, as well as adequate nutrition during pregnancy and breastfeeding;
- The state shall recognize the need to enact a law on sexual and reproductive health and rights;
- The state shall introduce special programs for protection of women infected by HIV, especially of pregnant women, to prevent discrimination against women and promote their health status related to this illness;
- The state shall introduce special/effective measures to raise the awareness among the youth on the use of contraceptives or changing the traditional practices among certain ethnic groups, as those practices lead to the limitation of their sexual and reproductive rights.

⁵²European data base " Health for all", 2001



Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Areas of concern

- There are no special procedures with regard to the discriminatory behaviour in the private sector;
- There are no special programs promoting women's entrepreneurship.

De jure compliance

There is no ban on discrimination, but the law prescribes that everyone can conclude a contract under equal conditions.

Women's right to bank loans, mortgages and other forms of financial aid

In terms of the credit, the legislator speaks of a credit user and does not make any distinction between men and women nor does he make any distinction in terms of their marital status. In terms of taking a mortgage and pledge, it is stated that everyone can be a pledge and pledgor and there is no distinction between men and women and their marital status.

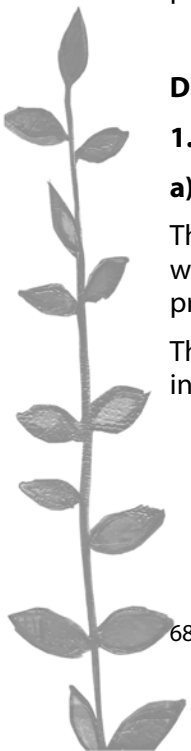
De facto compliance

1. Discrimination of Women in Other Areas of Economic and Social Life

a) Legal Ability

The fact that the law does not make any distinction between the legal capacity of men and women means that there are no legal limitations for women to own property, initiate court procedures, take credits, etc.

Thus, no additional guarantees or conditions are prescribed to ensure women's participation in the obligatory transactions.



b) Access to Forms of Financial Loans

Legally, women have equal access to all forms of financial aid as men do. In practice the situation is different. In this kind of transactions, they participate less often than men.

There are two circumstances in the practice that may impose restrictions on women's opportunity to participate in business or in the economic life - first, they do not own property (it is a rule that the property is registered under their name of the husband) which is indispensable as a guarantee for provision of the financial pre - requisites for opening own private business, and secondly, they do not have equal access to information. Women do not have sufficient information regarding access to available funds offered by the institutions or credits offered by the banks. A portion of those obtaining loans appear in fictitious roles of loan applicants. Practically, the true beneficiary hiding behind them is their husband.

"As a rule, the title holder is the husband, i.e. the son; this is customary and may result from the tradition to have the girl move in with the bridegroom and the son remains with his parents, with the bride moving in with him" (a statement of a woman from an Albanian rural community)

"The rule is that the will is only in the name of the husband" (a statement of a woman from an Roma urban community)

There is no program which ensures that a businesses owned and managed by women would get an equal share of the governmental contracts.

c) Participation in recreational activities, sports and cultural life

Women can participate in recreational activities, sports and all other forms of cultural life equally as men.

RECOMMENDATIONS:

- The state shall introduce special procedures on preventing any discriminatory behaviour in the private sector;
- The state shall introduce special programs to promote women entrepreneurship;
- Individual criteria shall be set regarding the women and guarantee funds for women - entrepreneurs.



Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non - monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non - formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self - help groups and co - operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Areas of concern

- The state undertakes no efforts to improve the position of women in rural areas, which is evidently much more difficult than the one of women in urban areas;
- There are no measures and activities aimed at including the rural woman in bodies of the local government or in other decision - making bodies at a regional and national level;
- There are no special programs promoting the participation of women and encouraging them at the same time to become involved in applying for certain political processes;
- There are no groups for self - assistance and participation of women in the work of the neighborhood units;



- Agricultural loans are difficult to obtain, especially for rural areas;
- The state has no development programs aimed at developing the rural areas;
- There are substandard living conditions in the rural areas should be improved, particularly the communication with the urban areas that largely contributes to making it difficult to gain access to the legal, educational and health system and services;
- There are no special types of programs for protection of women victims of domestic violence in the rural areas.

De jure compliance

Under our laws, both men and women have equal opportunities of assembling and forming unions, realizing equal access to the economic activities by obtaining employment or self-employment. Any physical person whose business does not exceed the agricultural activity of a smaller scope and is registered as an individual farmer may engage in farming. Agricultural activities may be done by physical persons as well as by individual businessmen. Agricultural state-owned land may be given under concession both to home and foreign legal entities and physical persons.

Access to the relevant health care centers, educational and economic opportunities

The laws do not envisage equal application of all provisions from the Convention which refers to women from rural areas compared to other women in relation to the access to the appropriate health care, including also the information, advices and services related to family formation.

The municipality is in charge of the adequate living conditions, **especially of the housing**, hygiene conditions, electricity and water supply, traffic and connections on a local (municipal) level. The municipality competencies partly refer to education and the health care system on a local level.

The right to agricultural credits and loans and land - related rights

The citizens of the Republic of Macedonia directly participate in the municipal activities and by doing that directly participate in the activities of the local self-government in several forms prescribed in the Law on Local Self-Government.

Factual compliance

1. Situation of the women in rural areas

Women in the rural areas have much a harder life than women living in urban areas. The state does not make special efforts to improve the condition of rural women.



