

POLICY ON GENDER EQUALITY

- PERCEPTION OF EFFICIENCY AND TRANSPARENCY

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List of Acronyms:

ESARM – Employment Service Agency of the Republic of Macedonia
ALMM – Active Labour Market Measures
ARM - Army of the Republic of Macedonia
CEDAW –The Convention on the Elimination of All Forms of Discrimination against Women
EU – The European Union
WVDV - Women Victims of Domestic Violence
PP - Public Prosecution
MLSP – Ministry of Labour and Social Policy
MD - Ministry of Defence
MES - Ministry of Education and Science
MOI - Ministry of Interior
MH –Ministry of Health
MOJ – Ministry of Justice
NRM - National Referral Mechanism for Victims of Human Trafficking
NAPGE – National Action Plan on Gender Equality
NAPEO – National Action Plan on Equal Opportunities between men and women
NCB – National Coordinative Body
UN – The United Nations
OSCE – Organization for Security and Co-operation in Europe
LAPGE – Local Action Plans on Gender Equality
UNDP – The United Nations Development Programme
UNIFEM – The United Nations Development Fund for Women
UNFPA – United Nations Population Fund
UNICEF – The United Nations Children’s Fund
UN Women - The United Nations Entity for Gender Equality and the Empowerment of Women
WB - World Bank
WDI - World Development Indicators
WHO – World Health Organization

I. INTRODUCTION

Objectives of the analysis

Republic of Macedonia celebrated the 20th anniversary of its independence, and along with it, it celebrated 20-year efforts to build a democratic and equitable society. A society where all citizens are equal in front of the Constitution and the laws, written documents, and in practice, regardless of their ethnic, religious, social and geographical background. Equality, regardless of the gender of the citizens of this state, is of particular importance for the purposes of this Analysis.

Whilst there has been progress recorded in terms of legislation in the fourth and fifth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), through this Analysis we tried to conduct a research on the perception of the situation in the so-called «real life». To what extent are the end-users, in our case women, “enjoying” the positive gender policies translated into legal regulations? Whether they feel the change for the better in their everyday life and whether they feel the benefits of better quality of life?

Furthermore, we wanted to examine how women, whether they are active or not in the civil society, are informed about the manner in which important policies to enhance their position in the society, are being developed and adopted. Are they familiar with the mechanisms popularly called «gender machinery»? Do you they know how those mechanisms are functioning and how they can be accessed? By finding the way of influence towards improving the situation on a personal or social level.

One of the topics of discussion was the accountability of those working in institutions responsible for promotion of gender equality at local and central level. What is the readiness to provide answers to questions, are they ready to listen to the needs of the stakeholders and, consequently, find solutions and take actions in order to overcome the challenges.

Our expectation is that, through this modest contribution, we will help advance the position of women in the true sense of the word. Primarily, we will achieve this by encouraging the implementation of existing strategic documents and legal regulations, where present. We will challenge their improvement if

they are not effective, and will point out the need for new areas where they are inexistent.

Methodology

The analysis is based on information obtained from several sources of information. The primary information is obtained from the responses of three focus groups organized in Skopje, Municipality of Centar, Municipality of Prilep and Municipality of Struga.

In order to achieve the abovementioned objectives of the analysis, citizens of different profiles participated in the focus groups, a mixture of the following attributes: men and women, employed and unemployed, active and inactive in the civil society, old and young, etc. As stated above, through focus groups directly, we wanted to scrutinize what is the perception on gender equality? Does it differ between men and women? Moreover, does the perception change when it comes to active participants in the civil society and to those that are inactive?

The latter refers to the assumption that those that are active in the civil society are better informed about the functionality of the institutions of the system, adopted policies and available mechanisms. In contrast, those who are not active in any form of the civil society, we assume that they base their perception on their own experience and / or information obtained through the media.

The second source of primary information is based on information obtained through conversations, interviews and discussions conducted during the six month period, from April 2011 through November 2011. These discussions were conducted in eight municipalities countrywide, as follows: Aracinovo, Bitola, Gevgelija, Delcevo, Zelino, Karpos, Kumanovo, Cusinovo-Oblesevo. Namely, several meetings were held in these municipalities, where abovementioned issues were discussed, and which included representatives of councillors (men and women) in the Municipal Councils, members of municipal commissions on equal opportunities for women and men, and representatives of municipal administration. Also, representatives of NGOs working on issues related to social inclusion as well as representatives of city and local communities were included in these discussions.

The third source of information on which this analysis is based is the secondary information i.e. data from existing analyses, reports and information published by institutions, the media and citizens' associations.

II. POLICIES ON GENDER EQUALITY

Review of Policies and Laws on Gender Equality

The policy on gender equality and women empowerment represents one of the fundamental principles of democracy and social order.

Gender equality is guaranteed by the Constitution as the highest legal act of the state and addressing existing gender inequalities requires working in a different manner with women and men because they often have different needs and priorities, face different obstacles, have different aspirations and contribute to the development of the society in different ways.

In this context, gender equality from the perspective of women would mean that they work on their behalf, with certainty and clarity, presenting their views in order to be heard and taken into account. It means promotion of the involvement of women and men in consultations and decision - making at all levels.

When it comes to gender equality, there are two approaches, supplementing one another, in the legislation of the Republic of Macedonia. There are laws that contain positive measures which ensure gender equality and, in addition, there is a particular law, the Law on Equal Opportunities between Women and Men, which was adopted in 2006 and an enhanced version enacted in 2012. The Law is aiming at arranging the basic and special measures for establishing of equal opportunities for women and men, as well as competencies, duties and responsibilities of the entities responsible for establishing of equal opportunities. The legal framework consists of the following important legal documents:

The Constitution of the Republic of Macedonia (1991) guarantees the equality of all citizens in exercising of freedoms and rights regardless of gender, race, colour, national or social origin, political or religious beliefs, property and social status.

The Law on Secondary Education of the Republic of Macedonia (1995) guarantees equal access to secondary education and prohibits discrimination on any basis.

The Law on Internal Affairs of the Republic of Macedonia (1995) ensures

protection of rights and freedoms of citizens, guaranteed by the Constitution of the Republic of Macedonia and ensures nonexistence of national, racial or religious hatred or intolerance.

The Criminal Code of the Republic of Macedonia (1996) incriminates discrimination on any ground by any individual in Macedonia and prescribes an obligation on officials to act with due caution and without discrimination in exercising their official duty.

The Inheritance law of the Republic of Macedonia (1996) does not recognize any differences between the heirs, respectively all citizens have the right to exercise their right of inheritance in our country.

The Law on Local Self-Government of the Republic of Macedonia (2002) governs the establishment and operation of the Equal Opportunities Commissions within the municipal councils. The provisions of the law stipulate the responsibilities of the municipal councils to establish such commissions.

The Law on Election of Representatives (2004) stipulates that each sex shall be represented by at least 30% in the proposed list of candidates.

The Law on Local Elections (2004) states that the each sex shall be represented by at least 30% in upper and lower half of the proposed list of candidates for members of the Municipal Council and the City of Skopje.

The Law on Political Parties of the Republic of Macedonia (2004) stipulates that «the program and statute of political parties cannot be referring to ethnic, religious or racial hatred or intolerance.» Any discrimination based on membership or non-membership in a political party is prohibited, and equality of the genders in terms of availability of the functions of political parties is guaranteed.

Amendments and supplements to the Family Law (2004) with the amendments and supplements to this Law, it is stipulated that the country provides protection of marriage and family against disrupted relations by violence in marriage and family. It prohibits all forms of violence in marriage and family.

Amendments and supplements to the Criminal Code (2004), Domestic Violence is defined with the amendments and supplements to the Criminal Code.

Labour Law of the Republic of Macedonia (2005) contains provisions for equal treatment of men and women with regard to access to employment, vocational training and promotion, as well as working conditions. Additionally, the Law contains special protective provisions for female employees in terms of pregnancy, night-shift work and other types of work.

Law on Equal Opportunities for Men and Women in the Republic of Macedonia (2006) aims to arrange the basic and special measures for establishing equal opportunities for women and men, as well as the responsibilities, duties and tasks of the entities responsible for the establishment of equal opportunities, the procedure for determining unequal treatment of women and men, and the

rights and duties of the Representative for Equal opportunities between Women and Men.

Law on Courts of the Republic of Macedonia (2006) guarantees the right to equal access to all courts in the Republic of Macedonia for the protection of human rights and interests based on positive legal regulations. There must not be any discrimination in the election of judges based on gender, race, colour, social status and / or other characteristics, and judges while performing their judicial function must not discriminate against the parties on any basis.

