

REPUBLIC OF MACEDONIA

SHADOW REPORT ON REPUBLIC OF MACEDONIA TO THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN WITH REGARD TO THE
ADOPTION OF THE CONCLUDING OBSERVATIONS

To: Committee on the Elimination of Discrimination against Women (CEDAW)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Submitting organization

Reactor – Research in Action is an independent think-tank based in Skopje. Reactor is committed to facilitating Macedonia's EU integration process by providing timely and relevant research, proposing evidence-based policy alternatives, and actively working with citizens, civil society organizations, and the policy community. Gender equality is one of the three areas where its research is focused, with specific attention on women's participation, inclusion, and economic integration, as well as ending violence against women.

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This shadow report provides an overview of the implementation of the Convention on the Elimination of all forms of Discrimination against women. This report will provide information on the list of issues in relation to the sixth periodic report of Republic of Macedonia including the State Answers. This report is prepared by Reactor – Research in Action.

Article 3 - National machinery for the advancement of women

1. Effective implementation of the Law on Equal Opportunities is continually lacking. Since 2013, The Strategy for Gender Equality (2013-2020) (SGE), National Action Plan (2013-2016) (NAP) for implementation of the Strategy and yearly Operational Plans were only partially implemented. In 2014 only 21% of the planned activities of the NAP were implemented, compared to 13% in 2015 and 13% in 2016¹. Budgetary allocation for implementation of the Strategy was also lacking, with only about 15.000 euros allocated to the Sector of Equal Opportunities for implementation of the Strategy in 2015 and 2016. Additionally, the lack of staff coupled with the lack of technical and financial resources within the Sector for Equal Opportunities has impacted the lack of cross institutional cooperation and the insufficient level of implementation of the Strategy. To this date no forms of monitoring and evaluation have been conducted on behalf of the Ministry of Labor and Social Policy to measure the impact, implementation and success of the NAP 2013-2016. Since 2016, new NAP has not been adopted although in 2017 there was a limited consultation process with Civil Society in order to establish a new NAP. The absence of adopted NAP for almost two years leads to discontinuity in the

¹ Reactor – Research in Action (2014-2016). Shadow report on the implementation of the Strategy for Gender Equality

implementation of the Strategy, and further hinders the progress in the institutional and policy processes affecting the enforcement of the gender equality legislation. Finally, the continuous record of non-effective implementation and operationalisations of the Law and Strategy on Gender Equality indicates systemic institutional bias towards the advancement of the gender equality in the country.

Recommendations:

- Immediate adoption of a new National Action Plan for the implementation of the Strategy for Gender Equality;
 - Allocation of sufficient budget funds for strengthening of the administrative and technical capacities of the Sector for equal opportunities (Ministry of Labor and Social Policy);
 - Allocation of sufficient financial resources (budget) based on previous analysis by the Ministry of Labor and Social Policy, intended for the implementation of the activities foreseen in the next National Action Plan. Accordingly, all ministers to allocate sufficient funds for their individual activities based on institution specific analysis;
 - Adopting precise enforcement mechanisms and tools for increased accountability of the government institutions and bodies responsible for the coordination and implementation of the NAP and the SGE;
 - Final review report based on the monitoring and evaluation of the Strategy for Gender Equality at the end of the implementation period (2020). This report should assess the existing gaps, shortcomings and positive aspects of the implementation process, and serve as relevant basis for the creation of the next Strategy (post 2020);
 - The new Strategy for Gender Equality and National Action Plans (post 2020) should be created through an inclusive and broad consultative process with the civil society organisations working in the area of gender equality.
2. Appointment of a legal representative (advocate) for equal opportunity within the Ministry of Labor and Social Policy is mandatory as per the Law for equal opportunity. The role of this representative is to investigate and lead cases of discrimination based on gender. However, a legal representative has not been appointed since 2014, leaving the gender machinery incomplete and not providing protection for victims of discrimination based on gender.