2. Women participation in the rural areas development

a) Participation in the decision - making

Women living in rural areas are not included in the government. They are not in Parliament, in the municipal councils or in the local self - government bodies. These women are fully excluded from the opportunity to participate in decision - making on a local, regional and national level. The introduction of the quota system in the election - related legislation has resulted in changes in this sphere. However, now the political parties cannot find women that would participate in the election races.

The opportunities for political participation and representation of women differ greatly for women/girls from urban areas and those from rural areas. Women from urban areas have greater opportunities to be included in politics. Unlike them, the inclusion into politics of women from the rural areas is burdened and determined by the existing prejudices, stereotypes, patriarchal matrix of interrelations.

The political representation of women from rural areas is also completely different compared to that of women from urban areas. There are no local TV stations that would present them to the public and would introduce them to the voters. It all comes down to organizing discussion platforms rarely attended by women. Therefore, women in the rural areas are not present in the political life at all.

b) Access to health services

Health care services are most often inaccessible to women. Women do not use these services due to the fact that they are no such services in their place of residence. This is a result of several objective obstacles: lack of finances, distance from their place of residence, lack of confidence in the providers of these services or fear of being stigmatized.

"As regards the rural municipalities, particularly those in the mountainous areas, the access of the population to health care services is far from satisfactory. Thus, a public opinion poll shows that 89 percent of the mountain villagers think that the access to medical medicines institutions in their settlements is too low. On the other hand, 59 percent of the population in the mountainous areas claims that they have no material possibilities, while 67 percent of the population in those areas stated that they do not have normal supply of medicines."

These attitudes are in sharp contrast with the formal figures showing that - generally speaking - there is a comparatively good distribution of primary health care facilities over the territory of the whole country.

As a consequence, the health care status in rural municipalities in comparison with urban is characterized by a higher infant mortality rate in rural areas, higher general mortality of the population and higher mortality due to infectious diseases."⁵³

Education on family planning

Women in rural areas have limited access to information concerning reproductive health and family planning. This information is mostly received through the media and the activities of

⁵³ Human development report, UNDP 2004



local women's organizations. Here cultural barriers still exist since women dare to seek advice only from other women. They have great difficulty deciding to seek advice from a physician.

These barriers mainly arise from the cultural, religious and moral values of certain subcultures.

c) Social protection

In terms of the direct usage of the social protection programs by the rural population, the situation is very negative. Namely, one survey of public opinion has demonstrated that 56% of the village population in the valleys and 90% of the mountain village population either find that the Centers for Social Assistance are inaccessible, or are not even aware of their existence.

d) Education

The elementary education is mandatory and the state allocates funds for transport of students living in the surrounding areas to the nearest schools. Yet, this is not the case everywhere. Usually, the funds allocated for this are set aside by the local government and the exercise of this right depends on it. In a part of the local communities, where funds are allocated, this right may not be exercised due to the inadequate infrastructure. It seems that in practice there are exceptions to this. Secondary education is available only to those who can afford it since the state does not offer any special measures which would provide means to finance the students in the secondary education. The educational services are not provided in the same manner in the urban and rural areas. In the urban areas there is a well-developed network of elementary and secondary schools which is not the case in rural areas.

The state does not undertake special measures encouraging girls to attend school since the decision whether to continue schooling or not is a result of one's economic standing or one's individual desire to do so. The economic problems are the most significant obstacles which might inhibit women from pursuing their education.

e) Manners of facilitating equal access to business activities

Women in rural areas are not organized in any way in their attempt to obtain equal access to the economic activities by obtaining employment or self-employment.

f) Participation of women in the work of local communities

As a rule, women do not participate in the work of the local community.

g) Agricultural credits and loans

The agricultural credits and loans are hardly accessible to all (this concerns both men and women) since it is very difficult to find endorsers, i.e. persons employed in the public sector. For example, a man from our village which is in the agricultural business some time ago was



looking for endorsers among us, but it is still not certain whether or not he will obtain a credit (a statement of a woman from Macedonian rural community).

The state does not have developmental programs targeted at rural women.

h) Living conditions - actual situation

There are rural areas in which the usual living standards are satisfied, but there are also such areas which lack the elementary living conditions - there is inadequate housing, unhealthy water, bad communication, etc. These conditions undoubtedly have a bad influence on the life of rural women, i.e. aggravate to a great extent the life of rural women. Bad communication with the urban areas limits or renders impossible their access to the educational, legal and health care system/services.

RECOMMENDATIONS:

- The state shall undertake urgent measures to improve the position of the women in rural areas, which is evidently much more difficult than the one of women in the urban environment;
- The state shall undertake measures and activities to include the rural woman in the bodies of the local government, as well as in the other decision - making bodies at a regional and national level;
- The state shall endeavour to assist in the overcoming of obstacles preventing women to become included in the political, economic and social life, such as stereotypes, economic factors, and traditional men - women roles;
- Special programs shall be introduced to promote the participation of women and - at the same time - to encourage them to become included in applying for certain political processes;
- The state shall endeavour to form groups for self - assistance and participation of women in the work of the local communities;
- The state shall facilitate the access to agricultural loans and especially take care of the access of women to those loans;
- The state shall design development programs, the goal of which will be the development of rural areas;
- The state shall undertake activities in the direction of improvement of the sub - standard living conditions in the rural areas, particularly the communication with the urban regions, which communication largely contributes to making it difficult to access the legal, educational, health care and services system;
- The state shall design special programs for protection of women - victims of domestic violence in the rural areas.



Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Areas of concern;

- There is a discrepancy between the legal and actual situation;
- The state has no mechanisms in place for legal protection of women, nor are there specialized bodies that will provide protection on its behalf.