Electoral Code of the Republic of Macedonia (2006) ensures equitable and adequate representation of men and women in the electoral authorities so that it introduces the principle that among the three positions on the list of candidates for members of municipal councils, at least one position must belong to the less represented gender.

Law on Higher Education of the Republic of Macedonia (2008) provides equal access to higher education facilities for all citizens and prohibits discrimination on any basis.

Amendments and supplements to the Law on Equal Opportunities between Women and Men (2008) aim at harmonizing the definitions of discrimination contained in the Law with the European Parliament and the European Council Directive 2002/73/EC.

Law on Social Protection of the Republic of Macedonia (2009) prohibits direct or indirect discrimination based on gender, race, colour, national, social, political, religious, financial and social background, in terms of exercising the rights in the field of social protection.

Law on Prevention and Protection against Discrimination (2010) provides prevention and protection from discrimination in exercising the rights guaranteed by the Constitution of the Republic of Macedonia, by the law and the ratified international agreements.

Law on Equal Opportunities (2012) - The purpose of this Law is to establish equal opportunities for women and men in political, economic, social, educational, cultural, health, civil or any other area of social living. Establishment of equal opportunities is a concern of the whole society, respectively of the entities in the public and private sectors and represents removal of obstacles and creating conditions for achieving full equality between women and men.

Besides the legal framework, strategic documents such as the National Action Plan for Gender Equality for the period 2007 - 2012 year have a significant contribution to the achievement of equal opportunities. It defines ten strategic areas for action, activities, indicators, and the responsible institutions, stakeholders and interested parties to establish gender equality in different areas.

In 2010, the second National Action Plan for improving the social situation of Roma women in Macedonia was adopted in order to continuously integrate

this target group in the social mainstream, where employment, health, education and human rights were included as priority areas.

In 2008, the National strategy for protection against domestic violence for the period 2008 – 2011 was adopted. The Strategy envisaged the participation and the role of the 5 key sectors (and institutions in their portfolio) in the treatment and protection of victims of domestic violence, including: MLSP, MES, MOI, MH and MJ, as well as the civil society.

The Government of the Republic of Macedonia, in its National Employment Strategy - 2010, includes the gender perspective as a basis for employment policy. According to this Strategy, each year the Ministry of Labour and Social Policy adopts Operational Plans for Active Labour Market Measures for employment. Programs where women receive certain benefits compared to men and other groups can be identified in the current Operational plans for employment, which highlights that concrete steps and efforts are being made to achieve the objectives of the Strategy of increasing the rate of employment among women and promoting and enhancing the economic status of women in Macedonia.

In 2009, in accordance with NAPGE, the Programme for Equal Opportunities between Women and Men in Ministry of Defence (MoD) and the Macedonian Army (ARM) was adopted. The subject of this program is to promote opportunities and ways to establish the basic and special measures and activities that will contribute to creating equal opportunities for women and men employed in the Ministry of Defence and the Military Service, in accordance with the specific needs of the body.

Depiction of institutional mechanisms on gender equality

By 2007, the issue of gender equality was a concern of the Ministry of Labour and Social Policy, specifically of the Department for Promotion of Equality between Genders in the Department of Labour. After the adoption of the Law on Equal Opportunities between Women and Men, a separate Department for Equal Opportunities was established within this Ministry. Currently, the institutional mechanism / gender machinery responsible for implementation of the policies is consisted of:

The Department for Equal Opportunities within the Ministry of Labour and Social Policy. It was established in March 2007, with the Act of systematization and organization of the Ministry of Labour and Social Policy. The Department for Equal Opportunities performs tasks related to improvement of the status of women and establishment of equal opportunities for women and men and protection from discrimination in the area of labour, social protection and social insurance.

The Department is consisted of two units – **Unit on Gender Equality and Unit for Prevention and Protection Against any Kind of Discrimination**

The Unit for Gender Equality performs activities and tasks for improving the status of women in all areas of social living. This Unit is responsible for conducting the procedure for determining unequal treatment of women and men, and legal protection of discriminated people. In this direction, the legal protection representative for unequal treatment of women and men provides legal protection of discriminated persons based on gender and coordinates matters regarding the protection against all types of discrimination.

This Unit performs protection and referral of victims of trafficking in human beings. Namely, the Office of the National Referral Mechanism for Victims of Trafficking (NRM) operates within this Unit. Within its competencies related to prevention and protection of victims of human trafficking, the coordinative office of NRM, in cooperation with relevant institutions, provides coordinated assistance and protection for victims of trafficking in human beings, especially women and children.

The Unit for Prevention and Protection against any kind of discrimination is striving to promote policies in the field of protection against discrimination on the already mentioned grounds and areas.

Coordinators for Equal Opportunities between women and men in all government ministries

They are appointed pursuant to Article 11, paragraphs 4, 5 and 6 of the Law on Equal Opportunities between Women and Men, which stipulate that ministries are obliged to designate an official – coordinator, who is responsible for implementing the requirements under the authority of the Ministry to establish equal opportunities and is required to submit annual performance report to the Ministry of Labour and Social policy. Coordinators for equal opportunities between women and men have been appointed in all 14 ministries in the Government of the Republic of Macedonia. Coordinators for equal opportunities were appointed in 10 state institutions as well, i.e. Employment Service Agency, the State Statistical Office, the Broadcasting Council, the Agency for Sports and Youth, the Ombudsman, the General Secretariat of the Government of RM, the Institute for Social Activities, etc.

Commissions for equal opportunities between women and men in the Local Self-Government Units aim at incorporating gender perspective and equal opportunities in the local policy, to promote the position of women on local level and to implement strategic objectives of the National Action Plan on Gender Equality and the Law on Gender Equality between women and men. Main respon-

sibility of the Commissions is to work on promotion of the position of women and to provide equal opportunities for women and men on local level through the process of drafting and adoption of policies, their implementation, monitoring and evaluation of the achieved results. The Commission on equal opportunities is requested to submit a performance report to the Ministry of Labour and Social Policy, at least once per year.

Coordinator for equal opportunities between women and men in the local self-government units are individuals from the municipal administration with the status of civil servant who, among other duties, deal with promotion of equality between women and men and supports the Commission in the implementation of its duties and responsibilities. The Coordinator is appointed by the Mayor.

Commission for equal opportunities between women and men in the Assembly of the Republic of Macedonia. In September 2006, according to the Law on equal opportunities, the Commission on Equal Opportunities between women and men was established in the Assembly of the Republic of Macedonia, as a permanent body of the Assembly. Its main responsibility is to monitor the incorporation of gender equality aspects in the legislation.

The competence of the Commission is to review draft laws and other regulations with respect to the inclusion of the gender concept in them, and to initiate adoption and amendment of laws and other regulations concerning equal opportunities between women and men. One of its numerous activities is to cooperate with the Commissions for equal opportunities between women and men in local self-government units. The Commission for Equal Opportunities between Women and Men has a Chair, ten members and their deputies.

Women's Parliamentary Club is an informal parliamentary group where all women-members of Parliament belong, regardless of their political affiliation. The purpose of the Club is to continually assess the existing legislation through gender perspective and to initiate a new one, if necessary. The Club also initiates events and activities in the field of gender issues in the domain of the Assembly's competencies.

The election of the composition of the working bodies in the Assembly is made according to the Law on Equal Opportunities between Women and Men, in order to achieve gender equality. The Law applies when selecting the composition of the permanent working bodies, survey commissions, temporary working bodies, selection of the composition of delegations of the Assembly on cooperation with international organizations and cooperation with parliaments of other countries, and selection of the composition of other bodies of the Assembly, National Council for European Integration, the Council of the Parliamentary channel and Budget Council of the Assembly of RM.

The Ombudsman, within the constitutional and legal powers, amongst other, is responsible for taking measures to protect the principle of equality

between genders, which, besides dealing with individual complaints, is responsible to monitor the situation for effectuation of equal opportunities principle. Pursuant to Article 15 of the Law, the Ombudsman is authorized under its statutory responsibility, to endeavour the effectuation of the principle on equal opportunities between women and men and to provide protection when someone's right is deprived or restricted by an authority or organization, in front of which he is responsible to act.

Political parties, within their program goals, should adopt a plan for equal opportunities every two years, which determines the methods and measures to promote equal participation of women and men in bodies of political parties, in the candidate lists for elections in local self-government units, in the Assembly and for the election of the President of the Republic of Macedonia, which is submitted to MLSP for an opinion.

III. PERCEPTION OF THE EFFICIENCY OF THE SECTORAL POLICIES AT LOCAL LEVEL

Education

Policies and trends

Series of processes occurred in recent years in this area which enabled improvement in the educational process, thus the possibility for facilitated access and sustainability in the education process of all students regardless of gender, ethnic, social or other affiliation.

