



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined fourth and fifth periodic reports of States parties**

**The former Yugoslav Republic of Macedonia\*,\*\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Appendices can be consulted in the files of the Secretariat.

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## Abbreviations and acronyms

PI SAB	Public institution Social Activities Bureau
PI ISWC	Public Institution Inter-municipal Social Work Centre
MLSP	Ministry of Labour and Social Policy
MOI	Ministry of Interior
SOI	Sector of Interior
MOJ	Ministry of Justice
MOH	Ministry of Health
MES	Ministry of education and science
PPM	Provisional Protection Measures
NC FAHM	National Commission for Fight against Human Trafficking and Illegal Migration
NRM	National Referral Mechanism of Victims of Human Trafficking
IOM	International Organization for Migration
ICMPD	International Centre for Migration Policy Development
DCM	Diplomatic and consular missions
SSO	State Statistical Office
SOP	Standard operational procedures
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
NGOs	Non-governmental organisations
NAPGE	National Action Plan for Gender Equality
UN	United Nations
MOD	Ministry of Defence
ARM	The Army of the Republic of Macedonia
LAPGE	Local Action Plan for Gender Equality
EOC	Equal Opportunities Commission
CVFV	Centre for Victims of Family Violence
MFA	Ministry of Foreign Affairs
GS	General Secretariat
ESE	Emancipation, solidarity and equality
WOS	Women's Organisation Skopje
RA	Radio stations
OCU	Organised Crime Unit
CC	Criminal Code

GDP	Gross domestic product
CRPM	Centre for Research and Policy Making
ESARM	Employment Service Agency of the Republic of Macedonia
SME	Small and medium enterprises
MOE	Ministry of Economy
APERM	Agency for the Promotion of Entrepreneurship in the Republic of Macedonia
ESA	Non-governmental organisation
DOOEL	Company founded by one person
TP (TC)	Trade company
EU	European Union
NAP	National Action Plan
PHC	Public Health Centres
WHO	World Health Organization
MDG	Millennium development goals
MAFWE	Ministry of Agriculture, Forestry and Water Economy
AMDA	Agency for Motivating the Development of the Agriculture
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme
SNCPDV	Strengthening National Capacities for the Prevention of Domestic Violence

## I. Introduction

1. In 2004, the Republic of Macedonia as a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), submitted the Initial Second and Third Periodic Report in accordance with the amendment of Article 20 thereof.
2. During the 34th session held in the period from 16 January to 3 February 2006, at the 713th and 714th meeting held on 25 January, the Committee on the Elimination of Discrimination against Women reviewed the Initial Second and Third Report of the Republic of Macedonia and made the final comments and recommendations.
3. The Secretariat of the Convention on the Elimination of All Forms of Discrimination against Women in the Office of the United Nations High Commissioner for Human Rights invited the Republic of Macedonia to deliver the fourth and the fifth periodic report to the Committee on the Elimination of Discrimination against Women in 2011.
4. All the competent ministries of the Government of the Republic of Macedonia and state institutions were included in the preparation of the Report. The civil sector, as well, had the opportunity to give its contribution with opinions and comments, by participation in consultative meetings and delivery of written proposals.
5. The report contains all changes made in the reporting period in terms of legal regulation, the progress in the social and economic life with the aim of achievement of equality between women and men.

## II. Articles 1–6

### Article 1 Discrimination

6. The Republic of Macedonia as a party to the Convention, and following the recommendation 10 for the definition of direct and indirect discrimination, adopted the Law on Equal Opportunities of Women and Men (“Official Gazette of the Republic of Macedonia” No. 66/06 from 29.05.2006). In September 2008, the Assembly of the Republic of Macedonia adopted the amendments to the Law (“Official Gazette” No. 117 from 18.9.2008) for the purposes of harmonization of the definitions with the international standards and the Directive 2002/73/EC. Article 3 of the Law on Equal Opportunities of Women and Man prohibits direct and indirect discrimination on the basis of sex in the public and private sector in the areas of employment and labour, education, social security, culture and sport.
7. The Law on Prevention and Protection against Discrimination (“Official Gazette of the Republic of Macedonia”, No. 50 from 13.4.2010) which will enter into force on 01.01.2011, with article 3 prohibits every kind of direct and indirect discrimination, calling for and encouraging discrimination and supporting discriminatory behaviour on the basis of: sex, race, colour of skin, gender, affiliation to the marginalized group, ethnic affiliation, language, citizenship, social origin, religion or religious affiliation, education, political affiliation, personal or social status, psychological and physical disability, age, family or marital situation, economic status, health condition or any other basis provided for in the law or ratified international agreement. The protection and prohibition of the discrimination refers to all natural and legal entities. The Law provides for a Commission for the Protection against Discrimination in the capacity of legal entity. The Commission was elected in December 2010, as legal entity. It is composed of 7 members. Its members are

appointed by the Assembly of the Republic of Macedonia with terms of office of 5 years with the right of one re-election. A president with terms of office of one year is selected from the members. Fair and equitable representation should be achieved upon the selection of the members of the Commission. The Commission acts according to complaints submitted by natural and legal entities and gives recommendations and opinions for concrete cases. It cooperates with state authorities, Ombudsman, natural and legal entities.

8. Besides the direct and indirect discrimination the Law on Labour Relations (Revised text, "Official Gazette of the Republic of Macedonia" No. 16 from 05.2.2010) defines the prohibition of discrimination regarding the employment requirements, including the criteria and requirements for the selection of candidates for performing a certain job, in any field, in accordance with the National Classification of Activities and at all levels of the professional hierarchy, as well as the promotion in work (Article 7).

9. The Law on Execution of Sanctions ("Official Gazette of the Republic of Macedonia" No. 3/97, 23/99) prohibits discrimination on the basis of race, colour of skin, sex, language, religion, political and other affiliation, national and social origin, relation, economic and social status or some other status of the person victim to the sanction.

10. In accordance with the Law on Courts ("Official Gazette of the Republic of Macedonia" No. 36/95, 45/95 and 64/2003), there should not be discrimination in terms of sex, race, colour of skin, national or social origin, economic or social status upon the selection of judges and juror judges.

11. The Law on Protection of Patients' Rights ("Official Gazette of the Republic of Macedonia" No. 82 from 8.7.2008) regulates the patient's rights which can be exercised without discrimination based on sex, race, colour of skin, language, religion, political or any other affiliation, national or social origin, affiliation to ethnic minority, material status, origin after birth, sexual orientation or other status (Article 5).

12. Article 20 of the Law on Social Protection ("Official Gazette of the Republic of Macedonia" No. 79 from 24.6.2009) prohibits direct or indirect discrimination on the basis of sex, race, colour of skin, national, ethnic, social, political, religious, cultural, language, economic and social affiliation, disability and origin in the exercise of rights resulting from the social protection and regulated by this Law.

## **Article 2**

### **Legal and political measures**

13. Many laws of the civil and administrative law of the Republic of Macedonia include explicit provisions for equal rights of women and men which are also in accordance with the Recommendation 10 of the Committee. According to the Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No 16 from 5.2.2010), the employer must not put the applicant or the employer in an unequal situation due to race, colour of skin, sex, age, health condition i.e. invalidity, religious, political or other affiliation, membership in trade unions, national or social origin, family status, economic status, sexual orientation or some personal reasons. Women and men must be provided with equal opportunities and equal treatment upon employment, promotion, training, education, requalification, salaries, awards, leave of absence, working conditions, working time or termination of the employment contract (Article 6).

14. The Law on Secondary Education ("Official Gazette of the Republic of Macedonia" No. 44/95, 24/96, 34/96, 35/97, 82/99, 29/2002, 40/2003, 42/2003, and 67/2004), establishes that everyone has a right to secondary education under equal conditions regulated by this Law. Furthermore, the Law prohibits discriminations based on sex, race,

colour of skin, national and social origin, political and religious affiliation, economic and social status.

15. In accordance with the Law on Secondary Education (“Official Gazette of the Republic of Macedonia” No. 64/2000 and 49/2003), the citizens of the Republic of Macedonia have a right to education in the institutions for higher education in the Republic of Macedonia.

16. Law on Voluntarism (“Official Gazette of the Republic of Macedonia” No. 85 from 9.7.2007), introduces a provision (Article 9) upon which the organizer of the voluntary work must not put the volunteer in an unequal situation due to race, colour of skin, sex, age, health condition i.e. disability, religious or other affiliation, national or social origin, family status, economic status, sexual orientation or other personal reasons.

17. The Law on Political Parties (“Official Gazette of the Republic of Macedonia” No. 76/2004), obliges the political parties in their activities to take care of the realisation of the principle of gender equality in the availability of the functions of the political party.

18. The laws having special meaning in terms of the position of women are the Law on Succession and the Law on Family which emphasize the fact that women and men are equal in terms of rights and obligations resulting from the relations in the family, parenthood and marriage. In accordance with the Law on Succession, women and men have equal rights to succession.

19. The Law on Equal Opportunities for Women and Men defines the term equal treatment as absence of direct and indirect discrimination based on sex.

20. For the purposes of establishing equal opportunities of women and men, special measures have been introduced which should contribute to the elimination of the objective obstacles that lead to unequal representation of women and men or unequal status of a person from one sex against a person from the other sex, as well as to give special contribution as encouragement of the less represented sex or the uneven status based on sex. These encouragements must be justified and be proportional to the objectives of the special measures. The special measures include positive, encouraging and programme measures.

21. In accordance with this Law, Commission for Equal Opportunities of Women and Men was formed in September 2006 in the Assembly of the Republic of Macedonia which reviews draft laws and other regulations from the aspect of the inclusion of the gender concept within them. It also initiates adoption and amendment of laws and other regulations in the area of equal opportunities of women and men. For this purpose, the Commission has organized several public debates such as, the debate for domestic violence, detection of malignant diseases among women, introduction of the gender concept in the budget policy.

22. For the purposes of realisation of the objectives of this Law, coordinators for equal opportunities (a total of 24) have been assigned in all 14 ministries and 10 state institutions. On local level, in the local self-government units, 81 commissions for equal opportunities for women and men were formed out of 84, as well as 81 coordinators for equal opportunities from the employed state officers.

23. In the context of Recommendation 14 of the Committee regarding the gender based discrimination and in the direction of the implementation of the Law on Equal Opportunities within the frames of the existing Unit for Improvement of Gender Equality in the Sector for Equal Opportunities of the Ministry of Labour and Social Policy, legal representative has been provided for, which is competent for the implementation of the procedures for the determination of unequal treatment of women and men and acts in case of discrimination based on sex. The legal representative is an employed civil servant who began to work on 1 December 2009. Persons complaining to unequal treatment may bring

their case before the body of the state administration or to demand protection of their right in administrative procedure prior to the court procedure. The procedure is initiated with the delivery of a written initiative to the legal representative. Certain individuals, citizens' associations, trade unions and other legal entities have the right to submit written initiatives for the initiation of a procedure. The conduct of the procedure is free of charge. The procedure ends with delivery of a written opinion, established actual condition of the representative in terms of the fact whether there is unequal treatment of women and men.

24. In order to provide approach to this type of protection, the Ministry of Labour and Social Policy has prepared a complaint form which is available on the web page of MLSP, and submitted it to the commissions for equal opportunities in the local self-government units.

25. With the support of the OSCE mission to the Republic of Macedonia the campaign "Equal Opportunities to everyone – do not discriminate" was conducted in November 2010 which was based on sex, and simultaneously is the presentation of the mechanisms for legal protection in case of discrimination based on sex.

26. Using the right of each citizen to submit a complaint to the Ombudsman, women are frequent appellants in different areas and different issues, but according to data, they appear as appellants in smaller number, which can be considered.

(a) In 2006, 2,195 complaints were submitted by men, and 1,038 by women of total 3,233;

(b) In 2007, 2,161 complaints were submitted by men, and 972 by women of total 3,133;

(c) In 2008, 2,306 complaints were submitted by men, and 897 by women of total 3,203;

(d) In 2009, 2,657 complaints were submitted by men, and 1,059 by women of total 3,716.

27. In the reporting years, no complaint has been submitted on the basis of discrimination based on sex, i.e. no complaint has been submitted to the Ombudsman by a woman by which she would demand protection of her infringed right due to the discrimination simply because she is a woman. However, besides this situation, the Ombudsman concluded from the analysis that the discrimination is present in all areas of social life.

28. Gender divided statistical data are very important indicators in terms of the introduction of equal opportunities of women and men. The State Statistical Office provides and publishes data for women and men within its competencies as a basis for an analysis of the processes and basis for the provision of equal opportunity between sexes. The challenges of this plan are:

(a) Establishment of good policy for dissemination of data produced by SSO;

(b) Provision and presentation of the gender statistics in the public through different media;

(c) Promotion of the gender statistics among the policy makers, NGOs, researchers, media;

(d) Development of gender databases;

(e) Visibility of gender in the statistics;

(f) Improvement of the dissemination of gender statistics;

(g) Active participation in the national activities for the promotion of gender equality.

29. In order to realize the objectives for the promotion of the gender divided statistics, further activities are directed towards:

- (a) Creating a database for women and men on the web page of SSO; and
- (b) Increasing the number of indicators for the gender situations in Macedonia.

### **Article 3**

#### **Human rights and fundamental freedoms**

30. Regarding the strengthening of the capacities of the national machinery, and in terms of the Recommendation 16 of the Committee, the Sector for Equal Opportunities was established in March 2007. This Sector treats the issues of improvement of equal opportunity, establishment of equal opportunities, as well as protection and prevention of all forms of discrimination. The main task of the Ministry of Labour and Social Policy through the work of the Sector, is to take care of the improvement of the status of women and men in all areas of social life on national, local and international level, provide inter-ministerial and inter-sector cooperation, as well as cooperation with the civil sector and social partners, take care of the implementation of the laws within its competence, NAPGE and other measures and recommendations, coordinate the work and monitor the implementation of policies, measures and activities.