De jure compliance:

The laws provide complete equality of the legal and business capacity of men and women which is reflected in following legal acts: the Law on Obligations, the Property Law and the Law on Inheritance.

Ownership of property belonging to a woman at the moment of entering into marriage

There is an explicit provision which states that the property belonging to one of the marital partners at the time of conclusion of marriage is his/her own property which means that the husband cannot acquire the right of ownership over the property of his wife once they enter into marriage. The law explicitly states the following: "Each of the marital partners independently manages and disposes with his/her own property unless differently agreed in writing by the marital partners."

Participation in financial transactions (credits, mortgages)

In accordance with the law, women can participate in all financial transactions as property owners, take loans, act as mortgagors and participate in other transactions under equal conditions as men.



Women's right in the judicial sphere

The legislation in force guarantees women equal rights in all phases and court procedures in the trial procedure, non - trial procedure and enforcement procedure. In all of the abovementioned procedures, women can appear in several roles.

Men and women have equal rights to participate in the criminal and misdemeanor procedure, assuming the following roles: public prosecutor or deputy public prosecutor, as only and independent state body which prosecutes the perpetrators of criminal and other types of penal acts regulated by law. They can also participate in these procedures as lawyers, damaged parties or private plaintiffs.

Invalidity of contracts

In accordance with the Law on Obligations Relations, a contract is considered legally invalid and has no legal effect if it is in breach of the Constitution, the law and the good practices.

Freedom of movement and free choice of place of temporary and permanent residence

In accordance with the constitutional provisions, each citizen is guaranteed the right to a free movement on the territory of the Republic and to a free choice of his/her own place of residence.

De facto compliance:

1. Legal equality

There is a complete equality between men and women in the country. It is legally guaranteed in the Constitution and in the laws.

There is no data on potential procedures that have been initiated on the basis of gender discrimination and on the number of these potential procedures. It is considered that judges are sufficiently trained in the sphere of human rights, and women's rights specifically. Numerous courses, seminars or educational trainings on human rights have been organized, especially from the aspect of the application of the European Convention on Human Rights, with professionals from the judicial sphere taking part.

In the Criminal Code, women are treated equally as men. It contains the term perpetrator, i.e. it excludes any gender discrimination. The same goes for imposing penalties. The law does not make a difference between male and female witnesses, i.e. both male and female witnesses have equal value in terms of providing testimony.

2. Legal ability

In terms of the legal capacity, legally there is complete equality between men and women. Thus, there are no limitations to women owning property, initiating court procedures, taking credits, etc. According to the legal provisions, there are no limitations or conditioning concerning women's participation in economic transactions. But, despite this, women are excluded from all economic events.



According to the legal regulations, women have equal rights as men in the civil and legal affairs. In practice, men and women do not use these rights equally. Most frequently, the younger female population decides to initiate a judicial dispute to protect their rights unlike the elder female population which experiences greater difficulty faced with the decision to do this. These rights are under - exercised by Muslim women which are very rarely initiators of procedures.

3. Legal ability restriction

Each activity implying limitations of one's legal capacity is legally void and the law prescribes a court procedure for its annulment. Both the law and the practice do not distinguish between men and women in this regard.

Both men and women that have not received equal treatment in the procedural phases have the right to appeal and can file appeals with the President of the Basic Court, the President of the Appellate Court, the Supreme Court, the Ministry of Justice, the National Judicial Council and to other institutions which have the authority to make decisions over such issues.

The Constitutional Court is the final instance in this regard and citizens have also the right to initiate a procedure before the European Court of Human Rights.

Basically, the legal services are equally available for men and women. The issue of whether one can afford these services is equally relevant for men and women. However, the state has created mechanisms for release of the party in question from the obligation to pay the court and administrative costs in cases when they cannot afford to cover these costs. If the party in question cannot afford its own defense attorney, there is a procedure for provision of a defense attorney appointed by the court, and in such a case the costs are covered by the state. There is no organized legal assistance on part of the state.

Some NGOs and professional association's organizations provide free legal assistance (such as Association for Emancipation, Solidarity and Equality of women - ESE, for example).

In legal terms, rural women have equal access to the legal system, but in practice, this is not the case. Most frequently the girls from rural areas are not even acquainted with their basic rights and it is highly unlikely that they will require assistance from the relevant authorities. The objective circumstances which render difficult the access of rural women to the legal system are the following: distance from the cities, the number of inhabitants, the mobility in and out of the area and in regard to the subjective dimension of each woman's life there is the influence of the patriarchal and conservative attitudes and behavior.

RECOMMENDATIONS:

- The state shall introduce mechanisms for legal protection of women.



Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to entering into marriage;
- (b) The same right to freely choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of concern

- There is no provision in the civil law to forbid contractual marriage or marriage entered into for the purpose of ensuring economic safety, as well as measures leading to eradication of contractual marriages among the Roma and Albanian population;
- There is a provision in the criminal law sanctioning illegal abortion and although abortion is legitimate still is not affordable for most of the women;
- It is a practice among the Roma population not to register their marriages and in no rare instances do minors live together illegitimately; there is, therefore, a need for the state to undertake measures;
- There is a practice to leave the estate to the male heirs, in spite of the fact that under the inheritance law both male and female siblings are equally entitled to this right;



- While illegitimate habitation with a minor is incriminated and punishable by the law, sexual intercourse of adults with minors at the age of 14 - 18 is not forbidden and punishable.

De jure compliance:

There is an explicit provision which stipulates that the relations between spouses shall be grounded upon voluntary decision of men and women to enter into marriage, equality, mutual respect, and support. Two individuals of the opposite sex can enter into marriage by having expressed their voluntary decision before a responsible organ in a manner provided by law.