Recommendations:

- The Ministry of Labor and Social Policy to allocate financial resources and to assign a legal representative for equal opportunity;
 - Sufficient funds should be allocated to promote the legal representative and their role in order to encourage the reporting of unequal treatment.
3. The role of the Coordinators for Equal Opportunities on national and local level is only formal, without specific institutional systematisation and without specialisation in the area of gender equality. In the most cases, their role as coordinators is secondary and not prioritised among their additional work responsibilities and duties, thus limiting their professional capacities and devotion as Coordinators for Equal Opportunities. This is evident by the insufficient number of activities implemented within the National Action Plan for 2013 – 2016 specifically on national level, and lack of cross institutional cooperation of the previous National Action Plan.

Recommendations:

- Systemization of the position Coordinator for Equal Opportunity in the institutions on national and local level, so their primary role would be in line with the assigned responsibilities within the Law for Equal Opportunities;
 - Strengthening the role of the Coordinators for Equal Opportunity through allocation of appropriate budget funds, enabling effective operationalisation and implementation of the legislative requirements as stipulated in the Law for Equal opportunities ;
 - Strengthening the role of the coordinators through professionalization of these positions, selection and appointment of gender specialists.
4. Table one shows the number of complaints made to The Commission for protection from discrimination on the grounds of sex and gender for the period of 2011 – 2017. The overall number of complaints submitted to the Commission is relatively low, while the percentage of complaints made on the ground of gender and sex is even lower. Considering reports on registered cases² of discrimination based on gender and sex in the country, these current trends since 2011 (Table 1) suggest that gender based discrimination is underreported and those cases are seldom brought to the attention of the Commission. Additionally, the Commission itself it is not gender balanced with only one woman representative from 7 members. Finally, the Commission has previously been criticized for the lack of expertise in the field of discrimination.

Commission for Protection of Discrimination complaints 2011 -2017							
Year	2011	2012	2013	2014	2015	2016	2017
Total	60	75	84	106	70	60	59
Based on sex	4	5	9	10	2	8	11
Based on gender	5	2	0	4	1	No information	No information

Recommendations:

- Ensuring gender specialists among the Commission members and mandatory tailor made gender sensitive training for the elected commissioners;
 - Awareness raising campaigns regarding the role and the competences of the Commission;
 - Ensuring gender balanced representation among the elected Commission members.
5. The Ombudsman is another body whose role is to protect the rights of citizens. The Ombudsman takes actions and measures in order to uphold and protect the principle of

² Helsinki Committee for Human Rights of the Republic of Macedonia (2018). Public announcement, 25.01.2018, <http://www.mhc.org.mk/announcements/712?locale=mk#.W7JvuGgzY2z>; Public announcement, 24.04.2018, <https://www.pravdiko.mk/rabotnichkite-tsite-koi-koristat-otsustvo-poradi-bremenost-imaat-pravo-na-regres-za-godishen-odmor/>

non-discrimination. However, the annual reports of the Ombudsman rarely puts focus on the gender based discrimination. Furthermore, the Ombudsman prepares special annual reports on the principle of adequate and equal representation of citizens belonging to different communities (minorities) within the government institutions, state organs and other services and institutions. These reports do not consider gender segregated data, and further limit the scope for gender analysis regarding the factual situation with employment of women and men in the central and local government, state organs and other services and institutions.

Recommendations:

- The annual reports prepared by the Ombudsman should put specific focus on the gender based discrimination in accordance with the principle of protection against discrimination;
- The special annual reports should provide gender analysis and gender segregated data regarding the representation of women and men in the central and local government, state organs and other services and institutions.

Article 4 - Temporary special measures

6. Mandatory legislative quotas guarantee that the less represented gender is represented on every third position on candidates list and the last (10th place) on the candidates list for local and parliamentary elections. This ensures that that at least 40% of the less represented gender is on the candidates list³. This has increased the participation of women in both local councils and national assembly (however parity is still not reached), though where quotas do not exist the gender gaps in decision making positions are evident. However, apart from the quotas, temporary special measures have not been introduced even though such measures are required by the Law for Equal Opportunity. These temporary measures should be introduced by the executive, legislative and judicial authorities as well as the political parties. The absence of these measures, shows that overall there is no political will for such changes and furthermore that there is not a functional monitoring mechanism ensuring that the Law for Equal opportunities is adequately implemented. This is evident in the lack of gender parity in the leadership positions in all the major political parties (and also in the smaller political parties), ministerial positions and appointed state positions.

Recommendations:

- Introduction of temporary special measures in order for gender parity to be met in the executive, legislative and judicial authorities. Additionally, special measures should be introduced in political parties, the government, local government as well as national Parliament.