31. Coordinators on national level (see paragraph 26) are responsible for the implementation of the duties of the competent ministry i.e. the state institution for introduction of equal opportunities and cooperate with the Ministry of Labour and Social Policy. In this context, several trainings for raising the awareness on gender equality and equal opportunities, as well as strengthening of their capacities have been realised. The objective is to contribute to a complete realisation of equal opportunities between women and men in the Republic of Macedonia with the modern theoretic, conceptual and political tools in the area of gender equality: gender analysis and incorporation of gender policies in everyday work. The Ministry of Labour and Social Policy, in cooperation with the assigned coordinators for equal opportunities, implements the planned activities from the operational programme on an annual level, within the frames of the National Action Plan for Gender Equality 2007–2012 (NAPGE).

32. This was the second action plan, and was adopted in 2007. It defines the policies and measures in terms of promotion and protection of women's rights in all areas of social life. The purpose of its adoption is to continually raise the awareness on the need for acting in order to accomplish complete equality of women and men. The plan considers 10 strategic and priority areas for acting, specific short-term and medium-term tasks and activities for the improvement of strategic goals and determines indicators and responsible parties for its implementation. The access to the implementation of measures has been established through operational plans. The National Action Plan for Gender Equality is directed towards providing support and guidance for the Republic of Macedonia and all stakeholders in the process of provision of gender equality and focused progress in the processes of transformation and inclusion of the gender equality in the current actions, policies and practices.

33. In 2008, in the area of improvement of the gender equality the Ministry of Labour and Social Policy (MLSP) realized public panel discussions in 6 cities in the Republic of Macedonia. The purpose of these panel discussions is to familiarize the representatives from the local institutions and non-governmental organisations with the Operational Plan

for 2008 by which part of the strategic goals of the National Action Plan for Gender Equality will be realized.

34. In March 2009, in accordance with NAPGE, Programme for Equal Opportunities for Women and Men was adopted by the Ministry of Defence and the Army of the Republic of Macedonia. The subject of this programme is the improvement of the opportunities and the manner of introduction of basic and special measures and activities which will contribute to the creation of equal opportunities of women and men employed in the Ministry of Defence and in service in the Army of the Republic of Macedonia, in accordance with the specific needs of the authority.

35. For the realisation of the Operational Plan for the Implementation of NAPGE for 2010 and in relation to the strategic area of NAPGE, women and peace activities, the following activities have been realized:

(a) Organisation of a campaign and educational and promotional activity for public presentation and familiarization with the Resolution 1325 UN;

(b) Publication of the text of the Resolution 1325 UN on the web page of the Ministry of Defence;

(c) Identification and planning of future activities in relation to the presentation and familiarization with the Resolution 1325 UN in the Programme for Equal Opportunities of Women and Men in MOD and ARM;

(d) Organisation of a working seminar under the patronage and with the participation of representatives from the armed forces of the Kingdom of Norway for the purposes of familiarization of the planned persons with the Resolution 1325 UN or for persons who have the possibility or are planned to participate in peace and humanitarian missions as part of the Army of the Republic of Macedonia;

(e) In the Comprehensive NATO/EAPS policy for implementation of the Resolution 1325 for women, peace and stability, Macedonia is shown as a country that carries out the implementation of the Resolution 1325 through a developed National Action Plan.

36. From January 2009, the Ministry of Labour and Social Policy supported by UNIFEM realized a one-year programme for including the gender concept in the budget policies of the Government of the Republic of Macedonia. The purpose of this programme is initiation of the process of including the gender perspective in the budget policies on a national level, leading to proper and gender responsive allocation of funds, and better transparency and responsibility of the governmental budget from the aspect of gender equality. For this purpose, a team was formed which consisted of domestic experts and representatives of the relevant sectors in the Ministry of Labour and Social Policy, and worked on gender budget analysis on a part of MLSP policies and programs. Within the frames of this gender budget initiative, an analysis has been made on a part of the policies in the area of labour relations and employment, as well as part of the policies in the area of social protection. In the area of labour relations, a part of the active employment measures has been analyzed, and in the area of social protection, analysis has been made of users' social welfare as one of the services and measures through which the social protection is being realized. Special focus is given to the fixed financial assistance for persons incapable of work and socially insecure and social financial assistance for persons capable of work and socially insecure. For the purposes of this analysis, data has been used which was at the disposal of MLSP, as well as data obtained from other sources. Subject for analysis is the budget from 2007, 2008 and the current 2009.

37. In the reporting period, the Ministry of Labour and Social Policy continually worked on the strengthening of the capacities of the commissions and coordinators for equal

opportunities (see paragraph 26) in the local self-government units, through implementation of a programme for their support (2009), realisation of workshops and trainings.

38. In order to support the implementation of the activities planned with LAPGE, a call for small grants was prepared and published in the middle of December 2009. In 2010 three grants were given to the municipalities of Krushevo, Strumica and Tearce.

39. A web portal was prepared by which networking and communication will be provided among key stakeholders, as well as sharing of best practices between the local self-government units. The preparation of LAPGE was additionally supported through an Internet portal which offers a possibility for sharing of action plans and which will serve as a basis for gender divided data and annual reports for the achieved progress which are being sent to MLSP by EOC through the Equal Opportunities Coordinator.

40. In terms of the preparations for implementation of the Law on Prevention and Protection against the Discrimination, the Ministry of Labour and Social Policy in cooperation with the British Council in the Republic with Macedonia, realized a two-days training for 15 trainers in the area of prevention against discrimination and discrimination on sex ground. Within the frame of this project, a rulebook has been prepared which was intended for trainers. It was prepared by the experts engaged by the British Council.

#### **Article 4**

##### **Special measures**

41. In terms of establishment of equal opportunities with the Law on Equal Opportunities and in relation to the Recommendation 18, basic and special measures have been provided for the realisation of the principle of equal opportunities.

42. The special measures are directed towards elimination of the objective obstacles which lead to the establishment of the principle of equal participation of women and men (see paragraph 56, 115, 145, 146, 175).

43. In terms of harmonization of the domestic labour legislation with the European legislation, several modifications have been made in the area of labour law. The Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No. 16 from 05.02.2010) provides for equal payment to women and men for the same job, with same requirements of the workplace for which equal salary is being paid regardless of the sex (Article 108). Night work has also been regulated for women working in the industry and civil engineering, whereupon, a female employee in this area could not be assigned to work at night, if the job would disable for her to have a rest of at least 7 hours (Article 131). Employees have a right to special protection during the employment due to pregnancy or parenthood, and the employer is obliged to enable them easier compliance of the family and professional obligations (161). This Law also provides special protection during the pregnancy period, whereupon, the employer must not demand any data on employee's pregnancy, unless she submits them for the purposes of the exercise of rights during the pregnancy. If the female employee performs a job which can be harmful for her health or the health of the child during the pregnancy, the employer is obliged to provide her with another job and salary, as if she has been performing her own job. (Article 163). Legal provisions give an opportunity for usage of leave of absence for the purposes of parenthood by the father or the adoptive parent if the female employee does not use the leave of absence (Article 167). The female worker who is breastfeeding and who will start to work with full time after the expiration of the leave due to pregnancy, birth and parenthood, has the right to a paid break during the working hours in duration of an hour and a half (171).

44. In accordance with the Law on Family, the parental right is composed of the rights and obligations of the parents to take care for the person, rights and interests of their minor children and the children for whom their parental right has been expanded. The parental right equally belongs to the mother and the father. If one of the parents is deceased or is unknown or his/her parental right was taken away or his/her parental right cannot be exercised of any other reasons, the parental right is exercised by the other parent (Article 44 and 45).

45. The parents have the right and obligation to support their minor children, take care of their life and their health, prepare them for independent life and work, and take care of their upbringing, education and vocational training. The child has also a right to be supported by his/her parents, his life and health to be protected, to be prepared for independent life and work, to be provided with optimum conditions for his/her upbringing, education and vocational training depending on the family conditions (Article 46).

## **Article 5**

### **Elimination of gender stereotypes and prejudices**

46. In accordance with the Recommendation 24 of the Committee in terms of taking measures against all forms of violence, the Republic of Macedonia regulates domestic violence within the civil and penal legislation, whereupon, it provided for the introduction of comprehensive legal solutions, that is domestic violence incrimination and introduction of provisional protection measures for the victims. In order to provide a coordinated approach by the institutions and the civil organisations of the victims of domestic violence, MLSP in cooperation with UNDP prepared a common unified protocol for taking action in case of domestic violence within the framework of the mutual programme for the prevention of domestic violence.

47. According to the sexual structure of the victims in the year 2006, the data provided by MIA indicate that there were two times more women (70.1% compared to the 29.9% of men) than men who were victims of domestic violence (a result of, among other things, the gender based situation of the woman within the family). In 2007, 314 criminal acts were registered which were connected to domestic violence, as well as 770 offences and 3,106 complaints that was acted upon. In 2008, a number of 378 criminal acts were registered which were connected to domestic violence, as well as 730 offences and 3,671 complaints that was acted upon. During the first three quarters of 2009, on the territory of the Republic of Macedonia, 264 criminal acts have been registered which can be connected to domestic violence implying a decrease by 2.9% compared to the same period for the year of 2009 when there were 272 cases of criminal acts registered. In the first quarter of 2010, the Sector of Interior (SOI) in Skopje, while acting with the purpose of combating domestic violence has pressed 16 criminal charges for offences on various grounds, filed 66 misdemeanour charges and acted on 287 occasions upon complaints in this field.

48. According to the data by the MLSP, in 2005, 834 cases of domestic violence were reported in 30 Social Work Centres (SWC). In comparison, in 2006 there were 788 cases of domestic violence, in 2007 there were 674 cases of domestic violence, in 2009 there were 751 cases of domestic violence and in 2010 there were 214 cases of domestic violence. From the data provided by the MLSP it can be noticed that there is a lower representation of cases reporting domestic violence among the Albanian population and that it can be a reflection of the reticence of this ethnic group in respect of bringing the problem outside the family. 10% of the cases of domestic violence were among the Roma population.

49. In the past years, PI Social Activities Bureau collected data on the type and number of social risks among the registered beneficiaries at the SWC, as well as data on the victims of domestic violence:

(a) 2006: In 2006, 2,716 persons were registered who came from families with disturbed marital and family relations, 1,602 of them were male and 1,114 were female. (There is data on 122 minor persons from families with disturbed marital and family relations in the same document, however there is no data on the sex of these persons). According the research from PI Social Activities Bureau, in the first half of 2006 there were 439 victims of domestic violence that have been registered. 71% of the victims were female, while 29% of them were male;

(b) 2007: In the first half of 2007 there were 332 new cases of domestic violence that have been registered by the SWCs throughout Macedonia, however, there is no information regarding the sex of the victims;

(c) 2008: In the first half of 2008 the SWC registered 300 persons who were victims of domestic violence, of which 242 were female and 56 were male;

(d) 2009: The brief statistical summary of the Bureau for the year of 2009 contains data where there were 297 victims of domestic violence who were registered in the SWCs throughout Macedonia. However, this document does not contain information on the sex of the beneficiaries who were registered as victims.

50. At the beginning of 2010 we have required the SWCs to provide us with data on the beneficiaries which shall include gender-based statistical information. Thus, we can come to the conclusion that of a total of 183 victims of domestic violence who were registered during the first 2 quarters of 2010, 80% are female.

51. The Centre for Victims of Domestic violence (CVFV) is the first centre (shelter) for this group of beneficiaries on state level (it accommodates victims from the entire territory of Macedonia). From its opening (in 2004) until the reporting period, it has offered an accommodation to an overall number of 294 beneficiaries – women, i.e. mothers with children from Skopje and other cities from the rest of the territory. By 31.08.2010, the CVFV Skopje has registered 15 victims in total (8 female adults, 3 of them are mothers and plus 7 children between 1.5 and 18 years of age).

52. CVFV Kochani: In the period between January and September 2010 the CVFV accommodated 5 persons who were registered as victims of domestic violence. All the 5 victims are female and adults.

53. CVFV Ohrid: In the period between 2009 and October 2010, PI Inter-Municipal Social Work Centre Ohrid sheltered two victims – adult women.

54. CVFV Strumica: In the period between 2009 and October 2010, PI ISWC Strumica provided an accommodation for one adult woman – victim of domestic violence at the centre for victims of domestic violence.

55. In 2007 a team of 14 local experts- trainers in the field of domestic violence organised training in 7 cities on the territory of Macedonia with financial assistance of UNICEF. The topic of the training was “Raising the Awareness of the Domestic Violence Problem and Working with the Domestic Violence Victims.” The training was intended for representatives of the local SWCs, police, healthcare institutions, courts and NGOs. In the course of 2010, the Social Activities Bureau with the assistance of UNICEF’s Fund for protection of children’s rights in divorce procedures, especially when domestic violence is present, continued this training. The Academy for Training of Judges and Prosecutors with the assistance of UNICEF conducted additional training sessions about domestic violence intended for the judges and public prosecutors.

56. In 2008 a National Strategy for the Protection against Domestic Violence for the Period of 2008–2011 was adopted. The Strategy provides for the participation and role of 5 key sectors (and institutions within their portfolio) in the treatment and protection of the victims of domestic violence: MLSP, MES, MIA, MOH and MOJ and the civil sector.