Right of men and women to choose their spouse voluntarily and to enter into marriage only with their free and full consent

Marriage is void, i.e. fully annulled when the consent for entering into marriage is given under coercion or by deception.

Several crimes committed against marriage and family are stipulated in the Criminal Law whereby punishable under the law are double marriages (one who enters into marriage although already married), rape in marriage, conclusion of illegitimate marriage by an authorised official, extra - marital cohabitation with minors, and leaving a member of the family into dire conditions.

Rights and obligations of men and women upon entering into marriage and its termination

Spouses are equally guaranteed their parental and guardianship right, as well as their right to adoption.

In the event of divorce, the uncared for spouse is entitled to require personal support and child support for the custody granted to one of the spouses. In the event of dissolution of marriage due to death, the law guarantees equal right to legacy.

Parental rights

Parental rights arise with birth and adoption. Law guarantees equal rights and obligations of parents for their children. Legally, parental rights belong to the mother and father equally. Parents exercise their parental rights jointly and with mutual consent.

Under the Criminal Law, criminal liability is incurred on the spouse who avoids paying the support determined under effective court decision or settlement, as well as for maltreatment or neglect of a minor, for abandoning a vulnerable child, and criminal liability is incurred neglect and maltreatment of a minor by a parent, foster parent, guardian, or other individual entrusted with a vulnerable child or minor.



Right of women to bring voluntary and responsible decisions for the number of children

The country is legally obliged to establish conditions for family planning, and for voluntary and responsible parents, however no specific provision exists which determines the right of women to voluntarily and responsibly decide about the number of children, period of time between deliveries, as well as access to information, education, and means that ensure that women exercise the said rights.

Under the law⁵⁴, termination of pregnancy is deemed a special medical intervention for which pregnant women decide voluntarily. The said right can be restricted only for the purposes of protecting the health of pregnant women. Illegal termination of pregnancy is punishable, and criminal liability is incurred when pregnancy is terminated without the consent of the pregnant woman.

Under the law, health - care providers shall ensure that all women, in both urban and rural environments, obtain specialized knowledge and experience for administering contraception as well as for other methods of preventing unintended pregnancy which are deemed to be efficient factors in family planning.

Guardianship and adoption of children are legally regulated in a single manner for both men and women.

Right to ownership

Legally, the property of the spouses may be both shared and individually owned. The property acquired in marriage shall be their shared property. Spouses administer and dispose with the property together and with mutual consent.

Marriages between children

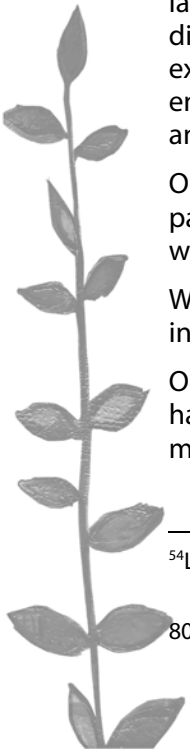
Under the legal provisions, individuals under 18 shall not enter into marriage. However, the law allows exceptions for individuals who have turned 16 if the relevant court in non - dispute proceeding determines that the individual is physically and mentally mature for exercising marital rights and performing marital duties. In such an event, marriage can be entered into on the grounds of previously rendered opinion from a health - care institution and specialized assistance provided by the Social Work Centers.

Out of wedlock cohabitation with a minor under 16 who has turned 14 is punishable. The parent, foster parent, or guardian who shall consent to a union with such an individual, or who shall induce him/her to the said shall be held criminally liable.

While legally out of wedlock cohabitation is incriminating and punishable, sexual intercourse between an adult and a minor between 14 - 18 is not forbidden and punishable.

Our legislation provides no explicit norm whereby the engagement and marriage of a child has no legal effect, however the law provides provisions which regulate the entering into marriage before an official organ. Accordingly, provided that the procedure is not performed

⁵⁴Law on abortion of pregnancy, 1977



in compliance with the law, and the marriage is not registered, the engagement and marriage of a child have no legal effect.

Registration of marriages with the official register

The law determines the proceeding for entering into marriage. Marriages entered into according to religious customs in religious communities, although registered with their marital records have no legal effect unless registered with the registry book of marriages which is the single register for marriages concluded.

De facto compliance

1. Discrimination of women in marriage and the family relations

a) Right to enter into marriage

For a marriage to be legal, it has to be officially registered. Polygamy is a crime punishable with imprisonment from 3 months to 3 years. It refers to man and women equally. Such polygamy cases can be found with Romany population, although rarely.

Engagements have no legal effect, but in the practice (especially in the rural areas), girls who will break their engagement have smaller chances of getting married, particularly to a bachelor. More often, they marry a divorced man or a widower (according to statements of the women - focus groups).

b) Free choice of a spouse

The free will is a constitutive element of marriage and it refers to both partners. Thus, women can exercise their right to decline the proposal to enter into marriage. Romany and Albanian population enter into arranged marriages where the parent - father has (often) the main say.

c) Rights and responsibilities during marriage and following divorce

Under the law, men and women have equal rights to petition for divorce. The terms for divorce are equal for both genders.

After the divorce, the position of women is usually more difficult compared to the position of men. Most often the custody is granted to women if the children are small, a fact which additionally worsens her position. Furthermore, she must leave the family house because the husband is the registered owner of the real estate, and ownership disputes are settled in civil proceedings. It is harder for divorced women to enter into another marital union.