In the academic year 2007/2008, the concept of nine-year elementary education was introduced. The establishment of the new concept enabled the achievement of an equal start for all children, regardless of their background. The new concept has contributed to the levelling of the initial knowledge of all school children which is of particular importance for school children from rural areas, ethnic groups, and especially girls from these groups.

The concept precisely defines the principle of non-discrimination, which obliges the school to take all measures to ensure protection of the child (school children) against all forms of discrimination. Also, the concept requires the school to promote and facilitate the effectuation of the rights of every child and enjoying the fruits of the educational process without any discrimination based on race, colour, sex, language, religion, national, ethnic or social origin, property state, disability or other status of the child or his parent or legal custodian.

When it comes to the content of the textbooks and school aids, as of 2011 it is analyzed and evaluated according to the Methodology for evaluation of textbooks. An important criterion of the methodology for determining the quality of the textbook, thus giving a recommendation for their use in the teaching process, is fulfilling the gender equality criteria. Textbooks will be favourably evaluated if the textbook considers gender equality. It is expected that in this way improved quality of textbooks and school aids when it comes to presenting the role of genders in the society and achieving gender equality will be achieved.

In the academic year 2008/2009, compulsory secondary education came into force. For all school children from elementary, respectively compulsory sec-

ondary education, free-of-charge transportation is provided where the school distance is 2 or 2.5 km from their residence. At places where no organized transportation is provided, accommodation in the student dormitories and free textbooks are provided. For school children from secondary education, whose parents are beneficiaries of social assistance, financial support which is conditioned with regular attendance has been provided.

Consequently, in order to exercise the right of compulsory secondary education and with the aim to provide facilitated access for school children (male and female) from rural areas, new high schools or dispersed classes in rural areas have been opened. Such examples may be: the establishment of a secondary school in the municipality of Lipkovo, municipality of Centar Zupa, dispersed classes in the municipality of Mavrovo and Rostushe, municipality of Vrapciste, etc.

Table 1 : Number of enrolled school children (girls) and of other ethnic communities in the secondary education.

Academic year	Albanian (girls)	Turk (girls)	Bosnian (girls)
2006/2007	9791	1072	283
2007/2008	10731	1172	317
2008/2009	11380	1220	333

Source: Web page of MLSP, Fourth and fifth periodic report on Convention on elimination of all forms of discrimination against women.

Similar to high school, efforts are made to increase the enrolment of students in higher education. This was accomplished through 94 faculties (public and private) that enabled easier access. Also, the opening of the 46 dispersed study programs in 15 cities enabled decrease of the studying costs and increase in the embracement of females in higher education institutions.

In 2008, undergraduate gender studies within the Faculty of Philosophy at the University «Ss. Cyril and Methodius» in Skopje were introduced, with regard to the promotion of gender concept.

In order to improve the adult education, in 2008, the Centre for Adult Education began operating, which contributed to the improvement of adult education (completion of secondary and acquisition of skills) i.e. women from rural areas and vulnerable groups.

In achieving the same goal, in 2010, a facilitated enrolment program for adults in higher education institutions was introduced. Women could enrol at the age of 35 years and older and men 45 years and older.

Figures and data

When it comes to statistics and data thereby analyzing the basic data i.e. the percentage of enrolled students (including female students) of the three levels of education, the situation is as follows:

The percentage of enrolled school children (girls) in the elementary school for 2009¹ is 87% whilst for school children (boys) the percentage is a bit lower i.e. 86%. Unfortunately these percentages indicate a lower rate of enrolment in elementary education compared to the neighbouring countries².

The situation is similar when it comes to secondary education in 2009. According to the same source, only 82% of school children (girls) enrol in secondary school compared to 84% of school children (boys). This low percentage ranks us among countries with the lowest percentage of enrolment in secondary education in the region, after Albania³. The percentage is expected to increase with the implementation of the decision on compulsory secondary education.

The same year, 44% students (female) and only 37% students (male) were enrolled in the higher education. Unfortunately, similar to primary and secondary education, higher education has almost the lowest percentage among the countries in the neighbourhood, after Bosnia and Herzegovina (compared to Serbia and the average of Europe and central Asia).

Perception

When it comes to the perception of the effectiveness of gender equality in the area of education, one may say that the prevailing opinion is that in this area equality is achieved in terms of the number of students enrolled in all levels of education. As one of the focus group participants pointed out *«Almost equal numbers of students of both genders in all levels of education is not something that happened by itself, but rather it is a result of hard work and long-term efforts of institutions together with parents and school children towards obeying the Law on Compulsory Education. «*

Consequently, the decision on compulsory secondary education was assessed very positively. Respondents indicate the justification of this decision, especially when it comes to those school children that are most-at-risk not to be covered in the secondary education, such as rural children, children with low social status and / or children whose parents do not realize the importance of

1 Data from World Development Indicators (WDI) <http://data.worldbank.org/data-catalog/world-development-indicators> , published and used by World Banka

2 Albania, Bosnia, Serbia and the average of Europe and Central Asia.

3 Compared to Bosnia and Herzegovina, Serbia, Montenegro, Albania and the average of Europe and Central Asia.

education. Girls belonging in the three abovementioned groups are particularly vulnerable because they are most likely to be retained at home compared to boys. In this regard, the respondents believe that Albanian girls who live in rural areas and Roma girls who come from families with low social status and negligent parents will enjoy the greatest benefits of compulsory secondary education, since this is the very profile of girls that are particularly vulnerable and subject to multiple marginalization.

Commitments for complete effectuation of the right to secondary education with regard to provision of transport, accommodation as well as free textbooks are evaluated as highly significant and positive. Yet focus groups participants indicated the need to maintain this practice continuously and with the required quality / efficiency because.... *«We are famous for having very good laws on paper but also having difficulties in achieving the legal provisions in practice. I fear that this might happen with the compulsory secondary education as well because if transportation, textbooks and accommodation are not provided, those who are most vulnerable will be the first not to remain in school desks, this support is not important or it just provides easier access for the others, they would however enrol with or without that decision »*

Commitments for facilitated access to higher education, through dispersed studies and efforts regarding lifelong learning i.e. completion of elementary and secondary education and improving basic skills, are perceived similarly as for the secondary education. On several occasions, respondents were sceptical regarding the possibility of employment of such a large number of highly qualified staff ... *«I wonder what will happen with so many students, whether the labour market can absorb all future highly qualified people? This applies particularly to young women who will face difficulties to be a housewife with completed faculty education. If employment opportunities are not created, it is likely that people will seek after solutions i.e. emigration which would lose the human capital and resources invested in their education and qualification».*

Although to a lower extent from the abovementioned policies for enrolment, the respondents have still expressed a concern over the larger professional segregation in terms of gender, i.e. the existence of typically male and female professions. They consider that it is important to continue with a training of teachers and a control of the contents in the textbooks, in order to overcome the existing stereotypes on the gender role and the gender equality in the society.

As a conclusion, one might say that there is a prevailing perception on gender equality in education. This equality results out from the long-term efforts at enrolling students in the schools, i.e. in the primary education. It is expected that the decision for compulsory high education will advance the completed education of the vulnerable groups, such as the young females from the rural

communities and the ethnic groups. Beside the relative balance of the numbers of enrolled students and students who have completed their education, both males and females, it is evident that there should be additional efforts made in the accomplishment of equality of the educational contents and the manner in which the gender roles are presented.

Employment

Policies and trends

According to the Constitution of the Republic of Macedonia⁴, everyone is granted the right to work, free choice of employment, protection at work and material security during temporary employment, everyone has an equal access to each job without any discrimination, including the discrimination on gender basis.

At the same time, the Law on Labour Relations⁵, beside the direct and indirect discrimination, also defines the ban of discrimination in regard to the conditions for employment, including the criteria for choosing candidates for a certain job, in each branch, i.e. department, in compliance with the National classification of activities and at all levels of the professional hierarchy and work progress (article 7).

According to the Law on Labour Relations⁶, the employer shall not put applicant or the employee in an unequal position because of race, skin colour, gender, age, health condition or disability, religious, political or other conviction, membership in trade unions, national or social origin, family status, property, sexual orientation or any other personal circumstances.

Also, women and men must be provided equal opportunities and equal treatment in employment, progress at work, training, education, retraining, salary, remuneration, absence from work, working conditions, working hours and cancellation of the employment contract (article 6).