57. In 2008 MLSP in cooperation with UNDP, UNFPA, UNICEF, WHO and UNIFEM and with financial assistance by the Government of the Netherlands and the UN Funds implemented the project “Strengthening National Capacities to Prevent Domestic Violence” (SNCPDV). Also, MES, MIA, MOH and MOJ took part in the coordination of this project. In order to enable smooth realization of the activities for performing monitoring and evaluation, a National Coordination Body has been established in accordance with the Strategy comprising of representatives from all competent institutions and representatives from the civil sector and being administered by the State Secretary of MLSP. In the period between May and October 2010 the members of this body were provided with an initial training for performing monitoring and evaluation of the activities within the framework of the Strategy. One of the most important segments which should be emphasized by the Strategy and which are of interest for the decrease of domestic violence against women is the following:

(a) Programme for Economic Strengthening of the Victims. The pilot programme “Economic Empowerment of Domestic Violence Victims” includes three active measures: self-employment, training for certain deficient professions and skills and subsidizing the employment at certain employers of women victims of domestic violence. The objective of the Programme is to help this group of vulnerable women to become economically independent and capable of taking care of themselves and their children. In 2010, 28 women from five pilot municipalities were part of the measures for self-employment and subsidizing employment at certain employers with financial assistance by UNDP. Also, in 2010, several training sessions were held regarding domestic violence and the employment opportunities for women victims of domestic violence. A total of 99 representatives of the private sector and 79 representatives of local self-government units (LSU) attended the sessions;

(b) Counselling Centre for Victims of Domestic violence;

(c) Treatment of perpetrators of domestic violence;

(d) Training for work with victims of domestic violence. In 2010, with the assistance of UNDP and the non-governmental sector, a total of 107 professional workers from 30 different Social Work Centres and regional branches-employment centres throughout the whole country underwent the training. In the course of 2009 and 2010, MLSP in cooperation with UNFPA acted towards:

(i) Raising the public awareness on the issue of domestic violence, and in that sense implementing two national campaigns;

(ii) Establishing a system for collecting data on domestic violence.

58. MLSP is the basic carrier of the protection of victims of domestic violence acting through its network of 30 Social Work Centres and several shelters for accommodating victims of domestic violence. At the moment, on the territory of the Republic of Macedonia there are 7 shelters for victims of domestic violence financed by the MLSP which represent organisational units of the SWC they are part of (Skopje, Bitola, Kumanovo, Kochani, Strumica, Ohrid and Prilep). In 2009, the measure for accommodation in a shelter for victims of domestic violence was applied in 28 cases involving victims of domestic violence.

59. MIA receives complaints from citizens who suffered domestic violence, acts upon complaints of domestic violence in the homes of the citizens, documents the evidence for

injuries occurring as a result of domestic violence and initiates criminal procedures against the offenders.

60. MOH provides health care to the victims of domestic violence through its network of healthcare institutions. In the course of 2010, in cooperation with WHO, several training sessions have been organized which were attended by a total of 1,500 health workers: doctors, nurses, doctors from the emergency units, gynaecologists and health workers from the field of psychological health.

61. In August 2010, the Sector for Multilateral Relations of MFA submitted information (questionnaire) to the United Nations Entity for Gender Equality and the Empowerment of Women regarding the issue of violence against women in accordance with the Resolution GA 61/143 from 19 December 2006.

62. The educational institutions, especially primary schools, are an important link in the protection of children victims, especially in the field of prevention, early detection and referral of the children victims and members of their families to the SWC as an institution providing social care to the victims of domestic violence. In the course of 2009 and 2010, UNICEF held training sessions for teachers for detecting violence against children. The sessions were part of the SNCPDV project.

63. MOJ – At the proposal of the Social Work Centres, the judges at the Courts of First Instance issue PPM against the perpetrators of domestic violence.

64. Non-governmental organizations – In Macedonia there are many non-governmental organizations focusing on women (and children) who are victims of domestic violence, as a target group they are working with. Most of them are women's organisations and the following are among the more active.

65. ESE – It provides free legal assistance, counselling and representation of the victims of domestic violence. In 2009, a pilot counselling centre for victims of domestic violence has been established at the PI Inter-Municipal Social Work Centre – Skopje in cooperation with the civil association ESE.

66. Shelter centre – It provides accommodation at a shelter, psychological, social and legal assistance to the victims of domestic violence (women and their children).

67. WOS: All the cities in Macedonia are covered with the operation of the 24-hours National SOS line for women and children who are victims of domestic violence (15-700) which is coordinated by the Women's Organisation Skopje. This organization is also in charge of the shelter for women victims of domestic violence, the so called Transit Safe-House, where they can stay for a period of 24–48 hours, in cases of urgent need of accommodation and protection. There is also the crisis centre "Hope – Line of Trust" with its 24-hours SOS line 15 315 which is financially supported by the Ministry of Labour and Social Policy.

68. Shelter Centre for Victims of Domestic violence – A non-governmental organization in charge of the eponymous shelter for women and children victims of domestic violence. Within the framework of the SNCPDV project, the unit for free legal assistance with financial assistance of UNIFEM and 7 civil organisations provided coverage of victims of domestic violence in 21 municipalities. In order to raise public awareness on the protection against domestic violence and to create a local mechanism for prevention against domestic violence, local coordinative bodies for prevention against domestic violence have been established. In the course of 2009 and 2010, on the territory of 34 municipalities, there were 13 civil organisations working in the field with the support of UNFPA. Therefore, a total of 300 representatives from the local government, healthcare sector, SWCs, education, police and local civil organisations have been trained.

69. The representation of women in the electronic media in Macedonia is covered with part of the provisions from the Law on Broadcasting Activity<sup>1</sup> from 2005. According to Article 69 of this Law, it is not allowed to instigate national, racial, gender-based or religious hatred and intolerance. On the other hand, one of the basic principles radio and television programmes are based upon is fostering and development of human and moral values of mankind and the protection of privacy and dignity of the person (Article 68 of the Law). Although these provisions of the Law do not cover directly the stereotypical presentation of women, i.e. their negative portrayal in the programmes of the broadcasters, that is in fact the basis for eliminating the situations in which the gender role of women is shown in a humiliating and/or degrading context or situations that are offensive to the human dignity.

70. In context with the Recommendation 20 of the Committee, according to the Law, the media should create non-stereotypical and positive portrayals of women and promote gender equality, while the Council performs monitoring and acts upon complaints of the citizens and on its own initiative. If it determines breach of Law, it imposes measures on the broadcasters who have violated the Law in accordance with its competencies. From the time when the Law on Broadcasting Activity entered into force in 2005, the following measures have been taken:

(a) Written notice due to usage of offensive speech on several grounds: creating negative repute for the female representatives of one ethnic group of the minorities due to their religious affiliation and negative stereotyping based on the subjective opinion of the host of the programme about the behavioural habits of these female representatives;<sup>2</sup> and infringement of the privacy and the dignity of one Macedonian female politician;<sup>3</sup>

(b) Indication due to the broadcast of commercials containing retorts which are deemed improper and indecent and can be offensive to the female audience or commercials by which a certain profession is being degraded (more precisely, the nurses).

71. The data from the research “The opinions and Programme Needs of the Television Audience in Macedonia”<sup>4</sup> indicates the presence of stereotyping the gender roles. According to the research conducted in 2007, 12% of the audience at the age between 10–70 completely agrees that the TV commercials are making a traditional division on the basis of the relation male – female, male stuff, female stuff, male roles vs. female roles, 31% of them agrees with that, 25% agrees to a certain degree and 22% of the audience does not agree with this statement at all. The same research was conducted in 2009 and it showed that the number of people who agree completely with the statement that there is a traditional division of male and female roles and relations increased and amounted to 15%.

72. In December 2007, the Broadcasting Council established a Coordinative Body for marketing, teleshopping and sponsorship. The aim of this body is opening a wider discussion about the degree to which the radiobroadcasters observe the standards and

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<sup>1</sup> Law on Broadcasting Activity, Official Gazette of the Republic of Macedonia No. 100/05, 19/07, 103/08, 152/08, 06/2010.

<sup>2</sup> The Muslim women were called “bulas” who “spread odour from their armpits”.

<sup>3</sup> Regarding the female politician who was mentioned, the host of the programme said that he would like to go on vacations with her “because she has wonderful straight legs”, that is, he “would go on a nudist beach with her only if she has her legs depilated”.

<sup>4</sup> The research covers also the opinion of the public regarding the commercials. The commercials have been elected on several grounds: unlike the films, most of them are Macedonian production, which means that they reflect the values of the Macedonian society, are repeated in a certain time period and remain in the memory for longer period.

principles determined by Law and deflecting the attention towards the sensitivity of gender equality.

73. In 2007, the Council adopted a Rulebook on the Protection of Minors from Contents that May Have Damaging Effect on Their Physical, Psychological and Moral Development. The Rulebook does not refer directly to the portrayal of women in the media, however, in one aspect it covers the allowed portrayal of the naked human body and the physical and psychological violence. In accordance with the Rulebook, the media editors have the duty to categorise the programmes containing sequences, descriptions or expressions of eroticism or violence and accordingly to broadcast them at time intervals suitable for this audience and accordingly mark them. The broadcast of pornography contents is prohibited by Article 70, paragraph 1 of the Law on Broadcasting Activity.

74. The percentage of women employed in the electronic media shows that they represent 40% of the overall number of employed persons.

75. In the television stations, the most balanced ratio between the number of employed men and women can be found in the televisions on a regional level (49% of the employed are women) and in the Macedonian National Television (47% of the employed are women). Slightly lower is the percentage of women employed in the televisions which have national concession that broadcast programme via satellite (40%), and this percentage is lowest in televisions which broadcast programme with national concession via terrestrial transmitters and in local television stations, 34% each.<sup>5</sup>

76. The programme services of the Macedonian Radio and Television are among the broadcasters where the women have the highest representation – 45%. It is followed by the radio stations on local level – 38% women, the radio stations on regional level – 34% and the lowest representation is in the radio stations on national level with 28%.<sup>6</sup>

#### Structure of the employees at the radio stations – by sex

	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Representation of the women in the overall number of the employees</i>
Macedonian radio	133	166	<b>299</b>	44.48%
National level (3 radios)	8	21	<b>29</b>	27.59%
Regional level (16 radios)	28	56	<b>84</b>	33.33%
Local level (49 radios)	50	81	<b>131</b>	38.17%
<b>Total</b>	<b>219</b>	<b>324</b>	<b>543</b>	<b>40.33%</b>

77. The highest percentage of women employed in the public broadcasting service is 46%. It is then followed by the radio and television stations on regional level where the percentage of employed women amounts to 45%. The number of employed women in television stations broadcasting programme on the whole territory of the state via satellite amounts to 40%, in those broadcasting on local level it amounts to 35% and the lowest representation of women is in the radio and television stations broadcasting programme on national level via terrestrial transmitter – 33%.<sup>7</sup>

<sup>5</sup> Appendix on Broadcasting Council: Table 1 employees at TV stations.

<sup>6</sup> Appendix on Broadcasting Council: Table 2 employees at radio stations.

<sup>7</sup> Appendix on Broadcasting Council: Table 3 Structure of the employees at the TV and radio stations - by sex.

78. The legislation of the Republic of Macedonia prohibits all forms of discrimination on the basis of skin colour, sex, religious affiliation, political or other affiliation, national, ethnical or social background, cultural or other belonging, wealth, disability, birth or other status of the child or his parent or legal guardian. (Law Amending the Law on Child Protection, "Official Gazette of the Republic of Macedonia" No. 83/09).

79. The protection of the children is an organised activity based on children's rights, as well as on the rights and duties of the parents and the state in the planning of the family, provision of conditions and living standards suitable for the physical, psychological, emotional, moral and social development of the children and the responsibility of the state in creating conditions for practicing a humane population policy, provision of suitable financial aid to the parents in accordance with the opportunities of the state for maintenance, raising, care and protection of the children and organizing and providing the development of institutions and services for child protection. (Article 2 of the Law on Child Protection, "Official Gazette of the Republic of Macedonia" No. 98/2000 from 23 November 2000).

80. In the course of exercise of the right to free and responsible parenthood, the parents are obliged to provide optimum conditions for healthy growth and development of the child within the family and society. The parents have equal rights to and responsibilities for their children (parental right). The relations between the parents and the children are based upon the rights and responsibilities of the parents to take care of the raising, nurturing and education of their children and to develop their working skills and habits.

81. The parental right is exercised mutually by the parents in accordance with the child's needs and interests and the interests of the community.

## **Article 6**

### **Human trafficking**

82. In context of the Recommendation 22 of the Committee regarding the implementation of the National Programme for Fight against Human Trafficking and Prevention against Human Trafficking, the Republic of Macedonia undertook several steps. The national legislation regarding trafficking in human beings is completely harmonised with the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, from 2000 and the Council of Europe Convention on Action against Trafficking in Human Beings.

83. In January 2008 amendments to the Criminal Code have been made ("Official Gazette of the Republic of Macedonia" No. 7/08), thus introducing new criminal acts: Article 418 b "Migrant Smuggling" and Article 418 c: "Organising and Encouraging to Commit the Criminal Acts of Human Trafficking and Migrants Smuggling". This form of criminal acts imposes a minimum of four years of sentence. A prison sentence of one to five years is stipulated in cases of criminal acts involving incriminating activities of the person conducting the recruitment, transport, purchase, sale, sheltering and accepting migrants. Article 418 d "Trafficking in Minors" stipulates a sentence of minimum 8 years imprisonment for the user of sexual services or other type of exploitation of minors known to be victims of human trafficking.

84. If the life or health of the migrant is at risk or he/she is being treated in an extremely humiliating and cruel manner or is being deprived from the rights he/she is entitled to by international law, an imprisonment sentence of minimum eight years is stipulated for the offender. If this type of treatment refers to a minor person, the offender shall obtain a minimum of eight years imprisonment.

85. Protection of the children victims of human trafficking was provided for the first time in the Republic of Macedonia with the Law on Family (“Official Gazette of the Republic of Macedonia” No. 84/08) from 2008. It stipulates the measures to be taken for protection of the personality, rights and interests of the child and for appointing a guardian.