Under the law, in case of divorce the property shall be equally divided between both spouses. The rights of spouses who have provided higher contribution can be exercised in court proceedings. The court proceedings can be initiated with a petition filed by any of the partners.

d) Parental rights and obligations

Under the law both spouses enjoy equal parental rights and obligations. Parents have an obligation to provide for their children, which is a legal imperative norm, whereas the marital status of the parents is irrelevant.

e) Free and responsible decision - making

The Government has to date not undertaken specific measures which would ensure that women bring quality decisions concerning issues related to reproduction.

For some women from urban areas, these services are easily accessible and diverse. As for the prices of the services, one can conclude that for women with social insurance it is not a particular problem. When it comes to women without social insurance, prices may impose a problem, i.e. a limiting factor. Nevertheless, the conditions in rural areas are severely unfavorable. For most of the services, women need to travel, and they are not easily accessible. Apart from that, government errs when it appoints a male gynaecologist in a Muslim rural environment where women do not dare to see him due to certain traditions and stereotypes.

f) Custody and adoption

Concerning custody over children after divorce or separation, the law envisages equal rights for both the parents. Upon passing the final decision, the court respects the opinion rendered by the team of experts from the guardianship organ.

With respect to adoption, law provides equal rights for both men and women. Unless the decision for adoption was made jointly, they cannot adopt or give a child to adoption.

g) Choice of last name and vocation

Under the Family Law, the woman is entitled to make a voluntary decision about her surname. The legal alternatives in that respect are: the woman can retain her surname, adopt the husband's surname, or add her surname to the husband's and vice versa (the same legal solutions are provided for men). In practice women most often choose the husband's surname, or add their surname to the husband's. Roma women, according to their practice, take their husband's surname (interviewed representative from Roma organization). This is a common case with Albanian ethnic community as well. Lately, the number of women retaining their surname is rising.

The laws explicitly specify that every citizen of the Republic of Macedonia, regardless of gender, enjoys equal rights to a certain profession or vocation. It is, therefore, foreseen in the section on rights and obligations of spouse of the Family Law that each spouse is independent in the selection of employment and profession. Yet, in practice, there are definitely various examples predicated upon by tradition, economic situation and educational background.

h) Right to ownership and transactions with property



According to the legal provisions, men and women enjoy equal rights concerning ownership and transactions of property. Although legally, they enjoy equal rights, the factual situation is different. Property, i.e. real estate is usually registered under the name of men. The reasons for such a situation can be found in traditions, customs, and in certain objective circumstances.

The Government is undertaking almost no educational campaigns to promote equal rights for men and women within the family. This failure is fulfilled by the non - governmental sector which is very active in that field.

Women are not equal with men upon making financial decisions within the family, they are more inferior. This arises from the fact that in our country men are still in larger percentages those who financially provide the family. In the past Macedonian women were employed, hence they were in a certain position to make decisions concerning financial issues.

2. Marriages between minors

The data indicate that, of the total number of marriages in the country (14,402 in 2003), 2,648 - or 18.4% - of the women in the age group of 15 - 19 years have entered into marriages before reaching maturity. Unlike them, only 446 (3.10%) men of this age group have become married.

Sexual intercourse with a child (under 14), regardless of whether consented to by the minor, is forbidden under the Penalty Law.

RECOMMENDATIONS:

- The state shall introduce a legal provision to ban entering into agreed marriages or marriages entered into for the purpose of ensuring economic safety;
- The state shall introduce measures to enhance the accessibility of abortion, which is legally permitted in our state;
- The state shall introduce measures to increase the awareness of the Roma population in the need to register their marriages and, particularly, to take care of cases of minors living in unregistered marriages;
- The state shall undertake activities to overcome the present practice of leaving the inheritance to the male descendents, in spite of the fact that the right to inheritance belongs equally to the male and female off springs;
- The state shall regulate the sexual intercourse between an adult and a minor at the age between 14 and 18 years, which is not banned and penalized.



Appendix 1: Legal and supplemental sources

Legal sources used:

1. Constitution of the Republic of Macedonia;
2. Amendment 5 from the Constitution of the Republic of Macedonia (Official gazette R.M. nb. 91/2001);
3. Law on Government (Official gazette R.M. nb. 59/2000);
4. Civil Servants Law (Official gazette R.M. nb. 59/2000);
5. Ombudsman Law (Official gazette R.M. nb. 60/2003);
6. Law on Referenda and Citizens' Initiative (Official gazette R.M. nb. 24/98);
7. Law on Organization and Work of Public Administration bodies (Official gazette R.M. nb. 58/2000);
9. Law on Asylum and Temporary Protection (Official gazette R.M. nb. 49/2003);
10. Criminal Code (Official gazette R.M. nb. 37/96);
11. Law on Election of Members of Parliament (Official gazette R.M. nb. 42/2002);
12. Law on Local Elections (Official gazette R.M. nb. 46/96);
13. Law on Political Parties (Official gazette R.M. nb. 41/94);
14. Law on Local Self - government (Official gazette R.M. nb. 5/2002);
15. Law on Courts (Official gazette R.M. nb. 36/95);
16. Law on Defense of the Republic of Macedonia (Official gazette R.M. nb. 8/92);
17. Law on Service in the Macedonian Army (Official gazette R.M. nb. 62/2002);
18. Law on Associations of citizens and foundations (Official gazette R.M. nb. 31/98);
19. Law on Citizenship of Republic of Macedonia (Official gazette R.M. nb. 67/92);
20. Law on Employment and Insurance in the Event of Unemployment (Official gazette R.M. nb.37/97);
21. Law on Employment of Disabled Persons (Official gazette R.M. nb. 44/2000);
22. Law on Pension and disability insurance (Official gazette R.M. nb. 80/93);
23. Law on Conditions for Employment of Foreign Nationals (Official gazette SFRJ nb. 11/78 ; 64/89);
24. Child Protection Law (Official gazette R.M. nb. 98/2000);
25. Law on Protection at work (Official gazette R.M. nb.13/98);
26. Law on Termination of Pregnancy (Official gazette SFRJ nb.19/1977);
27. Law on Secondary education (Official gazette R.M. nb. 44/95);
28. Law on Higher education (Official gazette R.M. nb. 64/2000);
29. Law on Elementary education(Official gazette R.M. nb. 52/2002);
30. Law on Standard of Pupils and Students (Official gazette R.M. nb. 37/98);
31. Law on Agricultural Activity (Official gazette R.M. nb.11/2002);
32. Law on court procedure, not - trial procedure and enforcement procedure (Official gazette R.M. nb. 33/98);
33. Law on the Bar (Official gazette R.M. nb. 59/2002);
34. Law on Public Prosecutor Office (Official gazette R.M. nb. 80/92);
35. Law on Public Defense Office (Official gazette R.M. nb. 47/97);
36. Law on Obligation (Official gazette R.M. nb.18/2001);
37. Law on Contractual Pledge (Official gazette R.M. nb. 5/2003);
38. Law on labor relations (Official gazette R.M. nb. 80/03);
39. Law on Health protection (Official gazette R.M. nb.38/91);
40. Law on Criminal procedure (Official gazette R.M. nb.15/97);
41. Law on Ownership and other Material Rights (Official gazette R.M. nb.18/2001);