The Law on Labour Relations⁷ stipulates equal pay for men and women for equal work and equal demands of the job, for which an equal wage is paid regardless of sex (article 108). The night work of women in industry and construction is also regulated, with the provision which prevents deployment of women workers in these areas at night shifts if the work in that time prevents a

4 article 32, line 1

5 Refined text , Official Gazette of the Republic of Macedonia number 16 from 05.2.2010

6 Official Gazette of the Republic of Macedonia, number 16 from 5.2.2010

7 Official Gazette of the Republic of Macedonia, number 16 from 5.2.2010

rest of at least 7 hours (article 131). The workers are entitled to a special protection in employment due to pregnancy and parenthood and the employer is obliged to allow an easier alignment of the family and professional obligations (161). This Law provides a special protection during pregnancy, while the employer shall not require any data on pregnant workers, unless the worker does not provide them herself for the purpose of exercising her rights during pregnancy. If the worker performs a work during her pregnancy which can adversely affect her health or the health of the child, the employer is obliged to provide her another job and pay, as if she is doing her job, if she finds it favourable (article 163).

The legal provisions allow the use of leave from work for parenting by the father or the adoptive parent if the woman worker does not use absence from work (article 167). The workers who breastfeed the child after the expiry of pregnancy leave, childbirth and parenting and will start working full time is entitled to a paid break during working hours in duration of one and a half hour per day (171).

Figures and data

It could be stated that the abovementioned positive legislation contributes very little towards gender equality in employment. The unemployment in Macedonia has high rates for a long time; therefore it remains one of the biggest challenges and problems in the country.

The reasons for this high unemployment are complex and reappear from the beginning of the transition when, after the independence, traditional markets were lost in the process of transition in a free market economy, when the process of transformation did not generate new jobs, while the privatization did not attract the expected investments. According to the data from the World Development Indicators (WDI) being published at the website of the World Bank for 2009, women represent less than half of the workforce, i.e. only 40%.

On the other hand, they participate in the workforce with only 45% (15 years and over). Compared to 1991, the participation of women in labour force in 2009 decreased by 3,3%. Also, when comparing the percentages of employment for women, it was 29,4% for women compared to that of men which is 47,5%.

According to the State Statistical Office the unemployment in 2011/II quarter is 31,3% which in comparison to the same quarter in 2010 declined by 0,8%. The employment rate for the same period was 38,8% which is 0,7% higher compared to the same quarter in 2010.

The unemployment rate in Macedonia in 2008 was one of the highest in Europe including 35% of the workforce. Based on our data, the rate of unemployment by ethnic group is highest among the Roma population (75%). A large part of the Albanian population does not work as result of the household related responsibilities i.e. it refers to the women.

People centered analysis, UNDP, 2010

When it comes to self-employment, according to the 2008 WDI, 25% registered as self-employed were women compared to 30% of the men. The highest percentage of women in 2008 worked on providing of different services with 52%, 28% were employed in the industry, while only 20% worked in agriculture.

Women-victims of domestic violence and employment

The Government of the Republic of Macedonia in the past years of creating employment policies through active measures and programs, showed a sensitivity towards some social and vulnerable categories, such as unemployed single parents, orphans, unemployed Roma, parents of children with special needs, etc, while the women victims of domestic violence (WVFFV), as a very specific vulnerable category, was for the first time treated as a special target group in the Operational Plan for active programs and measures for employment in 2010, which covers only 5 pilot – municipalities. The same program was repeated in the Operational Plan for 2011, which covers the WVFFV from the whole territory of Macedonia⁸. This program is part of the joint United Nations Programme “Strengthening national capacities for the prevention of domestic violence”, that is a comprehensive and a multi-sectoral program in which, beside the Ministry of Labour and Social Policy (MLSP), several other ministries are involved⁹ and also some other national actors, such as the Employment Service Agency of the Republic of Macedonia, the centres for social work, the local governments, NGOs and civil society, etc.

Table 2 shows all measures in which the WVFFV could participate, as well as the expected results from the operational plans for 2010 and 2011.

8 The Program 9 from the Operational Plan for Employment 2010 – Economic strengthening of WVFFV was piloted in 5 municipalities (Skopje, Bitola, Tetovo, Kumanovo and Kavadarci), while in the Operational Plan for 2011 the same program was extended and covered the whole territory of Macedonia.

9 The Ministry of Interior (Mol), the Ministry of Education and Science, the Ministry of Justice and the Ministry of Health.

Table 2. Overview of available measures for WVFV and goals set

Potential measures for involvement of WVFV	Objective for the OP 2010	Objective for the OP 2011
	50	40
Self-employment programme	New businesses	New businesses
	50	20
Subsidized employment	Employments	Employments
Training for particular occupations which are deficient at the labour market	25	10
	Trained	Trained

Source: UNDP data

Under the Programme for Economic Empowerment of WVFV supported by UNDP, all women victims of domestic violence have the right to participate if they are registered as users of social services in the centres for social work (CSW), having a status of a woman victim of domestic violence, defined by the findings and an opinion of the expert team in the CSW. But, at the same time, the women victims of domestic violence must be registered in the list of the Employment Service Agency of the Republic of Macedonia as unemployed persons.

The purpose of the program is to provide a greater professional expertise and professionalism of the staff in the centres of social work and the employment centres, through capacity building. This will lead to providing appropriate and more qualitative services and, at the same time, through a continuous psycho-social support of the WVFV and involvement in one of the employment measures, to achieve their economic empowerment and financial independence, thus their full reintegration in the society.

There is no previous documented experience in the country for implementation of such model of intervention for the victims for their economic empowerment. In fact, this program represents a very innovative approach to the needs of the WVFV. It can be also applied as a model for working with other vulnerable groups included in the operational plan for active measures on the labour market.

This program provides additional activities aimed at promoting the benefits of the program and its implementation at the local level. Efforts have been made by UNDP and other project partners to promote the capabilities of these measures at municipal level, with an orientation to convey the appropriate measures and values to the business community as a primary goal, as well as for their corporate social responsibility towards all social vulnerable groups, primarily women victims of domestic violence.

The table below outlines the results of the programme “Economic empowerment of the WVFV” for 2010, which is a pilot – programme implemented only in 5 municipalities.

Table 3. Results from the Program for Empowerment of WVFV accomplished in 2010

17 experts from the Ministry of Labour and Social Policy and the Employment Service Agency	Have completed a training for providing psycho-social assistance
31 experts from 5 centres of social work	Have completed a programme for providing psycho – social assistance
171 women victims of domestic violence from 30 different municipalities	Have completed a psycho – social therapy
79 municipal representatives and 99 representatives from the private sector	Are aware of the possibilities of the employment program for the WVFV and their corporate social responsibility towards this vulnerable group
99 WVFV have applied to participate in the measures for employment	28 applied for the self-employment measure
	71 applied for the subsidized employment measure
	0 applied for the measure Training for particular occupations
20 WVFV opened their own businesses	
8 WVFV were employed through the measure for subsidized employment	

Source: UNDP data

The Programme for Economic Empowerment of Women Victims of Domestic Violence extended nationwide in 2011, i.e. it is being implemented on the whole territory of Macedonia (30 employment centres).

The results for 2011 show that 115 victims have applied for any of the measures, while 29 of them are employed (table 5).

Table 4. Results from the Programme for Empowerment of WVDV accomplished in 2011

115 WVDV applied for participation in the measures for employment	14 applied for the self-employment measure
	99 applied for the subsidized employment measure
	2 applied for the measure Training for particular occupations
13 WVDV opened their own businesses	
14 WVDV employed through the measure for subsidized employment	
1 WVDV completed the training for medical nurse and acquired a certificate	

Source: UNDP data

Comparing the goals in 2010 and 2011 and the results accomplished, a large discrepancy is found between the number of women victims who were planned to participate and the number of women who applied to participate in the Programme¹⁰. This is a typical example of how the lack of relevant data which should reflect the real situation on the ground could guide the policy makers to wrongly project and plan the objectives.

According to the statistics for 2010 and 2011 listed in table 2 and 3, 78.57% of the women who applied for participation in the self-employment measure have successfully completed the programme and registered their own businesses, while in the measure Training for particular occupations deficient on the labour market the success is 50%.

But, only 22 candidates (12,94%) out of the 170 who applied for the measure Subsidized employment succeeded to get employment. Only in 2011, the employment centres of the Employment Service Agency had 370 attempts at mediation in the subsidized employment measure, which proves that the unemployed women victims of domestic violence, as a specific vulnerable group in circumstances when their competition position is very weak compared to the other unemployed groups, puts them in an unequal position at the labour market.