86. In June 2009, the Law on Social Protection (“Official Gazette of the Republic of Macedonia” No. 79/09) incorporating the provision (Article 26 and Article 31) that enables the protection of persons victims of human trafficking and the establishment of a Centre for Persons Victims of Human Trafficking (Article 132) has been adopted.

87. Article 9 of the amendments to the Law on Child Protection from 2009, prohibits all forms of sexual exploitation and sexual abuse of children (child pornography, child prostitution), forceful pandering, sale or trafficking in children, psychological or physical violence and mistreatment, imposing punishments or other kinds of inhumane behaviour, all forms of exploitation, commercial exploitation and child abuse which infringe the basic human liberties and rights and the rights of the child.

88. In April 2009 the Republic of Macedonia ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

89. Within the Ministry of Internal Affairs there is an organizational unit for combating human trafficking and migrant smuggling which is in charge of conducting inquiries in the criminology field against criminal groups consisted of people who have committed criminal acts. The unit participates in the work of the National Commission for Fight against Human Trafficking and Illegal Migration. It had fully implemented the National Strategy and the National Action Plan for the period of 2006–2008.

90. The Ministry of Internal Affairs has established a Specialised Unit for Fight against Human Trafficking and Illegal Migration within the Organised Crime Unit as a central unit for conducting inquiries and prosecution of offenders who have committed criminal acts of human trafficking and trafficking in minors. This unit cooperates with the sectors for interior on regional level and the police stations on local level towards detecting and prosecuting the offenders who have committed criminal acts of human trafficking.

91. In the systematization act, the Ministry of Interior has provided for and employed persons (police officers – inspectors for domestic violence, prevention, violent crimes, human trafficking etc.) who shall be responsible for detection, prevention, monitoring and elimination of all forms of violence against women in the Republic of Macedonia.

92. The Transit Centre for accommodation of women victims of human trafficking is also part of the Ministry of Interior.

93. As of January 2011, the Centre for victims of human trafficking began its work. Representatives of two non-governmental organisations: “Open Ports” and “Fortunate Childhood” are also involved in the work of the Center.

94. In 2006, the National Programme for Fight against Human Trafficking prepared a National Strategy and an Action Plan for fighting human trafficking and illegal migration for the period 2006–2008. The Subgroup prepared the first Action Plan for Fighting Child Trafficking for the period of 2006–2008 which was adopted by the Government of the Republic of Macedonia in March 2006.

95. In 2009, an external evaluation has been performed on the contents and form of the National Strategy and the Action Plan for Fight against Human Trafficking and Illegal Migration and the Action Plan for Fight against Child Trafficking. On the basis of the findings that a high percentage of the activities projected in it have been realized, a decision has been made to prepare a new one. In 2009, the Government of the Republic of Macedonia adopted the National Strategy for the Period of 2009–2012 and the Action Plan

prepared by a provisional working group of the National Commission for Fight against Human Trafficking and Illegal Migration constituted by representatives of competent national institutions and international organisations.

96. A “Rulebook on the Norms and Standards for Space, Equipment, Professional Staff and Resources Needed for Founding and Operating a Centre for Persons Victims of Human Trafficking” has been prepared (“Official Gazette of the Republic of Macedonia” No. 100/10 from 23.07.2010).

97. In 2007 the Ministry of Labour and Social Policy prepared a Programme for Re-socialisation and Reintegration of Children Victims of Human Trafficking. Based on this Programme, the social workers develop individual programmes for each child separately and in accordance with its individual needs and capabilities.

98. In the course of 2006 and 2007 the Ministry of Labour and Social Policy in cooperation with the OSCE Mission in the Republic of Macedonia and UNICEF’s office provided office furniture and technical equipment for 19 Social Work Centres, but also for the office of the Union of Organisations of Social Workers of the Republic of Macedonia working with victims of human trafficking, especially children.

99. It is also worth mentioning that the coordination between the institutions and the non-governmental organisations in the Republic of Macedonia has increased. The professional workers in Macedonia are part of continuous training sessions for detection and fight against human trafficking.

100. There are appropriate education programmes, campaigns and commercials channelled towards raising the awareness of all stakeholders, governmental and non-governmental institutions, economic, cultural, and political and other organizations, as well as the awareness of the citizens and the community as a whole regarding the seriousness and danger of human trafficking.

101. The Ministry of Labour and Social Policy continuously organises training sessions intended for strengthening the capacities of all relevant institutions included in the referral mechanism of victims of human trafficking. To this end, it has held many education courses intended for the social workers, the municipal organisations of the Red Cross, the labour inspection, the police, the regional centres of the border police, the journalists and the non-governmental organisations.

102. In order to strengthen the capacities of the state for providing appropriate detection, assistance and protection, a legal analysis has been conducted with recommendations for amending the laws closely related to human trafficking which was based on the international standards for human rights. The analysis covered all the victims of human trafficking who are citizens of the Republic of Macedonia, especially minors, regardless of their nationality, ethnic affiliation, age and sex with the goal of better functioning of the National Referral Mechanism of Victims of Human Trafficking. On the basis of this analysis the Government of the Republic of Macedonia reached a decision and required the competent ministries to amend the legal regulation and these amendments have been made in 2010.

103. In order to raise the public awareness about the risks and dangers of human trafficking, the Ministry of Labour and Social Policy through the office of NRM and with support of OSCE, in 2007 conducted a campaign under the slogan “It is simple...” The target group included young people, vulnerable people from urban and rural areas, as well as the citizens in general.

104. In order to deepen the cooperation with other NGOs, the coordinative office of NRM made an analysis regarding the conditions and capacities of the non-governmental organisations active in the field of fight against human trafficking in the course of 2007.

The analysis represents a basis for designing policies on cooperation with the civil sector, mutual acting and development of programmes for strengthening them as a very important tool in the development and exercise of human rights and liberties.

105. The National Referral Mechanism of Victims of Human Trafficking in the course of 2008 has conducted a telephone survey in order to study the awareness of the Macedonian citizens about the problem with human trafficking in the Republic of Macedonia. The survey was conducted using a standardised questionnaire and on a representative sample of 1022 respondents of the population of the Republic of Macedonia. Most of the respondents or 50.9% said that the children are a category at highest risk of trafficking and most of the times they are the victims of human trafficking. The next category at risk are the women between the age of 18 and 35 with 38.9% and the women above the age of 35 who most of the time are connected to forced labour, as well as the men. The public was informed about the results of the survey by the Minister of Labour and Social Policy through the media during a public debate.

106. In the course of 2007 Standard Operational Procedures for Treatment of Victims of Human Trafficking have been prepared and they have been adopted by the Government of the Republic of Macedonia. The Standard Operational Procedures (SOP) have been introduced with the goal of providing assistance and protection to all victims of human trafficking through a comprehensive approach based on the human rights of the victims and they include special measures which refer to children victims of domestic violence. Several seminars have been held in 2008 regarding the implementation of SOP which was attended by representatives of all governmental and non-governmental institutions in Macedonia that are included in the combat against human trafficking and the knowledge obtained from there should be put into practice.

107. The review of its contents began in August 2010 with the objective of harmonising the SOP with the amendments of the legal regulation. To this end, three regional meetings were held which were attended by representatives of all governmental and non-governmental institutions included in the implementation. At the end of 2010, the reviewed version of SOP was adopted by the Government of the Republic of Macedonia.

108. The Ministry of Labour and Social Policy, Office of the National Referral Mechanism of Victims of Human Trafficking, is part of the international project realised by ICMPD along with 11 countries from South-Eastern Europe for creating a unified National Data Base. The Office of NRM is a national database depository for victims of human trafficking. In 2006, the office of NRM received information from the SWCs about detected potential victims of human trafficking and an analysis has been made on the basis of these data.<sup>8</sup>

109. For the year of 2007 the office of NRM has registered 37 cases of trafficking in humans beings studied by the social workers.<sup>9</sup>

110. In 2007, 13 people were forwarded to the shelter for victims of human trafficking. An assessment of families was performed for 4 of the girls and the opportunities for them being returned to their families in the Republic of Macedonia have been determined. Four of the girls have obtained direct assistance and are included in the Programme for re-socialisation and reintegration which is financially supported by IOM. Seven children foreign citizens who were accommodated in the Transit Centre for Foreigners were appointed a temporary guardian who took care of their interests until their return to their home countries.

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<sup>8</sup> Appendix on human trafficking: table 1–7.

<sup>9</sup> Appendix on human trafficking: table 8–9.

111. In the period of 2006–2010, the Ministry of Labour and Social Policy implemented projects with the objective of preventing human trafficking and illegal migration among the Roma population through strengthening the working skills. From the beginning of 2006 until the middle of 2010 a total of 227 people attended and successfully finished training sessions for professions which are in demand on the market. More than half of the total of 227 representatives of the Roma population who were included in the programme were women. The activities were supported by the Government of Norway.

112. In the course of 2009–2010, IOM working in close liaison with the Ministry of Interior, the Ministry of Justice and the Ministry of Labour and Social Policy has organised training sessions which were attended by more than 500 representatives of relevant institutions and covered topics related to human trafficking and illegal migration. The objective of the training sessions was to strengthen the capacities of the relevant institutions for early detection of victims of human trafficking in accordance with the latest trends of this phenomenon, as well as promotion of inter-cooperation in the provision of assistance for the victims. These activities were supported by the European Union.

113. In the course of 2008, 11 minor Macedonian nationals and 3 minor foreign nationals were registered as victims of human trafficking. The age limit is between 8 and 17. All minors were appointed a temporary guardian. The legal advisor at the Office of the National Referral Mechanism in the course of 2008 was appointed as a special guardian and in the Court of First Instance Skopje 1- Skopje represented 9 minors who were victims of human trafficking. The court proceedings in the Court of First Instance Skopje 1 have terminated. The sentences for the accused are between 4 and 7 years of imprisonment. Decisions were also made for compensation claims. The accused are required to pay the compensation and to compensate for intangible damage in the amount between 200,000.00 and 500,000.00 denars.

114. In 2009 the Office of NRM and the competent social work centres acted in providing assistance and support to 8 persons, of which 6 were minor and were forwarded to the shelter for victims of human trafficking. Also, during 2009, the social work centres appointed a temporary guardian to 4 minor foreign nationals who were accommodated in the Transit Centre for Foreigners. In 2009, the legal advisor has worked with 2 minor victims for whom court proceedings are underway.

115. In 2010 the Office of NRM and the competent social work centres acted in providing assistance and support to 14 persons:

(a) 5 minors are identified as victims of human trafficking and court proceedings are underway in accordance with Article 418 d from the CC of the Republic of Macedonia; and

(b) 9 persons are assumed victims of human trafficking.

116. Court proceedings are underway in which the legal representative of NRM represents the interests of the underage persons.<sup>10</sup>

117. In order to follow the implementation of the penal policy by the courts in the Republic of Macedonia, the Ministry of Justice prepared information about the legal aspects and practical experience in the prosecution of the perpetrators of the criminal acts of human trafficking and migrant smuggling for the period of 2005–2008, that is, analysis of verdicts reached, types of verdicts and sentence passed for the criminal acts of human trafficking and migrant smuggling. In the process of performing this activity, the courts of first and second instance were covered, as well as the data from State Statistical Office on the

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<sup>10</sup> Appendix on human trafficking: table of identified victims of human trafficking.

number of persons reported for, accused and convicted of criminal acts of human trafficking and illegal migration and the data from the courts of first and second instance were sublimed in order to have an insight in the overall number of cases connected to this type of criminal acts related to the period between 2005 and 2008.

118. According to the analysis above, the statistics regarding the criminal acts of which the accused have been convicted is the following:

- (a) 69 cases or 78% of the cases were related to migrant smuggling;
- (b) 10 cases or 11% of the cases were related to human trafficking;
- (c) 6 cases or 7% of the cases were related to trafficking in minors;
- (d) 4% of the cases were related to organising a group with the purpose of human trafficking or migrant smuggling.

119. In terms of the origin of the accused we can indicate that 88% of them are citizens of the Republic of Macedonia and 12% are foreign nationals. Regarding the fact whether they have been previously convicted or not, we can indicate that 63% of the accused have not been previously convicted, while 37% have been previously convicted. In terms of the persons against which procedures have been initiated, the analysis of the convictions shows that 100% of the procedures have been initiated against a physical entity. Regarding the verdicts that were reached, 7 of them or 83% are verdicts of conviction, 11 of them or 11% were verdicts of release and 6 of them or 6% were verdicts of abandonment.

120. Regarding the duration of the pronounced sentences, we have the following situation:

- (a) 46 of the sentences or 30% are imprisonment sentences of up to 1 year duration;
- (b) 27 of the sentences or 18% are imprisonment sentences of up to 2 years duration;
- (c) 19 of the sentences or 13% are imprisonment sentences of up to 4 years duration;
- (d) 14 of the sentences or 9% are imprisonment sentences of up to 5 years duration;
- (e) 11 of the sentences or 7% are imprisonment sentences of up to 6 years duration;
- (f) 10 of the sentences or 7% are converted to suspended sentence;
- (g) 8 of the sentences or 5% are imprisonment sentences of up to 8 years of duration;
- (h) 7 of the sentences or 5% are imprisonment sentences of up to 3 years of duration;
- (i) 5 of the sentences or 3% are imprisonment sentences of more than 8 years of duration.

121. We should also mention that 13 out of the 20 accused foreign nationals or more precisely 39% of them were sentenced with expulsion. In 39 of the 87 cases or more precisely in 39% of the cases the offenders were sentenced with seizure of goods. Regarding the age structure of the victims, that is, the migrants, the statistics are the following:

- (a) 28 of the victims/migrants or 7% were underage persons;

- (b) 393 of the victims/migrants or 93% were persons of age.