³ Election Code (2006). Official gazette, No 40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 54/11, 142/12, 31/13, 34/13, 14/14, 30/14, 196/15, 35/16, 97/16 and 99/16)

Article 5 - Stereotypes

7. Gender Stereotypes continue to prevail in the Macedonian Society. In the past decade specific policies and measures were introduced by the previous government which contributed towards strengthening of the traditional gender norms in the society (ex. amendments on the abortion law, introduction of the “third child policy” and financial remuneration etc.). The government focus was on the promotion of the traditional gender roles as demographic measures to counteract the decrease of the birth-rates (apart from the harmful legislation changes, this was also introduced through state funded mass media commercials, public speeches of highest government officials, state supported cultural projects and programmes etc.).
8. Namely, in 2013 the Law for termination of pregnancy was amended restricting women’s access to safe abortion. Additionally, a number of video advertises were sponsored by the Government and were broadcasted on the national broadcaster depicting abortion as murder⁴. The purpose of the campaign was to deter women from having abortions, through stigmatising and portrayal of women who choose abortion as murders. Although since, these commercial have been removed, the effects of these commercial influenced the negative stereotypes towards women who decide to have abortion. There have been no public campaigns or education attempting to mend the adverse effect of the anti-abortion campaign which only reinforced the stigmatisation of women in the society.
9. The Agency for Audio and Audiovisual Services prepares yearly reports regarding how gender and questions regarding gender are treated in the daily informative programs. The reports show that a very limited number of programs cover gender issues. Furthermore, even when topics discuss gender issues, they are not done so in a gender sensitive manner, ie. gender sensitive language and gender perspective is not used. For example from 973 programs which were examined, only 28 referred to gender topics which are within the Strategy for Gender Equality⁵. The lack of gender sensitive reporting, will only contribute towards reinforcing the existing stereotypes of women. Although training has been conducted, it is insufficient to adequately address gender stereotypes in media. Additionally, as part of the National Action Plan for Gender Equality it was foreseen that a contest for the best commercial tackling gender stereotypes will be created and aired. However, this measure was never implemented. Airing of such commercial would have had a much better impact in dealing with stereotypes as it would have reached much wider audience.

Recommendations:

- Public campaigns/commercials to tackles gender stereotypes and deconstruct the traditional gender roles;

⁴ Campaign abortion: Available at <https://www.youtube.com/watch?v=mzj33qw11Ws>

⁵Agency for Audio and Audio visual media services (2017) Gender in television programs available at <https://goo.gl/s7gZkw>

- Introducing incentives (by the state) for broadcasters which will prepare articles/reports on gender issues;

Article 7 – Political and public life of women

10. There have been improvements in the descriptive representation of women in the national assembly and local councils due to the introduction of mandatory quotas on the voting lists. However, women's participation and representation in politics and positions of power is not at a satisfactory level. An example is the ministerial and mayoral positions where from 81 municipalities only 6 are run by women mayors, i.e. 7% of the overall number of elected mayors. The gender gap remains in the government's decision making positions where from 25 ministerial positions, women are on only 4 ministerial positions (16%)⁶. In other words, where gender quotas are not imposed, the participation of women remains very low. From 68 appointed state positions⁷ only 8 (11%) women are head of those institutions. Research suggested that on local level women politicians are more qualified than their male counterparts, however their household and unpaid care work responsibilities are much more likely to limit women's ability to be engaged in politics⁸. Additionally, research suggests that within political parties women are discriminated which includes the recruitment process. Based on the research men are recruited on their potential, whereas women must prove themselves before they get a chance. As a result, it is much harder for women to progress in their political parties⁹.

Recommendations:

- Introducing special measures where they do not exist, in particular at the level of Government and in Parliamentary bodies;
- Provide incentives for women chapters within political parties, such as earmarked funding from the state budget;
- Consider revising the rules for campaign financing to provide incentives for political parties that will nominate more mayoral candidates.