42. Law on Sport (Official gazette R.M. nb. 7/96);
43. Law on Culture (Official gazette R.M. nb. 66/2003);
44. Law on Misdemeanors (Official gazette R.M. nb. 15/97);
45. Law on Family (Official gazette R.M. nb. 80/92);
46. Inheritance Law (Official gazette R.M. nb. 47/96);
47. Law on Movement and Residence of Foreign Nationals (Official gazette R.M. nb. 36/92);
48. Law on Social Protection (Official gazette R.M. nb. 50/97);
49. Law on Agricultural Land (Official gazette R.M. nb. 25/98);
50. Law on Registering Residence and Domicile (Official gazette R.M. nb. 36/92);
51. Law on Labor Inspectorate (Official gazette R.M. nb. 35/97);
52. Law on Contractual Mortgage (Official gazette R.M. nb. 59/2000);
53. The General Collective Agreement Applicable in the Commercial Sector in the Republic of Macedonia;
54. The General Collective Agreement for public services, public enterprises, administrative bodies, local self government bodies and other non - commercial legal entities;
55. Program for early detection and prevention of diseases on reproductive organs ;
56. Immunization Program;
57. Program for active health care of mothers and children in the Republic of Macedonia;
58. Program for protection of the population against AIDS;
59. Preventive Health Care Program and
60. Medical Chamber Code

Supplemental sources:

1. UNICEF, UNHCR, and OSCE/ODIHR (with the administrative support of UNDP for Bosnia and Herzegovina), Report: Trafficking in Human Beings in Southeastern Europe, 2003;
2. Shearer Demir, Jenna, "Trafficking in women for sexual exploitation: Gender - based and reasonable fear or prosecution?", UNCHR working material No. 80, 2003.
3. Protocol for Prevention and Suppression and Sanctioning Trafficking in Human Beings, in Particular in Women and Children, signed on December 14, 2000. It was ratified on September 28, 2004;
4. UNICEF Report on Trafficking in Children in Southeastern Europe, 2005;
5. Association for Emancipation, Solidarity and Equality of Women in the Republic of Macedonia, Research "Domestic violence", 2000;
6. State Statistical Bureau, Women and man, 2003;
7. Web site of the Parliament;
8. UNDP, Status of women, 1999;
9. State Statistical Bureau, Women and man, 2003;
10. Web site of the Ministry of Foreign Affairs;
11. Official gazette nb.60/2002, Decisions on establishment of delegations, parliamentary groups and other forms of international cooperation of the Macedonian Parliament;
12. Governmental Report on the Millennium Development Goals, 2005;
13. State Statistical Bureau, Labor Force Survey, 2003;
14. Statistical Yearbook of the Republic of Macedonia for 2004;
15. European data base "Health for all", 2001;
16. Human development report, UNDP 2004.

Appendix 2: List of legal experts

Coordinator of the working group: Stojan Mihov

1. Julijana Mancevska, Basic court judge Stip, Stip;
2. Stojan Mihov, Basic court judge Stip, Stip;
3. Dance Popcetrova, attorney at law, Strumica;
4. Dragi Kolevski, attorney at law, Skopje;
5. Lefko Tanevski, attorney at law, Skopje.



Appendix 3: List of respondents and interviewers

Coordinator of the de facto working group: Violeta Caceva

List of respondents:

1. Daniela Popovska, La strada;
2. Stojan Mihov, Basic court judge - Stip, Stip;
3. Ratka Kuljan, state secretary of the Ministry of health;
4. Marija Savovska, President of the Akcija Zdruzenska;
5. Sanija Burageva, Ministry of interior;
6. Stanka Zafirovska, Basic court judge - Skopje, Skopje;
7. Savka Todorovska, President of UOWM;
8. Guner Nebiu, President of Antiko;
9. Director of the State high school of economics in Tetovo;
10. Law professor at University St. Cyril and Methodius, Skopje;
11. Representative of Macedonian center for international cooperation, Skopje;
12. State secretary of Ministry of labor and social affairs;
13. President of DAJA;
14. Head of Gender equality unit, MLSA;
15. President of Trade union women section of Macedonia;
16. Mayor of municipality of Miravci;
17. President of the women section at Democratic Union for Integration - DUI;
18. MP;
19. Constitutional court judge.