In 2011, the Programme for Economic Empowerment of women victims of domestic violence, starting from this viewpoint, rather than granting of an additional subsidy or some positive discrimination, provides delivery of training for career building for all women victims of domestic violence nationwide. The purpose of these trainings is through various exercises and preparations, the women victims of domestic violence to acquire new skills, e.g. writing of CV, advancement of the negotiation and presentation skills for an easier finding of a job, etc, thereby increasing their competitiveness at the labour market. In this way, a long term solving of the problem related with the employment will be ensured, thus an economic independence of the women victims of domestic violence.

Over two fifths (44%) of the respondents are uncertain whether they will keep their jobs, remarkably high proportion. Residents of rural areas, women and ethnic Macedonians feel particularly uncertain for their jobs.

People centred analyses, UNDP, 2010

10 When preparing the project objectives of the joint programme of the five UN agencies, the data obtained from the centres of social work was used, i.e. the data from the quarterly reports of the Ministry of Labour and Social Policy which applies to the women victims of domestic violence.

Perception

From the abovementioned data, it could be seen that there is a gap between men and women when it comes to several important parameters in the field of the labour market. This gap, i.e. inequality was also confirmed by the focus groups. They pointed out that, unlike other sectors where there is a positive shift in the field of employment, a perception prevails that there is a very minimal progress achieved.

Specifically, the responses from the focus groups and the interviews show a very unfavourable position of women in the textile industry, both in terms of work and in terms of personal income that they receive. As one participant said *“it is unacceptable for any society in the 21st century to allow someone, i.e. women to work in substandard working conditions and for wage/income which does not fulfill the basic living needs. Unfortunately, this category mostly includes women working in the textile industry.”* Unfortunately, the majority of participants considered that the conditions in this area will not improve even after a minimum wage is defined¹¹, because they think the problem is in the non-implementation of laws and weak control by the labor inspection. Lack of protection by a union or the non-existence of an organized union will further exacerbate the situation.

The second area in which most respondents believe that there is a very little progress concerns the gender equality in the leadership positions and/or ownership of enterprises. Participants believe that the number of women in senior positions or who own enterprises is below a satisfactory level and the state should undertake additional efforts (of those already carried out) to liberate women from the burden of caring for the family in order to realize their potential to work. *“We could say that to be the owner of the company is one of the few professions that are at high risk. The environment is unfavorable and to survive in such an environment requires one hundred percent investment that is, unfortunately, very difficult to be done by a woman, especially if she has a family.... the care for the family is still a responsibility of women and at the expense of women”.*

A special challenge is the involvement of the vulnerable groups in the labour market and within this the programs for employment of women victims of domestic violence. *“I know that such initiatives exist, but I am not sure how they respond to the needs of women in rural areas. To use such a program, you should report that you are a victim of a domestic violence in the institutions responsible for it and I wonder how a woman from a village who is a victim of a domestic*

11 At the time when the focus groups were conducted, there were negotiations going on for the minimum wage and it still was not defined

violence would have the strength and the desire to approach the institutions and how she will be welcomed by them”.

The participants also evaluated the Law on Agricultural Activities which stipulates that women could be carriers of the activity, thus gaining the ability to use incentives and subsidies that result out of it.

Finally, as one participant noticed in the focus – group *“No equality in the true sense of the word if there is no economic equality between men and women. Often, when this question is raised it is quickly rejected with an explanation that there is an economic crisis, there is no work for anyone and we are a country in transition. I wonder, if not now when? So, do you have to sit at home and be a housewife? So, then, why so much costs for education if we are willing to reject half of the knowledge which can help to overcome the crisis and to improve the economic conditions?”.*

Domestic violence

Historical concept of the domestic violence in the Republic of Macedonia

After the independence of the Republic of Macedonia, until 2004, the question of a legislative and organized institutional prevention and intervention in the occurrence of a domestic violence is not mentioned. By 2004, the issue of a domestic violence was considered a private matter and the intervention by the state authorities was not practiced. What we have today as a state are the both studies on the phenomenon of a domestic violence conducted by the Association for Emancipation, Solidarity and Equality of Women in the Republic of Macedonia – ESE.¹² The survey results were used in the preparation of all relevant documents in the area of prevention of domestic violence from 2000 onwards.

After these two surveys, the research on costs associated with the domestic violence was conducted – “Costs of domestic violence in the Republic of Macedonia – an attempt to calculate the costs in 2006”. Then, a report was prepared on violence and health in Macedonia and the 2006 Guide on prevention, as well as the research for the scope of the domestic violence and the efficiency of the centres of social work conducted by the Bureau of Social Affairs in 2006.

12 Report by the field research conducted on domestic violence 2000 – Association on Emancipation, Solidarity and Equality of Women in the Republic of Macedonia – ESE http://www.esem.org.mk/Root/mak/default_mak.asp and Life in a Shadow – ESE http://www.esem.org.mk/Root/mak/publikacii_zcp_zivot_vo_senka_mak.asp

In the period from 2006 to 2008 at the initiative of the nongovernmental organizations and based on the above mentioned documents, the Government of the Republic of Macedonia prepared a National Strategy for Prevention of Domestic Violence for the period 2008 through 2011¹³.

The aim of the Strategy was the establishment of a comprehensive and an effective system of protection and prevention of domestic violence. With this strategy, that was intended to be run from political – central to local level, the Government of the Republic of Macedonia has shown a serious approach to the fight against domestic violence. The introductory part of the Strategy emphasizes the need for protection from domestic violence and for improvement of the quality of protection with systematic measures in the areas of prevention, intervention, education, monitoring and intersectoral coordination for effective dealing with the phenomenon of domestic violence. The Strategy recognized the exceptionally important role of the organized civil society in the fight to combat domestic violence. As result of the efforts made with the Strategy, the Law on Family has also undergone amendments in the article 94-g and 94-j, which specified that the associations of citizens registered to achieve goals and objectives in the area of social protection can implement certain activities in the area of victims support. This has opened the doors for inter-institutional cooperation between the nongovernment sector and the government institutions at a legislation level.

A major step forward in the fight against domestic violence in the Republic of Macedonia was made in May 2011, when the country officially signed the Convention on Preventing and Combating Violence Against Women and Domestic violence - CAHVIO. The ratification of the Convention will contribute to the improvement of the national legislation on prevention and protection from violence, it will enable the establishment of a coordination of the involved entities in the system of protection and prevention, it will improve the legal protection from crime, improve the system of programs for resettlement of the victims as well as their economic empowerment.

Definitions of domestic violence

When presenting the national legislation it is important to emphasize that the Macedonian legislation defines the domestic violence in two laws – Family Law and the Criminal Code.

Family Law: Domestic violence: “domestic violence means harassment, insulting, threatening the safety, physical abuse, sexual or other psychological violence that causes a feeling of insecurity, threat or fear towards: spouse, parents

13 National Strategy for Prevention of Domestic Violence 2008 – 2011 <http://www.mtsp.gov.mk/?ltemID=BD66FCC3A7FBCB47AB9150CBFECD2C96>

or children or other persons living in a marital or extramarital household, former spouse or persons who have children together or they are in close personal relationships, including relationships that arise from adoption and guardianship, brothers and sisters, half brothers and sisters, the older family members or the common household and individuals – family members or common household whose legal capacity is partially or completely revoked (article 96-b).»¹⁴

Domestic violence according to the Criminal Code: “domestic violence means harassment, rude insults, threatening the safety, physical abuse, sexual or other psychological or physical violence that causes a feeling of insecurity, threat or fear towards a spouse, parents or children or other persons living in a marital or extramarital household, as well as toward a former spouse or persons who have child or are in close personal relationships (article 122, item 21).”¹⁵

What is characteristic is that the two definitions are not compatible and have non-equivalent interpretation of who can be a victim of domestic violence. It is therefore required to have a further intervention by the legislator, in order to achieve harmonization of the legal collision. Especially after the ratification of the Council of Europe Convention– CAHVIO, the definition of domestic violence must be gender – based and involve the violence against women in a broader context, not only within the family.

Civil legal protection

The civil legal system for protection from domestic violence is focused on the protection of victims and those who are secondary victims of violence. Within the civil legal protection, the Family Law has a main role. This Law regulates marriage and family relations in marriage and family, some forms of special protection of the family, domestic violence, adoption, guardianship, alimony and court proceedings in matrimonial and family disputes and procedure for imposing of a temporary measure to protect from domestic violence.

The entire chapter VI-a of the Family Law refers to the regulation of issues related to domestic violence.

Besides the article 94-g which refers to the initial placement of the victim, the Family Law, in its article 94-e regulates the temporary safeguards imposed by the court in civil proceedings as a separate legal instrument to prevent the negative effects of domestic violence.