Article 11 – Employment

11. In relation to the number of women in the labor market the situation remains alarming despite the fact that women outnumber men when it comes to educational attainment. Women make up 64.6% of the overall economically inactive population^[1], yet 31.5% of women have completed university level education, whereas this is the case with only 17.5% of men in the working age population^[2]. Research indicates that discrimination on the labor market, lack of policies to reconcile work and family life and shortage (and cost) of child care facilities all contribute towards the high economic inactivity rates of women. Concrete measures have not been introduced to specifically cater for the high rates of inactivity and unemployment of Macedonian women. The State Agency for Employment is part of a Twinning Project which partially targets unemployed women, but

⁶ Government of Republic of Macedonia - <http://vlada.mk/vlada>

⁷ Appointed State Positions refers to the state officials and directors of state institutions and agencies.

⁸ Reactor – Research in Action (2015). Women in politics: Path to public office and impact at the local level in Macedonia- Available at <https://goo.gl/WUbkpR>

⁹ *Ibid*

the high numbers of women excluded from the labor market are not targeted by any measures introduced by the government.

12. The union membership rate for the textile industry is approximately 9%^[3] with high levels of unregistered workers^[4]. This leaves employees which are mostly women (approximately 82%), without the bargaining power to negotiate better working conditions including higher wages and safety and protection at the workplace.
13. The lack (and cost) of child care facilities coverage across the country, prevents women from actively participating on the labor market. At present only 29% of children (33.826) aged 0-6 are enrolled in childcare facilities^[5]. In 22 out of 81 municipalities, there are no institutions for the care of children. Additionally, research indicates that due to the employment of women in low paying industries, it is not financially feasible for women to work if there are children or dependable elderly family members^[6] that require care. According to the official data, almost 100% of those who leave paid employment to care for children or dependable elderly persons are women^[7].
14. There is there no shared parental leave, and as per the legislation the father/other partner can only take leave if the mother is unable to do so. This places the burden of taking the parental leave on the woman, reinforcing the stereotypes that only women can take care of the new born and leaving fathers/partners without the opportunity for to have an equal chance of spending time/caring for the new born. There has been some initial discussion in parliament to make amendments to the law to benefit both parents but so far no further action has been taken.

Recommendations:

- Investment in childcare facilities and introducing of measures that would contribute towards work/family balance including;
- Introduction of paternity leave and incentives for parental leave by both parents;
- Introducing measures by the State Employment Agency which will specifically target women that are inactive on the labor market;
- Encouraging union membership in the textile industry by providing public campaigns regarding the benefits of union membership to employees;
- The State Labor Inspectorate should make regular on site visits within the textile industry ensuring that the work conditions are up to standard.

Article 12 – Health

15. The inadequate number of gynecologists and gynecological services in the country, specifically in rural areas, prevent women from accessing basic health care services. Women from 45 municipalities (55%), do not have access to gynecologist services¹⁰.

¹⁰“Ginekolozi nema ni za lek”, Available at <http://forward.daily.mk/makedonija/ginekolozi-nema-ni-lek> and “Vo 45 opstini nema ginekolozi”, Available at <http://www.telma.com.mk/vesti/vo-45-opshtini-nema-ginekolozi>

16. Macedonia has one of the highest infant mortality rates in Europe which in 2016 was 11.9 per 1000 live births. This is almost three times higher than the infant mortality rate of the EU countries (28)¹¹. Although The University (State) Clinic for Gynaecology it is the only center that fosters high-risk newly born, the clinic lacks sufficient number of medical staff¹² and modern equipment.

Recommendations:

- The State needs to regularly allocate sufficient funds for preventative programs for mothers and children which will not be reallocated for other purposes.
- Investing in functional medical suits and equipment in both rural and urban places, and more importantly investing adequate financial incentives for midwives and doctors to cover areas where there is a shortage of professionals.
- Gynaecological examinations during pregnancy should be free of charge, ensuring that everyone can have an access to the services without hidden fees (especially marginalized women) ensuring that they are not deterred from visiting the obstetrician services.

¹¹Eurostat (2015). Infant mortality rate per 1000 live births Available at - http://ec.europa.eu/eurostat/tgm/web/download/Eurostat_Table_tps00027PDFDesc_956d414d-80d8-44d2-9352-b57f8076cb0e.pdf

“Ginekologija ima premalku kadar I losi uslovi za rizicnite novorodencinja”. Available at <http://meta.mk/ginekologija-ima-premalku-kadar-i-loshi-uslovi-za-rizicnite-novorodenchina/>