Interviewers:

1. Elena Petrova;
2. Aleksandra Angelovska;
3. Aneta Jandrijeska;
4. Aneta Mircevska;
5. Anita Levkovska and
6. Mireme Jusufi.



Appendix 4: List of conducted focus groups

Moderator of the conducted focus groups: Aneta Jovevska

1. Focus group conducted in Macedonian rural community in Skopje on determination of the situation of women and exercise of their rights within the family;
2. Focus group conducted in Macedonian rural community in Stip on determination of the situation of women in the sphere of education;
3. Focus group conducted in Macedonian urban community in Skopje on determination of the situation of women and exercise of their rights within the family;
4. Focus group conducted in Macedonian urban community in Skopje on determination of the situation of women in the sphere of education;
5. Focus group conducted in Albanian rural community in Tetovo on determination of the situation of women and exercise of their rights within the family;
6. Focus group conducted in Albanian rural community in Gostivar on determination of the situation of women in the sphere of education;
7. Focus group conducted in Albanian urban community in Skopje on determination of the situation of women and exercise of their rights within the family;
8. Focus group conducted in Albanian urban community in Tetovo on determination of the situation of women in the sphere of education;
9. Focus group conducted in Turk urban community in Skopje on determination of the situation of women and exercise of their rights within the family;
10. Focus group conducted in Turk rural community in Skopje on determination of the situation of women and exercise of their rights within the family;
11. Focus group conducted in Roma urban community in Stip on determination of the situation of women and exercise of their rights within the family;
12. Focus group conducted in Roma rural community in Skopje on determination of the situation of women and exercise of their rights within the family;
13. Male focus group conducted in Macedonian urban community in Skopje on determination of the situation of women and exercise of their rights within the family.

Organization who helped in realization of the focus groups: UOWM, Skopje; All, Stip; ANTIKO, Skopje; FAWM, Tetovo; MATUKAT, Gostivar; Organization of Turkish women Derja, Skopje and ESMA, Skopje.

Appendix 5: List of nongovernmental organizations that participated in determination of the factual position of women

1. National SOS line at OW Skopje;
2. Organization of women, Skopje;
3. AAWM, Kicevo;
4. Justicija, Kumanovo;
5. Organization of women, Stip;
6. Organization of women, Sveti Nikole;
7. HOPS, Skopje;
8. La Strada, Skopje;
9. Roma humanitarian association KHAM, Kumanovo;
10. Helsinki committee, Skopje;
11. Prodolzen zivot, Strumica;
12. Association Budenje, Negotino;
13. ANTIKO, Skopje;
14. Organization of Turkish women Derja, Skopje;
15. Organization of women, Valandovo;
16. Center for educational support Dendo vas, Skopje;
17. Prestiz, Bitola;
18. Center for civic initiative, Prilep;
19. Akcija Zdruzenska, Skopje;
20. Semper, Bitola;
21. Forum od albanian women, Tetovo;
22. Organization of women, Kriva Palanka;
23. Humanitarian and cultural association of Roma HKA, Bitola;
24. Poddrska, Gevgelija;
25. Crisis center Hope, Skopje;
26. Civic association Gama, Berovo and
27. UOWM, Skopje.



Appendix 6: Complete list of areas of concern

- There is no definition of discrimination against women in our applicable legislation (Article 1);
- There is discrepancy between the legal and factual equality between man and women (Article 1);
- Discrimination has not been the grounds either for initiating court proceedings or for revisiting the constitutional compliance of the laws governing this subject area (Article 1);
- There are no stand alone anti - discrimination laws (Article 2);
- Certain laws (in essence all but the laws governing the area of education and employment) have no provisions prohibiting discrimination, and where it is envisaged, there are no penalty provisions (Article 2);
- There is a general type of discrimination classified as a crime which is punishable with imprisonment, however in reality there are no practical experiences in this respect (Article 2);
- There are no mechanisms for protection in cases of non - compliance, procedures or practices of discrimination against women other than court proceedings (Article 2);
- There is no law regulating the relevant state machinery (Article 3);
- The Gender Equality Department within the Ministry of Labor and Social Affairs , despite the fact that it has been in existence for a significant number of years, still has a legally undefined mandate (Article 3);
- There are two special temporary measures for greater participation of women in politics and decision - making structures (the Law on Election of Members of Parliament and the Law on Local Elections) (Article 4);
- Notwithstanding the fact that the special temporary measures are prescribed, they are vaguely defined (they do not specify what should be the positions of women on the lists of candidates) (Article 4).
- Presence of a traditional dominant model of division of roles in the family and a dominant position of the mother in raising and upbringing the children (Article 5);
- Transcending the traditional models of raising children from generation to generation, particularly in the rural areas (Article 5).
- Absence of concrete programs for prevention and suppression of trafficking in persons and prostitution, which are on the rise at present (Article 6);
- There are no separate programs for social protection of women prostitutes (Article 6);
- No applications for asylum are submitted by victims of trafficking in human beings, despite strong signals that many fear return to their countries of origin (Article 6);
- There is no relevant legislation in place to regulate the issue of domestic violence and, as a result, there are no formal systems which offer protection to victims of domestic violence (Article 6);