### III. Articles 7–9

#### Article 7

##### Political and public life

122. Bearing in mind the fact that the amendments to the Law on Election of Members of Parliament<sup>11</sup> providing for the extended list of candidates to include at least 30% of each sex did not meet the demands for participation of the women in the legislative power, in 2006, amendments have been made to the Law on Election of Members of Parliament (Article 64) providing for the submitted list of candidates for members of parliament and members of the Council of the municipality and of the City of Skopje to have a ratio one in three for the sex that has a lower representation.

123. In accordance with these amendments and in context with the Recommendation 26 of the Committee, the participation of women in the political life in the Republic of Macedonia is characterised by positive trend which can be witnessed through the result of the parliamentary elections in 2006 when 35 women were elected for members of parliament, of which 7 were from Albanian nationality. On the extraordinary parliamentary elections held in 2008, 37 women were elected members of parliament, of which 7 were from Albanian nationality. Of total 20 parliamentary commissions, only 3 are presided over by women. There are 5 women appointed as deputies of the presidents of the parliamentary commissions.

124. There are 2 ministries headed by a woman, three women have been appointed Deputy Minister and 7 women have been appointed State Secretary within the Government of the Republic of Macedonia.

125. For the first time a woman appeared as a presidential candidate during the presidential elections in 2009 and she was from Albanian nationality.

126. On the last local elections held in 2009 no woman was elected a mayor, while the number of female members of the municipal councils amounts to 377 out of the 1387 council members in the local self-government units.

127. The Law on Election of Members of Parliament provides for fair and gender-based representation in the electoral bodies whereupon in the communities where at least 20% of the citizens who live are representatives of other ethnic groups, the principle of fair and equal representation of all ethnic groups is reflected. Also, within the composition of the electoral body, each of the sexes is represented with at least 30%.

128. For the purposes of conducting the electoral process, the State Election Commission elects 510 persons to be part of the municipal election commissions. 230 of them are female representatives or 45.28%.

129. The municipal election commissions elect a total of 17,856 persons to be included in the electoral boards. The records contain data on 16,142 elected persons or 90.4% of the total number. 8,906 of them are female, or 49.87%, while 7,236 of them are male, or 40.53%. 914,663 women and 915,287 men were enlisted in the electoral register by 31 December 2010.

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<sup>11</sup> “Official Gazette of the Republic of Macedonia” No. 42/2002 and 46/2004.

130. The judiciary in the Republic of Macedonia in the period between 2006 and 2010 is characterised by a positive trend when it comes to the equal participation of the elected female judges and the elected male judges, which corresponds to the Recommendation 26 of the Committee. During the same period, more than half of the elected judges are women:

- (a) In 2006 – 55.6%;
- (b) In 2007 – 54.5%;
- (c) In 2008 – 53.6%;
- (d) In 2009 – 54.8%;
- (e) In 2010 – 57.2%.<sup>12</sup>

131. The statistical indicators regarding the representation of female judges elected in the courts of first instance in the Republic of Macedonia show that it is more than 50 percent:

- (a) In 2006 – 57.5%;
- (b) In 2007 – 57%;
- (c) In 2008 – 55.5%;
- (d) In 2009 – 57%; and
- (e) In 2010 – 59.5%.<sup>13</sup>

132. The courts of appeal in the Republic of Macedonia are characterised by a positive trend when it comes to the representation of the elected female judges. In 2010, 50.5% of the elected judges were female, in 2006 this percentage amounted to 50, in 2007 to 44, in 2008 to 45 and in 2009 it amounted to 44.7. At the same time, president of the Court of Appeal in Bitola is a woman.<sup>14</sup>

133. The situation in the Supreme Court of the Republic of Macedonia is different compared to the courts of first instance and courts of appeal of the Republic of Macedonia where the representation of the male judges elected is higher than the representation of the female judges elected:

- (a) In 2006 – 68%;
- (b) In 2007 – 68.4%;
- (c) In 2008 – 70%;
- (d) In 2009 – 68.2%; and
- (e) In 2010 – 71%.<sup>15</sup>

134. The Administrative Court of the Republic of Macedonia is a new institution and was established in accordance with the Law on Courts (“Official Gazette of the republic of Macedonia” No. 58/06). It began operating in 2007 with the takeover of the unsettled cases from the administrative field from the Supreme Court of the Republic of Macedonia. The female judges elected in the Administrative Court of the Republic of Macedonia are predominant in relation to the male judges elected:

- (a) In 2007 – 61%;

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<sup>12</sup> Appendix on justice: Table number 1.

<sup>13</sup> Appendix on justice: Table number 2.

<sup>14</sup> Appendix on justice: Table number 3.

<sup>15</sup> Appendix on justice: Table number 4.

- (b) In 2008 – 63.4%;
- (c) In 2009 – 67%; and
- (d) In 2010 – 67%.<sup>16</sup>

135. Regarding the representation of female judges elected in the period between 2006 and 2010 we can notice a significant growth in the participation of women with 55%.

136. Paragraph 3 of Article 3 of the Law on Courts adopted in 2006, determining the objectives and functions of the judiciary affirms the gender equality: “provision of egalitarianism, equality and non-discrimination on any basis”.

137. The representation of female public prosecutors elected in the basic and supreme prosecutors’ offices and the Public Prosecutor’s Office of the Republic of Macedonia is as follows:

- (a) In the basic prosecutors’ offices:
  - (i) In 2006 – 44%;
  - (ii) In 2008 – 45%;
  - (iii) In 2009 – 45.5%; and
  - (iv) In 2010 – 46%.<sup>17</sup>
- (b) In the supreme prosecutors’ offices:
  - (i) In 2006 – 54%;
  - (ii) In 2008 – 48%; and
  - (iii) 2009 and 2010 an equal representation of women and men can be noted down;<sup>18</sup>
- (c) In the Public Prosecutor’s Office:
  - (i) In 2006 – 28%;
  - (ii) In 2008 – 30%; and in
  - (iii) 2009 and 2010 – 31%.<sup>19</sup>

138. Compared to the first reporting period, we can note a significant growth in the participation of female public prosecutors elected in the basic and supreme prosecutor’s offices and the Public Prosecutor’s Office of the Republic of Macedonia in the reporting period between 2006 and 2010:

- (a) In the basic public prosecutors’ offices the female public prosecutors elected – 16.5%, and in the period between 2006 and 2010 – 45%;
- (b) In the supreme public prosecutors’ offices the female public prosecutors elected – 66.6%, and in the period between 2006 and 2010 – 50.4%;
- (c) Compared to the first reporting period, we can note a significant growth in the participation of female public prosecutors elected in the Public Prosecutor’s Office of the Republic of Macedonia and that growth amounts to 30%.

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<sup>16</sup> Appendix on justice: Table number 5.

<sup>17</sup> Appendix on justice: Table number 6.

<sup>18</sup> Appendix on justice: Table number 7.

<sup>19</sup> Appendix on justice: Table number 8.

139. A positive trend is also evident regarding the representation of women in the notary profession where out of the 172 appointed notaries public, 98 or 57% are women, while 74 or 43% are men.

140. Furthermore, with the adoption of the Law on Mediation (“Official Gazette of the Republic of Macedonia” No. 60/06, 22/07, 114/09, 138/09) of total 131 appointed mediators, 59 or 45% are men, while 72 or 55% are women. At the same time, of total 78 appointed bailiffs, 45 or 58% are men, while 33 or 42% are women.

141. In accordance with Recommendation No. 12 of the Committee, the Ministry of Justice in cooperation with the Ministry of Labour and Social Policy in 2008 held a training session intended for lawyers and judges regarding the Convention and the Optional Protocol to the Convention. This activity was realised within the framework of the Operational Plan for 2008 for implementation of the National Action Plan for Gender Equality 2007–2012. The trainings were attended by judges and public prosecutors, the personnel of the Ombudsman, as well as the personnel of the four Courts of Appeal in the Republic of Macedonia: Bitola, Shtip, Gostivar and Skopje. The trainings were held in November 2009.

142. In January 2007 the Government of the Republic of Macedonia adopted a Strategy for Cooperation between the Government and the Civil Sector. The main objective of the Strategy was to promote the cooperation of the Government and the line ministries with the civil sector. The legal regulations determine the possibilities for associations of citizens and foundations to receive state funds.

143. Each year the Government allocates budget funds in accordance with the Decision on the Criteria and Procedures for Allocation of Financial Means from the Budget of the Republic of Macedonia to Associations of Citizens and Foundations (“Official Gazette of the Republic of Macedonia” No. 60/2000). Also, the funds are allocated through the budgets of the ministries and other institutions of the Government.

144. The Government of the Republic of Macedonia is in permanent and continuous cooperation with the civil sector. Its participation gives a significant contribution to the preparations of strategic documents. Also, it participates in the implementation through concrete activities in cooperation with the state institutions.

## **Article 8**

### **International participation**

145. On 31 March 2006 the Parliament of the Republic of Macedonia adopted the Law on Foreign Affairs where in Article 36 Terms and Conditions and Procedure for Appointing an Ambassador it is stated: “When appointing an ambassador, the principle of fair and equal representation of the citizens belonging to all ethnic groups and the principle of equal opportunities of the sexes shall be observed.”

146. In the course of the reporting period, a Decree was adopted on the manner and procedure for determining salary, extras and allowances for certain costs at the diplomatic and consular missions. Article 10 of the aforementioned decree regulates the allowances for a female diplomat on maternity leave in the country of reception which were previously not determined and regulated in the legal acts and by-laws of the Ministry of Foreign Affairs with the positive legal regulations.

147. The statistical profile of the employees at the headquarters of the MFA and the diplomatic and consular missions abroad given by sexual representation for the reporting period is as follows:

- (a) In 2006, from a total staff of 364 in the MFA and the diplomatic and consular missions abroad – 139 are women, or 39% of total staff (89 in MFA, and 49 in DCM);
- (b) In 2007, from a total staff of 373 in the MFA and DCM, 156 are women, or 41% of total employees (106 in MFA and 50 in DCM);
- (c) In 2008, from a total staff of 423 MFA and DCM – 162 are females (105 in MFA and 57 in DCM);
- (d) In 2009, from a total staff of 437 MFA and DCM – 180 are women, or 41% of total employees (124 in MFA and 56 in DCM);
- (e) A standing upward trend of working women in the Ministry of Foreign Affairs and in DCM is also present in the period 01–12 in 2010.

## **Article 9**

### **Citizenship**

148. Citizenship of the Republic of Macedonia is regulated by the Law on Citizenship (“Official Gazette of the Republic of Macedonia” No. 45/04 from 7.7.2004), which stipulates that citizenship is a legal relationship between the persons and the state and does not indicate the ethnic origin. Citizenship of the Republic of Macedonia shall be gained by: descent, birth on the territory of the Republic of Macedonia, naturalisation and international agreements.

149. The requirements for obtaining citizenship of the Republic of Macedonia are: the applicant shall be at least 18 years of age, has been constantly living on the territory of the Republic of Macedonia for at least 8 years, has ensured a place of residence and a steady source of income in the Republic of Macedonia and has not been penalised with a prison sentence of at least one year in the country of original citizenship or no criminal proceedings are being waged against him/her and has not been penalised with prohibitions of residence in the Republic of Macedonia.

150. Citizenship of the Republic of Macedonia by naturalisation may be obtained by a person without citizenship or a person with a recognised refugee status, if from the time of establishing non-citizenship, i.e. the recognition of refugee status, to the time of submitting the application for obtaining citizenship, the person has lived legally and constantly on the territory of the Republic of Macedonia at least six years and meets the conditions for gaining citizenship of the Republic of Macedonia (Article 8).

151. Persons, who have emigrated from the Republic of Macedonia to another country, as well as their first generation offspring, can obtain citizenship of the Republic of Macedonia without meeting the requirements stipulated by the Law, regardless of their sex, race, colour of skin, nationality and social origin, political and religious affiliation, property and social standing.

152. A foreign citizen who has been married with a citizen of the Republic of Macedonia for at least three years and has been living on the territory of the Republic of Macedonia for at least one year before lodging the application is eligible to obtain citizenship of the Republic of Macedonia. Furthermore, a foreigner who has been in a marriage relationship with a citizen of the Republic of Macedonia for at least eight years, who legally and constantly lives abroad and has a tight bond with the Republic of Macedonia, shall be eligible to obtain citizenship of the Republic of Macedonia, regardless of whether such person fulfils the conditions stipulated in the provisions of the Law on Citizenship.

153. The gender responsive approach has been introduced in the process of obtaining exile in the Republic of Macedonia from the phase of application to the adoption of the

decision for recognition of the right for exile, thereby respecting Recommendation 30 of the Committee. The Law on Exile and Temporary Protection (“Official Gazette of the Republic of Macedonia” No. 19/09 and No. 146/09) stipulates pregnant women and single parents as a vulnerable category. Furthermore, the gender specific forms of persecution need to be taken into account in assessing the application for the recognition of the right to exile.

154. According to the statistics of the Exile Unit in the Republic Macedonia there are 23 people with a recognised refugee status, consisting of:

- (a) 1 person – Albania;
- (b) 1 person – Palestine;
- (c) 21 persons – Kosovo.

155. 938 people have a recognised status of persons with subsidiary protection. They consist of Roma, Ashkali and Egyptians, all of whom are from Kosovo.

156. In regards to persons without citizenship, no decision has been adopted heretofore for verification of statelessness status.

## IV. Articles 10–14

### Article 10 Education

157. In the area of education, the last several years have seen a series of reform processes which allowed for the advancement of the education process, and with it the opportunity for easier access and retention in the educational process of all students regardless of gender, ethnic, social and other belonging. Increasing the share of education, from 3.6% to 5% of the GDP, much has been invested in education, thereby also improving the conditions and opportunities for better access of female students.