14 Family Law („Official Gazette of the Republic of Macedonia”, number 80/92, 9/96, 38/04,33/06, 84/2008, 117/2009).

15 Criminal Code („Official Gazette of the Republic of Macedonia“ number.37/1996; 80/1999; 4/2002; 43/2003; 19/2004; 81/2005; 60/2006; 73/2006; 7/2008; 139/2008, 114/2009).

Criminal legal protection

The initial criminalization of domestic violence was made in 2004, when the Criminal Code¹⁶ defined the types of domestic violence, ways of executing, the perpetrator and the object of protection. The Criminal Code recognizes several forms of domestic violence: sexual, psychological and physical violence. It does not define the domestic violence as a separate criminal act, but it sanctions this act within the basic offenses and thereby it is treated as a difficult circumstance when sentencing.

The criminal acts which contain domestic violence are mentioned in different chapters of the Criminal Code, based on the different objects of protection. Despite the provisions in the Criminal Code, legislators specified provisions in the criminal procedure, in order to protect victims of domestic violence and to prevent and sanction the same. For this purpose, the Law on Criminal Procedure aims not to punish the offender, but to prevent further violence against women, through the measures for protection of women victims of domestic violence.

Perception of the problem

Domestic violence is a problem that occurs at home and exactly there the policies for its suppression should be targeted. Many of the responsibilities of the national institutions are transferred at local level with the process of decentralization and the local community has a main role in the eradication of domestic violence by mobilizing all relevant institutions.

When we face social problems such as domestic violence then there is no other way to eliminate it but to mobilize the whole community and reject such a negative behaviour. The institutions are the only solution to the problem faced by the victims of domestic violence. Therefore, the municipality, together with the other institutions, has a responsibility to care for the welfare of its citizens through the entire social responsibility.

A question is then raised about the effectiveness of the local policies in the fight against domestic violence. Given the results of the focus groups conducted in three municipalities¹⁷ and the large number of trainings delivered on local level for representatives from the police, health, justice, centres of social work, health institutions, educational sector and the NGOs, it could be concluded that each institution is working in line with its powers set out in the positive legal

16 Law on amendments and changes of the Criminal Code, „Official Gazette of the Republic of Macedonia“, number 19/04

17 The meeting in Prilep was held on 21.09.2011 in the hall of the old municipality, the meeting in Struga was held on 15/09/2011 and the meeting in Skopje on 17.09.2011

norms. What is observed from the field studies is that the only problem we meet when it comes to domestic violence is the insufficient cooperation between institutions at local level in the problem tackling¹⁸. A closer cooperation among all institutions involved at local level is required, because domestic violence is a complex problem which affects not only the victim, but also the other members who either suffer violence or they witness it.

The Macedonian criminal justice system is still focused on punishing the offender, rather than on a real assistance to the victim. Punishing the offender is one way of combating domestic violence, but the repression should be set as an ultimate goal proving that all other means of reintegration and resettlement of offenders involved in a domestic violence have been previously exhausted.

The amendments to the Criminal Code and the inserting of a provision “attending of a programme for working with convicts for crimes committed during domestic violence”¹⁹ is a positive example. The most efficient way to help the victim is when the problem is addressed by all institutions jointly and when there is a constant flow of information. It was emphasized earlier that domestic violence is a complex problem and the finalization of these cases in Court must be supported with appropriate accompanying evidence. The coherent principle of resolving these cases through inter-institutional connectivity is sound evidence that will provide easier, more objective and an appropriate decision - making in the final procedure. The purpose of this decision is ultimately aimed at protecting the victim and ensuring non-repetition of such a crime by the offender.

Mechanisms at local level

In 2010 and 2011 the UNDP office, through the UN Joint Project to prevent domestic violence in cooperation with the NGO “Organization of Women in Sveti Nikole” and the NGO “For happy childhood” delivered trainings on the territory of eastern and central Macedonia. These trainings included professionals from various institutions on local level which work in the area of domestic violence. The trainings covered 19 municipalities, which were presented the British model of protection from domestic violence at local level, through the so-called MARAK – multi-agencies panels for high-risk cases of domestic violence²⁰.

The objectives of MARAK are as follows:

18 The meeting in Prilep was held on 21.09.2011 - “Cooperation – Committee for gender equality in the municipality of Prilep did not hold a meeting for three years (some NGOs were not even aware about its existence) and there is a weak cooperation among the institutions ”

19 Amendments to Criminal Code of 2009 (Official Gazette of the Republic of Macedonia, nr. 114/2009)

20 Multi-Agency Risk Assessment Conference http://www.kenttrustweb.org.uk/UserFiles/KSCB/File/Resources_and_Library/Kent_20Police_20MARAC_20Protocol.pdf

- To discuss high risk cases of domestic violence,
- To provide a strategy to help families,
- To designate a person responsible for a particular case of domestic violence,
- To develop a plan for action of the responsible institutions,
- To assess a security risk.

Each of these municipalities in Macedonia has established a Local Prevention Council acting in line with the Law on Local Self Government²¹. It was realized that in some communities these councils work regularly, while in others they have not even scheduled a meeting and they are only formally established by the municipal Council. These Local Prevention Councils have a mandate to address various topics in the area of safety and security of its citizens and they can establish bodies similar to MARAK which operates in Great Britain. These bodies can process the cases of domestic violence with a high risk. This way would prevent incidents of domestic violence and their repetition. From the abovementioned trainings it could be concluded that the municipalities are open to the formation of such bodies.

One of the key issues is to accommodate the victims. It is required to establish few shelter - centres that will be located by regions and would be accommodating victims from several municipalities. This will help to achieve territorial distribution and availability as well as functionality of the shelter – centres for women victims of all forms of violence and their children. At the meeting held in Skopje on 17.09.2011²² the working group concluded that what is needed is a *“Law on protection from domestic violence – the victim should register in the Centre of Social Work or in the crisis centres which are integral part of the NGOs. The centres sometimes do not react (or they are abandoned). Mostly victims of different types of violence attend (e.g. alcoholism, unemployment) and the centres do not have some special measures to assist and the police does not always react promptly”*.

21 Article 36 line 13 and 15 from the Law on Local Self Government <http://www.mls.gov.mk/data/mk/file/PDF/MKD/Zakon%20za%20lokalna%20samouprava.pdf>

22 At the meeting in Skopje held on 17.09.2011

Participation in the political and public life

In order to promote the involvement of women in the decision-making processes at national and local level some affirmative actions (quotas) were introduced in the legislation. The Law on Election of Representatives (2002) and the Law on Local Self Government (2004) included a quota of 30% participation of both sexes on candidate lists for the election of MPs and councillors. However, it was not sufficient to increase and enhance the participation of women. The inserting of quotas in the legislation did not give the expected results. Therefore, a new legal solution was sought that would contribute to a greater representation of women in the Parliament and in the councils of the local government.

In this regard, with the adoption of the Election Code in 2006, the legislator made a provision (article 64, line 5) that the lists for the election of MPs and councillors in the municipalities and in the City of Skopje offer one place for a person belonging to the less represented sex out of every three places. If this provision is not respected by the submitters of the lists, the State Election Commission (Municipal Election Commission) will reject the submitted candidate lists. By entering this provision in the Election Code, a step forward was made in promoting the participation of women in the decision-making processes. If this legal provision is respected, the participation of women in councils and in the decision-making processes will be over 30%.

The first local elections after the adoption of the Electoral Code were held in 2009. A total of 1,390 councillors were elected, out of whom 300 women or 27%. Compared with the local elections in 2005, the participation of women in the councils on local level was increased by 4,3%, which does not represent a major change and the expected number of councillors in the local self government units was not achieved.

However, if we make a detailed analysis of women's participation by municipalities a great disparity from one municipality to another will be determined. Namely, there are municipalities where the share of women is above 41% (3 municipalities), there are communities where participation is more than 30% (25 municipalities) and the prevalence mostly ranges from 20% - 30% (32 municipalities). Unfortunately, there are still many communities where participation of women is below 20% (25 municipalities).

Perhaps the level of women participation in the municipal councils is not in the expected range, and if we analyze the participation of women as mayors then we can conclude that there is an unsatisfactory condition. Namely, neither one woman mayor has been elected at the last elections, which is a disappointing fact in relation to the issue of participation of women in the decision-making process at local level as well as in relation to the issue of gender equality in Macedonia. There is no country in the region and elsewhere where there is no

elected women mayors.

The Law knows no positive measure of election of women mayors and, due to these reasons specifically, those who submit the candidate lists are not obliged to nominate women as candidates. Given the fact that the changes in the Law on Election of Representatives²³ which specifies that each sex should be represented by at least 30% on the proposed list of candidates did not satisfy the requirements for participation of women in the legislature, amendments of the Electoral Code (article 64) were made in 2006. These amendments meant that in each candidate list submitted for election of MPs and councillors in the municipal council and in the City of Skopje at least one place should be granted to the less represented sex out of every three places on the list.