- There are no training programs for professional structures who deal with this issue, nor are there programs aimed at raising the awareness about this phenomenon initiated by the state (Article 6);
- There are no special legal aid programs (free and available) for the victims of domestic violence, but there are NGO's that are providing these type of services trough the existence of so called ESE's Legal aid centers (Article 6);
- The state fails to provide financial assets and technical assistance to encourage women to run for candidates at elections (campaign, education, etc.) (Article 7);
- There are no provisions to ensure proportionate representation of women in the Government of RM at an international level (absence of special temporary measures aimed at increased participation when representing their governments at an international level and in the work of international organizations) (Article 8);
- There are no appropriate and separate procedures in the conduct of interviews and assessment of applications for asylum by women applicants (Article 9);
- Concerning the nationality of children, the role of the father takes precedence in practice; or, in other words, children usually take the nationality of their fathers (Article 9);
- The laws governing the field of education provide for anti - discriminative measures, though there are no penal provisions for those that fail to comply (Article 10);
- High illiteracy rate in particular amongst the Roma population and the need to take measures to ensure that they complete elementary education with a special emphasis on the most vulnerable groups (Article 10);
- Partial coverage of girls in elementary education, especially among Roma and high percentage of drop - outs in certain environments (Article 10);
- There are no special programs for girls and women who leave school prematurely, in particular for girls who live in rural environments, those who have a low social status and are members of some ethnic groups, such as the Roma and to a certain degree ethnic Albanians (Article 10);
- Educational programs are insufficiently present and the teaching methods are not adapted in such way that they might lead to the elimination of discrimination and traditional views (Article 10);
- The high unemployment rate, increased inactivity rate and the high number of women as unpaid family workers (Article 11);
- There is no legal provision that explicitly obligates the employer to inform women about conditions at the workplace, which may have a harmful effect on their reproductive health (Article 11).
- There are no special provisions in the Law on Employment and the collective agreements to regulate the issue of sexual harassment (Article 11);
- There is no specific provision that will ensure that women are returned to their jobs with the same qualifications and without any professional demotion after the maternity leave (Article 11);



- There are no provisions in the Employment Law and the Law on protection at work which allow for modifications of provisions in line with the most recent scientific and technological developments (Article 11);
- Despite the fact that there are general provisions covering protection at work, there are no special provisions that provide special protection for pregnant women other than protection at night work (Article 11);
- The institute parental leave is not included in the law (Article 11).
- There is a discrepancy between the urban and rural environments in terms of access to the health care system (information and services) (Article 12);
- Improper functioning of the health care services that work on promotion of reproductive health and rights, in particular in rural environments and amongst the vulnerable groups such as people living in poverty, poorly educated people and the Roma population (family planning centers, women counseling offices, pregnancy and young mothers counseling.) (Article 12);
- In certain regions, there is inadequate coverage with health protection for women, in the areas of women's and reproductive health (insufficient coverage with gynecological practices, mammograms) (Article 12);
- The state does not provide special measures of supporting motherhood or appropriate food during pregnancy and breast - feeding (Article 12);
- There are no special programs for protection of HIV - infected women - especially of pregnant women - to prevent discrimination against women and to improve their health status related to this disease (Article 12);
- There are no special/effective programs for raising awareness among young people for use of contraceptives or for changing traditional practices among certain ethnic groups, which leads to limitation of their sexual and reproductive rights (Article 12);
- There are no special procedures with regard to the discriminatory behaviour in the private sector (Article 13);
- There are no special programs promoting women's entrepreneurship (Article 13);
- The state undertakes no efforts to improve the position of women in rural areas, which is evidently much more difficult than the one of women in urban areas (Article 14);
- There are no measures and activities aimed at including the rural woman in bodies of the local government or in other decision - making bodies at a regional and national level (Article 14);
- There are no special programmes promoting the participation of women and encouraging them at the same time to become involved in applying for certain political processes (Article 14);
- There are no groups for self - assistance and participation of women in the work of the neighborhood units (Article 14);
- Agricultural loans are difficult to obtain, especially for rural areas (Article 14);



- The state has no development programs aimed at developing the rural areas (Article 14);
- There are substandard living conditions in the rural areas should be improved, particularly the communication with the urban areas that largely contributes to making it difficult to gain access to the legal, educational and health system and services (Article 14);
- There are no special types of programs for protection of women victims of domestic violence in the rural areas (Article 14);
- There is a discrepancy between the legal and actual situation (Article 15);
- The state has no mechanisms in place for legal protection of women, nor are there specialized bodies that will provide protection on its behalf (Article 15);
- There is no provision in the civil law to forbid contractual marriage or marriage entered into for the purpose of ensuring economic safety, as well as measures leading to eradication of contractual marriages among the Roma and Albanian population (Article 16);
- There is a provision in the criminal law sanctioning illegal abortion and although abortion is legitimate still is not affordable for most of the women (Article 16);
- It is a practice among the Roma population not to register their marriages and in no rare instances do minors live together illegitimately; there is, therefore, a need for the state to undertake measures (Article 16);
- There is a practice to leave the estate to the male heirs, in spite of the fact that under the inheritance law both male and female siblings are equally entitled to this right (Article 16);
- While illegitimate habitation with a minor is incriminated and punishable by the law, sexual intercourse of adults with minors at the age of 14 - 18 is not forbidden and punishable (Article 16).







Association for emancipation, solidarity and equality of women of R.M. - ESE
St. Maksim Gorki 20 1/4 1000 Skopje Republic of Macedonia
Tel. ++389 (0)2 3289 295; 3298 269 Fax. ++ 389 (0)2 3211 453
esem@esem.org.mk
www.esem.org.mk