158. The Framework for a Nine-Year Primary Education was introduced in the school year of 2007/2008. The Framework of Nine-Year Primary Education establishes the principles on which the primary education curricula are based. In addition to the democracy principle, the Framework also stipulates the non-discrimination principle which states that the “School shall take all required measures to ensure protection of the child (pupil) from all forms of discrimination during his/her stay at the school and the performance of all activities in the educational process. The school shall promote and enable the realisation of the rights of every student and the enjoyment of the fruits of the educational process without any discrimination based on race, colour of skin, sex, language, religious affiliation, national, ethnic or social background, economical status, disability or any other status of the child or his/her parent or legal guardian”.

159. Furthermore, the Framework specifies that the objective of primary education is to enable: “education on the respect of human rights, gender equality and the basic freedoms and on living in a democratic society, provided by methods that support these values”.

160. Curricula were prepared in accordance with the Framework and the existing legal regulations, which are now being realised in the first, second, third and the fourth grade. Therefore, the curricula for subject Introduction to the Environment, one of the development objectives is for the “Pupil to encourage humane inter-gender relations,” whereas one of the specific goals is: The pupil should be encouraged to respect the differences (gender, outer appearance...)” and so on. The goals of the curricula are being realised via various activities by the pupils, by using various teaching resources.

161. The Life Skills programme, which is carried out from the first to the ninth grade (within the general education class from grade two to nine and integrated in the classes for other subjects), on the topic: “Myself and others: Social Relations” specifies the goals in regards to respecting others. With the assistance of workshops with pupil participation, directly and in mutual communication, the students gain knowledge, adopt stances and develop skills on gender equality, differences and respect of differences.

162. The Sector for Equal Opportunities of the Ministry of Labour and Social Policy, in partnership with the Ministry of Education and Science, is implementing the Gender Responsive Education project. During 2008, 15 two-day training sessions for the teaching staff in primary schools in the Republic of Macedonia were provided under the auspices of this Project. The goal of these activities is gaining skills and knowledge for the primary education teaching staff on the basic concept of gender development and incorporation of the gender concept in the curricula and plans and eliminating prejudice and stereotypes that are present in the educational process.

163. Among other things, the 2010 Work Programme of the Education Development Bureau includes plans for the innovation of the Methodology for Evaluation of Text Books, which also addresses the issue of gender equality, avoiding stereotypes and prejudices, etc. Its adoption shall allow systematic and expert analysis of the text books and other aides and that shall contribute towards greater improvements in their quality.

164. Of the anticipated NAPGE, the Sector for Professional Development of Educational Staff and Expert Advisory Work, the Unit for Preparation of Programmes and Criteria for Professional Development of the Educational Staff, accepted the offered training entitled Gender Relations — Development of Women’s Human Rights, by the Association for Elimination, Solidarity and Equality of Women of the Republic of Macedonia — ESE and it was included in the Catalogue of Training Programmes for the teachers during their work and the training and service providers in 2007. The above was offered for choice to schools. However, in 2007 not a single school from the III to VI grade cycle opted for the above specified topic which was included in the database for choosing training sessions for the teachers.

165. Mandatory secondary education was introduced in the school year of 2008/2009. All pupils of primary, i.e. mandatory secondary education were provided with free transport in cases where they need to travel to school for 2 km and 2.5 km or more respectively from their homes, and wherever there is no organised transport, the pupils were provided with accommodation and a boarding school and free text books. Financial support is provided for secondary school students whose parents are beneficiaries of social welfare through the Conditional Cash Transfer Project which is conditional on regular attendance of classes.

166. With a view to implementing effective measures in the area of education in relation to the Roma people and within the context of the Recommendation 28 of the Committee, for the school year of 2005/06, the Roma Education Fund based in Budapest, Hungary, approved and fully financed a scholarship and mentorship project for secondary school Roma students in the Republic of Macedonia. This project was applied for by the Foundation Open Society Institute – Macedonia in partnership with the Directorate for the Development and Enhancement of the Education of Ethnic Minority Language Groups, and was implemented by the Foundation Open Society Institute – Macedonia.

167. This project encompassed a total of 657 Roma secondary school students from year one to year four. In addition to receiving financial assistance – scholarship, the Roma students also had a mentor (one of the teachers at the school).

168. Pursuant to the National Strategy for Roma and the Education Action Plan, in the school year of 2008/09 the Ministry of Education and Science granted 650 scholarships to Roma students (of whom 305 were girls), who were enrolled in first year of secondary

school. This constituted an incentive and encouragement of the Roma students to continue their education in order to successfully complete it.

169. Taking into consideration the positive experiences of such programmes, in the school year of 2009/10, the Ministry of Education and Science, together with the Roma Education Fund, launched the Scholarship and Mentorship Project for 800 Roma students and tutorship for all 1606 Roma secondary school students enrolled in secondary education – a measure for additional assistance directed at making all students achieve better results. 455 scholarships were granted (of which 258 were for girls), students attending secondary school education and their grade point average is good (3.00).

170. All of these measures have a stimulating effect, hence we have an improvement in the inclusion of both male and female students from the Roma community.<sup>20</sup>

171. The past several years have seen growth in the number of enrolled female pupils from other ethnic communities too.

<i>School year</i>	<i>Albanian</i>	<i>Turkish</i>	<i>Bosnian</i>
2006/2007	9 791	1 072	283
2007/2008	10 731	1 172	317
2008/2009	11 380	1 220	333

172. With regards to Recommendation 20 of the Committee related to taking measures for raising awareness and having an educational campaign aimed at facilitating access to male and female students from rural areas, the Republic of Macedonia has opened secondary schools or dispersed classes in rural areas. Such examples include the establishment of a secondary school in the Municipality of Lipkovo, the Municipality of Centar Zhupa, the dispersed classes in the Municipality of Mavrovo and Rostushe, the Municipality of Vrapchishte and others.

173. With a view to raising public awareness to increase coverage and reduce the dropout rates from the educational process of girls from ethnic communities and rural areas, a number of campaigns and other activities were implemented, such as:

(a) A media campaign for mandatory secondary education was implemented;

(b) “The Key is in Your Hands” campaign, under the auspices of the Roma Education Fund was implemented by the NGO, National Roma Centre in co-operation with the Directorate for the Development and Enhancement of the Education of Ethnic Minority Language Groups and the Department for the Promotion of Primary and Secondary Education. The campaign started in 2006 and is still ongoing. The objectives of the campaign are to motivate Roma parents to engage their children in the educational process, as well as to reduce dropout rates. A manual for prevention of and protection from discrimination in the educational process was developed within the framework of the campaign;

(c) The NGO’s organised panel discussions on the impact of the infrastructure on the time of women in rural areas, on how to increase enrolment rates of girls in secondary education from the publication “Towards a Gender Responsive Macedonia” (CRPM).

<sup>20</sup> Appendix on Education: 1, 2, 3.

174. The trend of increased inclusiveness of students in higher education is similar to that of secondary education. The existence of a large number of higher educational institutions, both state and private, in the 2008/2009 academic year, encompassing a total of 94 faculties, enabled easier access and option for a larger range of choice. The opening of 46 dispersed study programmes in 15 cities: Skopje, Bitola, Shtip, Tetovo, Kavadarci, Debar, Veles, Struga, Kriva Palanka, Kichevo, Prilep, Gevgelija, Sveti Nikole, Berovo and Probishtip, allowed for the reduction of studying expenses and the increase of the inclusion of female students in higher educational institutions. With a view to raise awareness about the need for secondary education, a campaign was organised for enrolment in higher education.<sup>21</sup>

175. In relation to promoting the gender concept in 2008, undergraduate studies were introduced at the Faculty of Philosophy at the University of “Ss. Cyril and Methodius” Skopje.

176. The last several years have also seen an emphasis on education of adults. The Centre for Education of Adults (2008) started with work, and the following are among the realised activities:

(a) Programme for Completion of Secondary Vocational Education for Adults in the Municipality of Arachinovo covering 28 women from the Albanian ethnic community;

(b) Training for obtaining specific knowledge of English in the hospitality sector, including 31 women.

177. The Lifelong Learning Project, with the aim of raising awareness about education of adults and gaining certain skills, covered 9 municipalities: Shuto Orizari, Chair, Lipkovo, Shtip, Konche, Radovish, Chashka, Bitola and Zajas. Over 60% of the attendees of these workshops were women from all ethnic communities.

178. Starting in 2010, a programme was introduced for simpler enrolment of adults in higher educational institutions, thereby enabling women to enrol at an age of 35 years or older, while men at the age of 45 years or older. The tuition fee at the faculties is EUR 200.

179. The realisation of the mega Conditional Cash Transfer Project started at the beginning of November 2010, with the assistance of a World Bank credit to the amount of 25 million denars. All the beneficiaries of social support who have children enrolled in secondary school are eligible for the right to a monthly compensation. The potential beneficiary children need to have completed primary education, usually at 14 years of age and they cannot be older than 17 years of age on the date of enrolment, i.e. in case of a child with a disability to not be older than 25 years of age. The Programme is expected to span until 2014.

180. The Ministry of Information Society and Administration has existed as a body of the state administration from August 2008 and its objectives are to introduce and promote information-communication technology in all sphere of life, to raise awareness and education about the meaning of the development of the information society, as well as to strengthen the educational process and raise computer literacy of students of primary and secondary schools on the whole territory, especially via the specific project “Computer for Every Student”.

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<sup>21</sup> Appendix on Education: Overview of enrolled students by gender and ethnic background in the 2007/2008 and 2008/2009 school years.

181. During 2007, 15 free-of-charge Internet clubs were opened within the project “The World in your Palm – Free Internet Clubs” throughout the whole territory of the Republic of Macedonia.

182. During 2010, the Ministry of Information Society and Administration also started the realisation of the project “Wi-Fi Hotspots” in the rural areas with which it endeavours to provide free internet access to all of the citizens of the Republic of Macedonia, thereby further contributing to the reduction of the information gap.

183. “Computer for Every Child” Project – Computer equipment for every child in the primary and the secondary schools was anticipated and provided by this Project. This also includes schools in rural areas and areas where ethnic minorities live. During the school year of 2007/2008, 98,710 computer work-stations were distributed. This quantity of computers satisfied the needs of all of the secondary school and 45% of the needs of the central primary schools. In 2010, 65,000 more computer workstations were distributed thereby completing the need for all primary schools for 4th to 8th grade pupils. A total of 163,710 computer workstations were placed in secondary and primary education from grade 4 in primary to year 4 in secondary education. Furthermore, additional 53,000 laptop computers by the manufacturer Intel were distributed for 1st to 3rd grade pupils. These laptops featured hardware and software adjustments for the educational needs of the pupils of such an age. The teachers at all primary and secondary schools were provided with a total of 22,000 teaching laptops. The full implementation of this project shall contribute towards raising the awareness of the education level, while on the other hand it shall assist in the reduction of the school dropout rate by girls of the Roma and Albanian community who live in the rural region and their reintegration in the educational process. The planning and implementation of the activities within the project is performed in co-ordination with the Ministry of Education and Science and other relevant institutions.

184. The Ministry of Information Society and Administration opened 22 free internet clubs heretofore in the larger cities in the Republic of Macedonia, within the activities of the project “The World in your Palm” – Opening of Free Internet Clubs. These clubs are intended for the use of the Internet free-of-charge by all the citizens regardless of their sex, age, national or ethnic affiliation. With a view to determining the dynamics and structure of the Internet users in the free internet clubs, the Ministry of Information Society and Administration, via its employees in the Internet clubs throughout the territory of the Republic of Macedonia, keeps daily records, classified by sex, about the attendances of the clubs and the use rate of the information technologies by the citizens. A detailed analysis is planned in the future on the basis of the obtained data, and the outcome may be used as a basis for the promotion of activities that shall encourage and strengthen the existing capacity of the internet clubs, as well as to promote a higher rate of application of information technologies by the female population in rural areas.<sup>22</sup>

185. When the Ministry of Information Society and Administration adopts strategies for the development of the Information Society in the Republic of Macedonia, it has come to the conclusion that these strategies should not be concentrated in better developed areas, in the cities and the surroundings, but also at regions, where the development of the information society is not flowing according to the desired pace, due perhaps to the geographic location and other reasons. The project for establishment of internet kiosks in rural settlements was conceived with a view to contribute to the development process of information society. These kiosks shall enable the citizens of rural areas to have easy and fast access to modern information technologies and internet resources. The project envisages the instalment of 680 internet kiosks grouped in 13 regions, depending on the

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<sup>22</sup> Appendix on Information Technology: Gender divided data on attendance at internet clubs.

population density and structure of the regions. Until now, approximately 400 internet kiosks have been installed, whereas the full implementation of the project is expected by the end of the year.

## **Article 11**

### **Employment**

186. Pursuant to the Constitution of the Republic of Macedonia (Article 32, paragraph 1) every person has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment. Every job is open to all the citizens under equal conditions without any type of discrimination, including gender based discrimination.

187. According to the labour legislation of the Republic of Macedonia, both men and women must be provided with equal opportunities and equal treatment in employment, promotion on the job, development, education, requalification, salaries, awards, leaves from work, conditions of work, working time and cancellation of the employment track. The realisation of the right to employment relations has been further promoted by the adoption of the Law on Mandatory Social Insurance Contribution, which in addition to the realisation of the right to health insurance, the right to pension and disability insurance is constantly being exercised by regular payment of the contributions. Before adopting this Law, only the right to salary contributions for health insurances was regularly exercised.

188. Measures relating to special protection and assistance to a certain category of workers shall not be considered discrimination, nor should they constitute a basis of discrimination, as envisaged by the Labour Relations Law, Collective Agreements and the employment contracts for those relating to the protection of disabled people, older workers, pregnant women and women who use any maternity protection rights, as well as the provisions relating to the special rights of parents, adopting parents and guardians.