In accordance with these changes, women's participation in political life in Macedonia marks a positive trend, which is also evident from the results of the 2006 parliamentary elections, when 34 women were elected for MPs. At the early elections in 2008, 39 women were elected for MPs. At the parliamentary elections in 2011, 38 women were elected for MPs. The table below shows the number and percentage of women in Parliament since the independence of the Republic of Macedonia.

Table 5: Participation of women in the legislature from the independence of the Republic of Macedonia

	1990-1994	1994-1998	1998-2002	2002-2006	2006-2008	2008-2011	2011-2015
Number of women	5	4	9	21	34	39	38
% e of women	4%	3.2%	7.5%	17.5%	28.3%	32.5%	30.89%

Source: State Statistical Office, Women and men in Macedonia 2008, database of the Inter parliamentary Union.

When it comes to the Government of the Republic of Macedonia, according to the analysis made by the women's citizen initiative Antiko, out of number of 4 vice - prime ministers there is only one woman who is a Vice - prime minister in charge of European issues (25%), while out of the total of 19 ministries only two ministries are headed by women ministers (10,5%), i.e. the Interior Ministry and the Ministry of Culture.

From 15 ministries, only 3 women are deputy ministers (20%) in the Ministry of Economy, Ministry of Justice and the Ministry of Information Society. In the third tier of 14 ministries, 6 women are on the position of state secretaries or 42,8%. From the 13 ministries (for which data is available), a total of 26 women are state advisors or 37,14%, out of whom men are 44 or 62,86%.

23 „Official Gazette of the Republic of Macedonia,, number. 42/2002 and 46/2004

The condition on local level is as follows: at the last local elections in 2009 there was no woman elected for mayor and the number of councilors was 377 out of the total of 1,387 councilors in the local self government units.

Based on the analysis by the Ministry of Labor and Social Policy²⁴, the participation of women employed in the administration of the local self government is almost half time higher than the participation of men (3,014 women employed in comparison with the 5,719 men), while the results are different, i.e. in favour of men when analyzing the representation of management positions in the administration and public enterprises. Absolute figures show that the number of employed men is almost half time higher. But, if we want to see the proportion of women and men at managerial positions in the municipal administration and the public enterprises in municipalities²⁵ (heads of departments and sectors) it can be concluded that the difference is further increased, i.e. the ratio is one versus three, i.e. three times more men at senior positions (201 women and 609 men). The participation of women in boards is very small and expressed in numbers it is only 158 women who are members of the managing boards versus 483 men. A similar situation is noticed with the participation of women in urban and rural communities, i.e. with only 13 women as their presidents.

The Electoral Code provides for equitable and gender representation in the electoral bodies and in the municipalities in which at least 20% of the citizens belonging to the other communities the principle of equitable representation of all communities is reflected. Also, in the election authorities each sex is represented by at least 30%.

There is a positive trend noticed in the judicial authorities in Macedonia in the reporting period 2006 – 2010 in regard to the participation of the elected women judges, which is equal with the elected men judges. In the same period more than half of the elected judges are women, including:

Table 6: Percentage of elected women judges

	2006	2007	2008	2009	2010
% of women – judges in the basic courts	57,5	57	55,5	57	59,5
% of women – judges in the appeal courts	50	44	45	44,7	50,5
% of women – judges in the Supreme Court	68	68,4	70	68,2	71
% of women – judges in the Administrative Court	/	61	63,4	67	67

Source: State Statistical Office

In article 3 of the Law on Courts adopted in 2006, which regulates the purposes and the functions of the judiciary, in line 3 of this article the equality of sexes is affirmed, i.e. “ensuring equality, non-discrimination on any basis”.

In the primary, high public prosecutor's offices and the Public Prosecution Office of the Republic of Macedonia the representation of the elected women prosecutors is as follows:

Table 7: Participation of women in the Public Prosecution Office

	2006	2007	2008	2009	2010
% of women public prosecutors in the primary public prosecution office	44	/	45	45,5	46
% of public prosecutors in the high public prosecution office	54	/	48	50	50
% of women public prosecutors in the Public Prosecution Office of the Republic of Macedonia	28	/	30	31	31

Source: State Statistical Office

A positive trend is observed in terms of representation of women in the notary profession, where out of the total of 172 designated notaries, 98 are women or 57%, while 74 are men or 43%.

If we look at the political parties, the analysis of their programs shows that nearly all parliamentary political parties have established female sections/forums. To a certain extent, they are looking to improve the situation of women in the society and achieve gender equality in their party programs. Unfortunately, very few of the parties pay attention to the strengthening of the capacity of women members through trainings. Also, with an exception of only one party, other parties do not have compulsory internal quotas which would provide an equal participation of women in their structures and at the decision – making positions.

24 Analysis for qualitative participation of women in the public and political life of the local self government units http://www.mtsp.gov.mk/WBStorage/Files/informacija%20za%20analiza_lokalna%20samouprava.pdf

25 The analysis has been conducted in 63 municipalities.

Perceptions

The participants of the focus groups highlighted the participation of women in political and public life as an area in which the largest and the most visible progress is achieved. Almost all participants were familiar with the Electoral Code and the quota. This suggests that the citizens are well informed about the electoral system and the legislation, while on the other hand it can be interpreted as an indicator of high politicization of the society.

Not all participants had the same attitude when it comes to justification, quotas and attitudes and there have been many differences noticed. Out of the positive ones “quotas are an effective way to improve the political participation of women at various levels of the government”, and the sceptical “what would happen if we lift all the quotas? Surely, we will not have so many women...if the party has no confidence in their abilities?”, or even the negative ones “quotas are discriminatory mechanisms and do not reflect the will of the voters, or why only 30%? Women are 50% of the total population; therefore there should be quotas for 50%”. But, regardless of the differing opinions on the justification of quotas respondents agree that they have reached the goal, i.e. boosted participation of women in the local government and the legislature.

Women sit silent in the house, they are often employed at lower positions and it seems natural that they claim their social issues to a smaller extent, including the social services.

People centered analyses, UNDP, 2010

As one participant stated “I think that positive results are achieved because of three reasons. First, with the adjustments of the Electoral Code in 2006, when the possibility of violations (cheating) of the quotas was removed, as well as the option to place the women candidates at the bottom of the list. Second, the Law provides the most strict penalty if the quota is not respected, i.e. it means non-acceptance of the list by the electoral commission and its removal from the electoral race. The third, and the most important reason, is that, unlike in many other laws, this one is respected and implemented”. In other words, the formula for success in the participation of women in local councils and the Assembly consists of a well conceived law that is being implemented with efficient and functional mechanisms. It could be also added that a great contribution for this are the mechanisms of external control by the stakeholders, i.e. the political parties themselves who are demanding accountability on the accomplishment of the statutory provisions by the institutions responsible for law enforcement.

Unlike the legislature and municipal councils, women’s participation is low in the executive authorities and in the mayoral positions. Participants believe that, since the Law does not provide affirmative measures for these two areas,

it results with a situation of this kind and an absence of women in the decision - making structures in the previously mentioned areas. "More time is needed for a gender sensitization of the electorate, the same holds true for decision - makers. If the Government of the Republic of Macedonia has only 13,63% women, what message is sent across to the others? Well, should the provisions from the Law on Equal Opportunities be respected?"

As a conclusion, it might be noted that the participation of women in political and public life is an area for which the prevailing perception is that the most significant progress was made. This is considered to be the case because of the quotas, as well as due to the legislation adopted in the recent years. The progress does not mean that any such conditions will be maintained or improved in the future if the efforts for awakening, capacity building, improvement and respect for the law are not continued. An indicator on how quickly the conditions can go backwards are the 0% of women at mayoral positions and only 13,63% women in Government.

IV. PERCEPTION ON THE TRANSPARENCY IN THE ADOPTION AND IMPLEMENTATION OF THE SECTORAL POLICIES AT LOCAL LEVEL

The term transparency means openness, communication and accountability. In other words, the transparent operation is such a way of working that it makes easier for the others to see what has been done and what measures have been taken.

Given the above, we have asked the respondents about their perceptions regarding the transparent work of the institutions responsible for adoption, implementation and monitoring of the policies on gender equality and the equal opportunities. What is the communication like and the cooperation with these institutions, are they ready to respond back to the challenges and find solutions for their overcoming?

The research has shown that it is more probable for the men to participate in activities of different civil society organizations, rather than the women. Among the members of the civil society organizations, men are more frequently members of the household councils, the business associations and trade unions, while there is an equal proportion of men and women in voluntary and nongovernment organizations.