189. Gender equality shall be observed in the publication of vacancy announcements. An employer cannot publish a vacancy announcement solely for men or solely for women, except if the specific gender is a necessary condition for carrying out the work. Furthermore, the employer shall not condition the signing of the employment contract with data not directly related to the employment relations. When concluding an employment contract, the candidate is not obliged to provide evidence of good health, except if the employer, at his own expenses, sends the candidate for a health check ("Official Gazette of the Republic of Macedonia", No. 16 from 05.02.2010)

190. The ESARM participated in significant projects, including the CARDS project – Employment Policy II, which resulted in the development of two significant documents: the National Employment Strategy 2006–2010 and the National Employment Action Plan 2006–2008 which were adopted by the Government of the Republic of Macedonia in December 2006. In order to realise these two documents, with a view to increase employment and stimulate self-employment, as well as for the successful implementation of the employment policies/measures also anticipated in the Employment Programme of the Government of the Republic of Macedonia 2006–2010, operational plans are being prepared on the active employment programmes and measures, which define the type of active employment measures, the target groups, the required funds and sources of the funds, as well as specific activities with established deadlines for the entities responsible for their realisation.

191. In 2006, the Employment Agency also participated in the realisation of the following projects aimed at stimulating employment:

- (a) The UNDP Project “Employment Mediation for Highly Educated Young Unemployed”– Phase 2;
- (b) The UNDP “Job Creation Programme” Project;
- (c) The UNDP Project “Partnership for Job Creation, Self-Employment”;
- (d) The Project “Roma Inclusion Decade (2005–2015)”.

192. During the reporting period, the Employment Agency carried out several types of activities towards the end of stimulating employment and increasing employability of unemployed persons, including:

(a) Realisation of the Programme for Employment Preparation (training, requalification or further development) – The Employment Agency provides training, requalification and further development as a regular activity for a well known employer, pursuant to the Law on Employment and Insurance in Case of Unemployment and the Rulebook on Training, Requalification and Further Development of unemployed and other persons;

(b) Provision of funds from the Special Fund for Employment and Work of Disabled Persons – the special conditions and incentives for employment of disabled persons are regulated in the Law on Employment and Work of Disabled Persons, whereas the conditions on the manner of granting funds from the Special Fund are prescribed by the Rulebook on Criteria and Manner of Granting Funds from the Special Fund for Provision of Conditions for Employment and Work of Disabled Persons. Pursuant to these acts, the funds from the Special Funds shall be granted according to the following grounds:

- (i) Employment of a disabled person for an indefinite period;
- (ii) Adaptation of place of work;
- (iii) Procurement and equipment; and
- (iv) Work training of disabled persons with a view to employing them;
- (c) Professional orientation;
- (d) Job clubs – Several activities are implemented within the auspices of the job clubs, including:
  - (i) Open Office;
  - (ii) Workshops, lectures, interviews;
  - (iii) Computer literacy training and foreign language classes;
  - (iv) Individual employment plans, etc.

193. In addition to the specified activities, which fall under the scope of the work of the Employment Agency, pursuant to the Law, the realisation of the activities for the implementation of the annual operating plans of the active programmes and employment measures that have started in 2007, where part of the programmes and measures are aimed at direct financial support to encourage employment, in the context of awarding grants to stimulate entrepreneurship among the unemployed, some are aimed at subsidising employment and part of the measures are aimed at strengthening the capacity and enhancing the skills of unemployed persons with a view to easier job employment.<sup>23</sup>

<sup>23</sup> <http://www.mtsp.gov.mk/WBStorage/Files/Rodova%20Analiza>.

194. A long term goal of the self-employment program is to reduce unemployment and poverty by starting new businesses (family business). The programme is being implemented through training of unemployed persons interested in learning about entrepreneurship, preparation of solid and sustainable business plans, assistance with registration and a subsidy to start a business. For every realised self-employment the programme anticipates support in the form of direct support for procurement of equipment and materials, then training for maintaining a business, a voucher system for developing a business plan and support the registration of businesses.

<i>Year</i>	<i>Registered companies</i>	<i>Men</i>	<i>Women</i>
2007	559	417 (74.6%)	142 (25.4%)
2008	529	326 (62%)	203 (38%)
2009	654	409 (63%)	245 (37%)
30.09.2010	679		

195. With a view to encourage female entrepreneurship, pursuant to Committee Recommendation 34, the following actions have been taken.

196. Article 2, Item 3 of the Programme for Development of Entrepreneurship, Innovation and Competitiveness of SME's in 2010 (Official Gazette no. 5/2010 and 74/2010), anticipates the activity – Co-Financing Projects of Business Support Centres for Small and Medium Enterprises (SMEs). One of the submitted and evaluated projects to be co-financed under this program activity by the MOE is the Project – Interactive Advanced Training for Existing Female Entrepreneurs Who Have Formed their Own Business in the Last Three Years, submitted by the Foundation for SME Development-Kumanovo.

197. Within the project – Building Capacity for Creating Knowledge-Based Economy, financed by the Austrian Development Cooperation, or the activity – Research of Women Entrepreneurs, a booklet was produced entitled “Women Entrepreneurs in the Republic of Macedonia” which was promoted during the event organised on the occasion of World Entrepreneur Day (16 April 2010).

198. The APERM (the Agency for the Promotion of Entrepreneurship in the Republic of Macedonia) anticipates a special programme activity – Organising Training for Female Entrepreneurship, within the Work Programme for 2011.

199. The following are realised project tasks for the support of women entrepreneurs in the Republic of Macedonia:

(a) Strengthening the Entrepreneurial Skills of Women in Business – realised by BAS Macedonia, 2009. In the period September to December 2009 six three-day workshops were held in the following six different cities: Bitola, Ohrid, Strumica, Kumanovo, Skopje and Tetovo. The total number of trained women in entrepreneurship with the so-called CEFE methodology is 151;

(b) Support and Development of Female Entrepreneurship in the Tetovo region, implemented by the Ministry for Economy in cooperation with ESA Tetovo, 2008. The aim of the project was a contribution to improve the efficiency of managing businesses by women entrepreneurs by organisation of training and consultancy for existing and new businesses.

200. The Programme for Formalisation of Started Businesses by unemployed persons and their legal involvement in the labour market is carried out in order to reduce the gray economy. The programme is being implemented by providing assistance with registration

of existing informal businesses by people who informally have experience in performing the activity and who need a subsidy for formalisation of the business.

<i>Year</i>	<i>Registered companies</i>	<i>Men</i>	<i>Women</i>
2008	113	78 (69%)	35 (31%)
2009	250	176 (70%)	74 (30%)
30.09.2010	249	188 (66%)	61 (24%)

201. The Operational Plan of the active programmes and measures for employment in 2010 were introduced for the first time and implemented in the Programme to Promote Entrepreneurship through Existing Business Incubators and training for particular occupations and skills that are scarce in the labour market. The Programme aims to encourage entrepreneurship and job creation in small and medium sized enterprises that are export oriented and create products based on information and communication technology. This allows for greater competitiveness on the labour market of persons covered by this program and creation of new jobs. Based on the results of the pilot survey for the need of new jobs implemented in 2009 in the City of Skopje training was conducted focused on occupations and industries for which there is a lack of skills (product design and 3D design). The training was completed and certificates were provided to 31 unemployed people. It is expected that persons who have successfully completed the training should significantly increase their employment opportunities.

202. Also, according to this operational plan, the Programme for Economic Strengthening of Women Victims of Domestic Violence was implemented in 5 pilot municipalities (Skopje, Tetovo, Kumanovo, Kavadarci and Bitola). The objective of the Programme was to provide financial support to women victims of domestic violence for the subsidising, self-employment and training of certain occupations which are scarce in the labour market. The Programme encompasses registered unemployed women victims of domestic violence recorded in the Social Work Centre with the status of female victims of domestic violence as beneficiaries of social services, determined by findings and opinions of the professional team within the SWC. Until 30.09.2010, eight persons were employed with the assistance of this subsidy measure, while 20 female candidates registered their own businesses with the assistance of the self-employment measure, of which 6 in the Artisan Chamber as artisans, while the remaining 14 registered in the Central Register of the Republic of Macedonia as DOOEL or TP. Despite all efforts made to animate the women victims of domestic violence, the interest shown in the Measure of Vocational Training and Skills that are Scarce in the Labour Market is unsatisfactory and therefore the implementation of this measure shall continue in 2011 throughout the country.

203. The results of the implementation of the annual operational plans of active programmes and measures of employment also show participation of women.<sup>24</sup>

204. The realisation of the programmes for preparation for employment and participation of women in their implementation is as follows:

(a) In 2006, 3216 persons (including the number of people whose preparation began in 2005 and ended in 2006) were involved in employment preparation, whereas 2175 established employment relations. According to the activity of the employer for whose needs the preparations for employment were carried out, most of the people i.e. 2053 (64%)

<sup>24</sup> Appendix on Employment: Overview 1 and 2 on realized active policies and employment programmes.

were involved in the textile industry and 825 (26%) in the footwear industry. If one considers that the textile and footwear industries recruit a predominantly female workforce, it can be concluded that most of the included 3,216 people and the 2,175 persons employed in 2006 are women;

(b) In 2007, the total number was 3,866 persons, whereas 2,526 were employed for an indefinite period (including the number of people whose preparation began in 2006 and ended in 2007). According to the activity of the employers for whom the preparations were conducted, the largest number of people, i.e. 2,759 (71.37%) were included in the textile industry and 725 (18.75%) persons were included in the preparation for production of leather and leather products (most of them in the footwear industry). Accordingly, one can also conclude that in 2007, the majority of the included 3,866 persons and the 2,526 employed persons in 2007 were women;

(c) In 2008, of the total number of 2,543 persons, (including the number of people whose preparation began in 2007 and ended in 2008) 2,020 of them (79%) are women;

(d) In 2009, the number of people who started and finished the preparation in 2009 and those whose preparation began in 2009 and ended in 2010 is 244 of whom 187 (77%) are women;

(e) While as of 30 September 2010, the number of people who started and finished the preparation in this period and those whose training is in progress is 131 of whom 75 (57%) are women. Of the figures stated above, it can be concluded that a larger number of women, than men, took part in the training sessions for requalification or further development during all of the years of the reporting period.

205. The objective of the Measure – Internships as Support for First Employment is to reach young unemployed people under 27 years of age, for the purpose of acquiring certain knowledge and practical skills that shall enable them to be ready to join the labour market.

<i>Year</i>	<i>Participants</i>	<i>Women</i>
2008	141	86 (61%)
2009	120	60 (50%)
2010	150	89 (59%)

206. The aim of the activities in the job clubs in the employment centres is to encourage initiative and to strengthen the capacities of persons seeking employment for successful representation on the labour market, successful job search and employment. In addition to other regular activities, the job clubs in the employment centres, also organise and conduct short-term training courses for unemployed persons, including computer literacy training and foreign language classes.

207. Within the scope of the regular activities of the Employment Agency of the Republic of Macedonia, activities are being realised for the professional orientation, wherefore the employment centres provide the following services and assistance in the choice of occupation and employment:

(a) Information about the characteristics of the occupations, opportunities for continuing education in secondary and higher education institutions, the needs of individual occupations and employment opportunities and more;

(b) Professional orientation – Counselling based on the survey of professional interests, general and specific abilities and other characteristics of the personality of the customers;

(c) Professional selection – Selection of candidates for training, requalification and further training and assistance to employers in the selection of candidates for new employments.<sup>25</sup>

208. In accordance with the Recommendation 34 of the Committee, in relation to women's access to loans, in 2008 the Government started implementing the Project of Self-Employment through Loans via the Employment Agency. Under this Project, loans are granted under very favourable terms to the interested unemployed persons to start their own business with a view to become self-employed and create new jobs.

209. In 2008, the Project Steering Committee deliberated upon 5,599 submitted loan applications of which 1,461 were from women or 26% of the total applications submitted in 2008. 3,493 of them were approved (898 or 26% were women).

210. In 2009, the Project Steering Committee deliberated upon 1,122 submitted loan applications of which 1,461 were from women or 31% of the total applications submitted in 2009. 884 of them were approved (280 or 32% were women).<sup>26</sup>

211. On 30.09.2010, the Employment Agency published a Public Announcement to interested unemployed persons who wish to resolve their employment status by this active measure. The completion of the call procedure shall be followed by activities related to ranking and approval ratings of the best business plans and disbursement of the approved loans.

212. Within the CARDS project – Employment Policy II, Component 2 – Technical Assistance for Institutional Development in Support of Employment Policy, one of the key contents of the project was the section – Analysis for the Needs of Skills. Training was provided for employees of the 30 Employment Centres and the employees of the central service of the Employment Agency. Starting in 2006, the Employment Agency each year conducts an analysis of the skills needs which contributes towards the increase of knowledge about the situation and the expected changes in the labour market, the needs for specific qualifications and profiles of occupations that employers have a shortage of, and the knowledge about the labour market is used when creating measures within the annual Operational Plans for Employment Programmes and Measures.

213. From the evidence we can conclude that although the participation of women in many of the programmes and measures is higher compared to men (training, requalification and additional training for a known employer, training in computers and knowledge of foreign languages in job clubs, professional orientation, the internship programme), in some programmes however, such as programmes for self-employment and formalisation of existing businesses, as well as the project for self-employment through loans, women account for less than 40% compared to men. With a view to increasing the participation of women in the labour market there is a need to continue specific measures aimed at the active target group of unemployed women.

214. Participation of women in the state administration and ethnic representation in the reporting period has seen a positive trend.<sup>27</sup>

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<sup>25</sup> Appendix on Employment: Overview of gender structure of participants in the job clubs and professional orientation in 2006, 2007, 2008, 2009.

<sup>26</sup> Appendix on Employment: Data about the gender structure on the Project Self-Employment through Loans.

<sup>27</sup> Appendix on Civil Servants Agency: Excerpt of the data from the Civil Servants Register.

215. The Law on Police<sup>28</sup> stipulates that: the employment process in the police respects the police of equal participation of the sexes. Of the total number of employees, 16.05% are female, with a tendency that the number shall constantly raise.