People centered analyses , UNDP, 2010

Prevailing is the general positive opinion on the Sector of Equal Opportunities at the Ministry of Labour and Social Policy when it comes to transparency and especially the communication with the representatives of the civil society, i.e. the nongovernment organizations that work on the issue of women rights. *“we are regularly informed about the initiatives undertaken by the Sector, regardless if it is in a direct way, through visits, or in an indirect way, through an electronic communication”.* The interviews conducted show that the employees in the Sector are known and accepted among the representatives of the civil society organizations and a large portion of them have a direct contact established and have asked for an information/advice from the Sector at least

once and the response have been provided in a decent time.

“They are on the field through different projects and I am convinced that, at least part of the employees, believe in what they do and they are truly committed to the advancement of the women’s position in the society. “ “The will to work is not sufficient, and it is evident that they have it, but resources are also needed. The Sector and we are happy that the donors had a will to finance projects in this area”. The respondents also think that part of the employees in the Sector and in the Ministry are involved in the work of the Sector for a long time now and continuously, therefore having the opportunity to develop professionally, to strengthen their capacities, and to successfully accomplish their work.

On the other hand, when it comes to the perception about the transparency of the Sector by the respondents who are not active in the civil society, the Sector was unknown to many of them or their knowledge about its work was limited. This perception is understandable having in mind that the Sector was not exposed to the public, and it did not have some comprehensive media campaign focused on the issues related to the work of the Sector.

Unlike the Sector of Equal Opportunities, the perception about transparency of the Commission on Equal Opportunities at the Municipal Council is different. *“The positive thing is that the Commission for Equal opportunities of women and men has been established, but we know very little, or nothing, about its accomplishments and its commitments.”* The respondents think that this bad perception prevails because of the fact that the commissions are quite new (compared to the Sector) and they have insufficiently developed capacities to perform the function and the responsibility which is delegated with the Law on Equal Opportunities. The fact that only the elected officials are members of the Commission whose mandate is changed in every cycle of elections leads to a drop out of the accumulated knowledge (through different trainings) in the four-year mandate of the Commission.

The respondents think that a large part of the commissions do not have a budget to implement the activities *“our municipality adopted a local action plan for equal opportunities, but I think that it has no budget adopted to implement the plan and we have information available that this is the case”.* Only in a small number of municipalities the action plan that is being implemented is done with support from donor funds granted to the municipality or through the civil society organizations. Due to this, a negative comment was made for several times on the openness of the Commission *“it only works with particular associations, first of all with those that are close to them on several bases and there is no efficient mechanism which would enable involvement of the others.”*

The issue of domestic violence was treated as a separate one because this phenomenon includes several sectors, and prevention and fight with the domestic violence requires coordination by many institutions.

It can be said that the perception of the respondents on the policies for prevention and intervention on local level in the area of domestic violence is good. This is also confirmed in the report by the European Commission, where the fact is mentioned that many activities were implemented in the last year on awareness raising about the issue of domestic violence and the manner in which institutions assist the victims. What was noticed during the training delivery in the 19 municipalities is that the citizens and the professionals do not sufficiently participate in the local policies development and the local authorities are not sufficiently transparent, accountable and responsible in their work.

In addition, the professionals who work on the problem of the domestic violence are not yet well informed about the role and the importance of municipalities in the local communities and especially in the work of the local councils for prevention and the special bodies established in particular municipalities for prevention of domestic violence.

The research made by the Centre for Civil Communications clearly emphasizes the need for provision of assistance to the municipalities to develop and implement efficient mechanisms for a more transparent, more accountable and more responsible work, as well as mechanisms which will enable and stimulate a more regular participation of citizens, businessmen and civil society representatives in the decision - making and in the local policies development.

Namely, it refers to the: participation of the community and especially of the professionals in the decision - making process, professional conduct by the municipal administration, the degree of informing of citizens and transparency by the municipality, as well as the proactiveness of the municipality towards the local community²⁶.

The conclusion to be made from the abovementioned refers to the need for a greater transparency in the work of the institutions which are responsible for implementation of the policies on gender equality. We could mention the Sector on Equal Opportunities in the Ministry of Labour and Social Policy as a positive example. On the other hand, the commissions on equal opportunities in the municipal councils need a continuous support in knowledge sharing as well as financial resources with an objective to improve their functionality and transparency. There is a significant space for improvement in the implementation of policies for prevention of domestic violence and mostly in the introduction of the professionals working on the problem to the role and the importance of the municipalities in the local communities. This especially refers to the work of the local councils for prevention, as well as to the special bodies established in particular municipalities as advisory groups for prevention of domestic violence.

26 Centre for Civil Communications: http://www.ccc.org.mk/index.php?option=com_content&view=article&id=113%3A2011-01-13-09-55-32&catid=22%3Aistrazuvanja&Itemid=29&lang=mk

V. CONCLUSIONS AND RECOMMENDATIONS

A legal framework for gender equality has been set up and mechanisms for advancement of the equal opportunities of the women and men both on local and national level were established with the adoption of the Law on Equal Opportunities for Women and Men in the last five years. The new Law on Equal Opportunities of Women and Men adopted in 2012 develops the relations and the mechanisms for achieving equality between women and men to a greater extent.

The practice registered through field researches and analyses shows that the mechanisms established are non-active to a large extent, i.e. a very small number of them implement concrete activities which will contribute to the advancement of the equal opportunities.

Considering the practice and the perception on efficiency and transparency in the adoption and implementation of the policies on gender equality, there are differences depending on the sector concerned.

Out of the four analyzed policies/sectors, there is a perception among most of the respondents that the most visible progress was made in the area of participation of women in the political and public life. This progress refers to the positive legal solutions, their proper implementation and also to the existence of relatively strong mechanisms for transparency by the parties concerned.

There is a recommendation to strengthen the positive trends through continuous efforts in the awareness raising both of the decision - makers and the general public on the importance of gender equality in a democratic society. In this direction, it is especially important to find mechanisms for ensuring election of women candidates for mayoral positions, as well as proper representation in the Government and at managerial positions in the bodies of the government and the public administration.

Education is an area for which the perception is that certain accomplishments have been made when it comes to the inclusion and retention of students in the education. In this respect, the prevailing perception is that the decision for a compulsory secondary education, as well as the improvement of the accessibility of higher education, will bring about positive effects for students who come from vulnerable and low social status groups.

It is recommended to implement these decisions consistently, as well as to put more efforts in order to infuse gender sensitive topics in the school texts and aids, as well as to strengthen the capacities of the teaching staff at all levels in the educational system.

There is a perception that a least visible progress was made in the area of employment. Women are continuously underrepresented in the workforce and this representation marks a negative trend in the last 10 years, i.e. it is

decreasing. There is also a tendency for division of male and female professions, i.e. a segregation which leads to a situation where women are more represented in professions with lower power and a lower income. As especially vulnerable and unprotected category are the women working in the textile industry.

It is recommended that the responsible institutions should increase the efficiency of the policies adopted for economic empowerment of women, especially through targeted measures for employment, as well as through activities which are aimed at raising the level of employment of those women. It is of special importance to protect the women workers in the textile industry through institutional mechanisms which, according to the research, were not efficient so far. Here we primarily think of the labour inspection, the labour organizing, as well as raising the awareness and informing of women about their rights.

The domestic violence started to be treated in the legislation as a phenomenon through the changes of the existing laws, as well as through the adoption of a Strategy for dealing and prevention of this problem. Concerning this issue, there is a perception about a progress made when it comes to the awakening about the problem through the media campaigns, as well as strengthening of the capacities of professionals in the institutions that are responsible for dealing with the cases of domestic violence. On the other hand, there is a need for strengthened and efficient coordination of the institutions of the system both in the central and in the local government.

To accomplish the abovementioned, it is recommended that the decision makers should have a more serious approach towards this problem and especially when it comes to allocation of budget sources for implementation of the activities. In order to accomplish more significant results it is needed to strengthen the already existing mechanisms of coordination, strengthening of the capacities of the involved parties, as well as public awareness raising on the phenomenon of domestic violence. The legal solution to this issue is one of the questions that need to be especially taken into consideration.

Citizens' perception when it comes to transparency of the work by the institutions that are responsible for implementation of the policies for gender equality is that it should be advanced and continuously developed. It applies especially to the commissions for equal opportunities in the municipal councils, but also to the involved parties in the implementation of the policies for domestic violence, education, employment, as well as the political and public participation.

It is recommended to provide a continuous support in knowledge sharing and financial resources for the parties concerned, in order to improve their functionality and transparency.

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