216. The percentage of representation of women in the personnel structure of the MOD and the ARM is the following:

(a) The percentage of employed women in the personnel structure of the Ministry of Defence is 34.4%;

(b) The share of participation of women in the staff structure of the Army of the Republic of Macedonia is 9.7%, of which: officers 8.1%, NCO's 11%, professional soldiers 2.6%, and administrative personnel 36.6%.

217. There are no formal barriers and restrictions for participation of women at all systematised posts in the MOD and the working duties determined by the act of formation of the ARM, and they are employed in all structures, pursuant to the principles of professionalism and competence.

218. Within the priorities of the Government of the Republic of Macedonia to integrate into the global NATO and EU systems, there is a positive trend in terms of women's participation in peacekeeping and humanitarian missions, led by the UN, NATO and the EU. Over the past period, 70 women, civilian personnel and military officers, employed in the Ministry of Defence and the Army of the Republic participated in humanitarian and peacekeeping missions abroad, and while a female employee in the Ministry of Interior, as a Chief Inspector, was selected to be an observer at the UN in Liberia in 2005–2007.

## **Article 12**

### **Health care**

219. Within the integration processes in the European Union, the Republic of Macedonia transposed the legal documents in the area of healthcare in the Multi-Indicative Development Programme and the National Development Plan (NPAA) by 2013. The legal regulations consist of: the Constitution of Republic of Macedonia, the Law on Health Protection, the Law on Health Insurance, the Law on Medical Records, the Law on Mental Health, the Law on Family, the Law on Termination of Pregnancy, the Law on Drugs, the Law on Infectious Diseases, the Law on Occupational Health and Safety, the Law on Personal Data Protection, the Law on Equal Opportunities for Women and Men and others.

220. Each year, the Government funds a total of 14 prevention programmes, with special attention to programmes of interest to the protection of the health of women, children and youth.

221. The programmes that are adopted in continuity and contain measures, tasks and activities for health protection for the population in the Republic of Macedonia, and apply to the female population or contain specific components are:

(a) Programme for Health Protection for Mothers and Children in the Republic of Macedonia for 2010;

(b) Programme for Preventive Health Protection in the Republic of Macedonia for 2010;

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<sup>28</sup> Article 96, paragraph 2 (“Official Gazette of the Republic of Macedonia” No. 114/06).

- (c) Programme for Early Detection of Malignant Diseases in the Republic of Macedonia for 2010;
- (d) Programme for the Protection of the Population from HIV AIDS for 2010;
- (e) Programme for the Protection of the Population from Tuberculosis;
- (f) Programme for a Systematic Medical Check;
- (g) Programme for Full Health Insurance;
- (h) Immunisation Programme and other programmes.

222. A National Committee for Safety of Motherhood was established in the Republic of Macedonia within the Ministry of Health. The Committee monitors the state of health and the protection of the mothers and children. Heretofore, an assessment of the situation with antenatal, prenatal and postnatal care was carried out with the financial support of UNICEF. An inspection was carried out in the work and the situation in terms of personnel, equipment and space in maternity hospitals. Based on this assessment a national strategy for safe motherhood was prepared which was delivered to the Ministry of Health. The Minister of Health seeks expert advice and activities from the Committee about all the problems in this area.

223. Given the prevalence of the use of abortions as a method of contraception and also due to the low rate of use of modern contraceptives (9.8%) in 2008, the Institute of Public Health with the support of UNFPA developed a strategic assessment of policies, programmes and conditions in the country. This assessment confirmed the need for systematic and continuous engagement of all segments of society to improve the level of education and to prevent unwanted pregnancies and to increase the need and use of modern methods of contraception. The Ministry of Health, with the support from the United Nations Population Fund (UNFPA) has formed a working group for elaboration of the National Strategy on Sexual and Reproductive Health 2010–2020, with the support of UNFPA and it is currently under procedure for adoption of the Government. The vision of this Strategy is:

“By 2020, the population of the Republic of Macedonia should have better sexual and reproductive health, through better access to collateral and quality of health services to every individual.” Also with the support of UNFPA, the Ministry of Health and the Institute of Public Health opened 19 youth counselling centres for sexual and reproductive health in the public health centres.<sup>29</sup>

224. In order to promote the counselling, during 2010 within the same project, will involve teams and prevention through visits to schools and rural areas, conduct education and promotion centres.

225. Due to the need to standardise and improve the quality of abortions, the Ministry of Health, with the support of the UNFPA developed Quality Standards and Care for Abortions. The Ministry of Health established a working group to evaluate the 2007–2012 National Strategy on HIV/AIDS. The current strategy, as well as the subsequent strategy that shall be prepared for the period 2012–2016 provides for specific measures to prevent transmission of HIV infection from HIV positive mothers to the baby during pregnancy, childbirth and breastfeeding. Furthermore, the strategy anticipates activities for HIV prevention among the young population, including young girls and women.

<sup>29</sup> Appendix on Healthcare: Appendix No. 1: Indicators for Monitoring Sexual and Reproductive Health of the population of the Republic of Macedonia.

226. During 2010, UN HIV/AIDS Programme initiated the agenda for rapid access of young women and girls to HIV/AIDS prevention services. The agenda is the recommendation of the Coordination Board of the UNAIDS programme at global level, with which each country sets priorities for implementation. In Macedonia, mapping was carried out on the HIV/AIDS services for prevention, treatment, care and support for young women and girls.

227. An Action Plan shall be prepared which shall anticipate the measures and activities for planning of the family, contraception and safe abortions.

228. For the purposes of decreasing the positive development tendency of the total number of newly diseased from malignant neoplasm, the Programme for Early Detection of Malignant Diseases was adopted for the year 2010 in the Republic of Macedonia referring to:

(a) Activities for early detection and prevention of diseases of woman's reproductive organs in the Republic of Macedonia, including the pilot screening of cervical cancer;

(b) Screening for breast cancer for all women in Macedonia in the population group 40–55.

229. The diseases of the genital-urinary system holds 49,7% of the total number of deaths of women. The neoplasm hold 4,8% of the total registered disease on the primary level of health care.

230. Each year approximately 200 women get cervical cancer or approximately 20 of 100,000 women. In 2007, total 218 new cases of this type of cancer were registered with a rate of 21.4 of 100,000 women.<sup>30</sup>

231. In 2007, a Programme for Early Detection and Prevention of Diseases of Women's Reproductive Organs in the Republic of Macedonia was drafted for the first time upon which free PAP tests were performed for the women on the entire territory of the Republic of Macedonia in public and some private gynaecological institutions and a total of 17,000 women were included.

232. In 2008 the scope was 12,000 women with or without health insurance coverage.

233. In 2009, 3,000 uninsured women obtained the right to free PAP tests through the Programme for early Detection and Prevention of Women's Reproductive Diseases in the Republic of Macedonia, and the funds allocated for this item were completely spent. Meanwhile, activities for organised screening with PAP tests with active invitation of women were conducted in 4 Public Health Centres, including PHC Tetovo, regional branch Gostivar, PHC Prilep, PHC Shtip and PHC Veles i.e. the regional branch Sveti Nikole. Currently, women with health insurance have the opportunity for free PAP tests through their family gynaecologist.

234. Programme for Early Detection of Malignant Diseases for 2010 has been prepared in the frames of which funds for screening for cervical cancer (educational seminars etc.) have been allocated in the amount of 250,000.00 denars.

235. In order to decrease the number of death rates as a result of cervical cancer, a free HPV vaccine was introduced for all girls from 9 to 15 years of age which will be given in

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<sup>30</sup> Appendix in the area of health: diagram 1 rate of newly registered cases of cervical cancer 2000–2007.

health institutions holding a license to perform vaccinations with this vaccine, as non-obligatory vaccination (“Official Gazette of the Republic of Macedonia” No. 56/2008).

236. In accordance with the recommendations of WHO the vaccine was free of charge and available for older girls and women (up to 26 years of age) who would want to get vaccinated in the last 3 months of 2008 and in 2009. In 2008 and 2009, 12,000 doses were given from the non-obligatory HPV vaccine.

237. In October 2009, compulsory active immunisation against the human papillomavirus – HPV was introduced for all girls up to 12 years of age, with immunisation scope of 50%. This compulsory active immunisation is legally regulated with the “Rulebook on Immunoprophylaxis, Chemoprophylaxis, Persons Subject to These Measures, Manner of Conducting and Keeping Records and Documentation” (“Official Gazette of the Republic of Macedonia” No. 65 from 12 May 2010).

238. In 2007, according to the amendments of the Law on Health Protection (“Official Gazette of the Republic of Macedonia” No. 5/07), the Programme for Early Detection, Diagnosis and Treatment of Breast Cancer in the Republic of Macedonia began to be implemented. The programme is completely free of charge and women who would like to examine themselves have no financial costs. In 2007, 12,500 women were examined, in 2008 the number of examined women was 22,587, and in 2009 the number of examined women was 36,000. One of the purposes of the Programme for the future period is to create conditions for the initiation of the implementation of organized screening on the territory of the entire country.

239. In order to provide an effective approach for women to the birth control methods to avoid abortions and in accordance with the Recommendation 32 of the Committee, in 2008 a research was carried out for the strategic evaluation of policy, quality and access to contraception and abortion in Macedonia with the support of UNFPA and a Report on the Strategic Evaluation, Policy, Quality and Access to Contraception and Abortion in Macedonia was prepared which reflects the existing situation of the reproductive and sexual health in Macedonia. After the implementation of this research for more appropriate settlement of the issues related to the sexual and reproductive health from the promotional activity, a rulebook has been prepared for providing advises for sexual and reproductive health, as well as opening of at least ten counselling centres for sexual and reproductive health, as part of the institutional access to the information in this area. The research was made by the Public Health Institute with the support of the UNFPA office.

240. The activities are continually being implemented with the support of the government and international inter-governmental organisations, such as WHO, UNICEF, UNDP, UNFPA, USAID, World Bank etc. for the education of young people regarding the protection of unwanted pregnancy and sexually transmitted diseases conducted through lectures, leaflets, as well as through the Counselling Centre for Sexual and Reproductive Health – Skopje. Within the frames of the project “Improvement of the National Response for the Sexual and Reproductive Rights in Macedonia”, 17 youth counselling centres for sexual and reproductive health have been opened within the framework of the Public Health Centre. Free advice, information brochures for sexual and reproductive health, as well as free condoms and oral contraception methods may be obtained by the gynaecologist. The opening of these centres is financially supported by UNFPA within the framework of the project “Improvement of the National Response for Sexual and Reproductive Rights in Macedonia”. From 2003 by now, activities for the prevention, treatment, care and support for HIV/AIDS are being conducted which are financially supported by the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria and which are currently biggest investment in the public health in terms of HIV/AIDS and sexually transmitted diseases.

241. During 2009, a total of 5648 abortions were registered with the rate of 22.36 abortions to 100 live born children (2006 – 6,164 abortions or 27.3 abortions to 100 childbirths). The decrease of the abortion rate does not reflect the real situation, if it is known that it can be a result of sub-registration, especially in the period after the privatisation of the health sector and opening of private gynaecological practices.<sup>31</sup>

242. The contraceptive methods (oral, mechanical, intrauterine etc.) are available by recommendation (prescription) by gynaecologist-obstetrician from the primary gynaecological practice. The oral hormonal contraceptive methods and other methods are registered in accordance with the Law on Medications and Medical Accessories, and the manner of registration of medical accessories, including condoms, are registered in accordance with the guidebook on the contents of the form of the application and the necessary documentation which should be delivered for the registration of the medical accessories in the Republic of Macedonia since 24.7.2009.

243. The primary health protection of women is realized within the frames of the gynaecological practices. In 2008, total 307 specialist-gynaecologists and obstetricians were employed in the Republic of Macedonia. In several municipalities in the country, there are no gynaecological practices, which represent an issue for the realisation of the health protection of women, especially in rural areas.

244. The rate of infant's mortality in the Republic of Macedonia in the last decade notes continual tendency of a decline with small oscillations. In 2008, it was 9.7, whereas in 2009 it was 11.7 of 1,000 born alive.<sup>32</sup> Besides the steady tendency of a decrease, the Republic of Macedonia has a significantly higher rate of infants' mortality compared to the countries from the European Union.<sup>33</sup>

245. In terms of infant's mortality in Macedonia in the past years, 80% of infant's mortality is a result of:

(a) Prenatal reasons (premature babies, babies born with low weight, with total participation of 70% in the mortality); and

(b) Congenital abnormalities (with total participation of almost 15% in the mortality) which occur in the first month after the delivery and which are connected in a large amount to the situation during the pregnancy (antenatal care).

246. In 2009, a total of 278 dead infants (0 to 1 year) were registered, whereas in 2008 a total of 223 dead infants (0 to 1 year) were registered. The biggest and most significant increase of the mortality rate in 2009 is due to certain reasons in the prenatal period i.e. infants deceased as a result of premature birth or children born with low weight. In 2009, 193 infants died as a result of the aforementioned reasons, which is an increase for 45 cases compared to 2008 and 49 compared to 2007. The increase of the infants' mortality in 2009 in comparison with 2008 is due to these reasons. In 2009, of a total of 278 deceased infants 219 (80%) died in the first month of which 167 (60%) died in the first week of their life. Furthermore, 33 infants died in the period between the first and the second month (12%), 11 died in the period between the third and the fifth month (4%), 15 died between the sixth and the eleventh month (4%). The reasons for death in the prenatal period are also influenced by the increase of the prenatal mortality from 14.6 of 1,000 births in 2008, and from 17 of 1,000 in 2009.

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<sup>31</sup> Appendix in the area of health: Table 2 – registered abortions in the Republic of Macedonia 2005-2009.

<sup>32</sup> Appendix on health: Diagram 2 – infant's mortality rate.

<sup>33</sup> Appendix on health: Diagram 3 – infant's mortality rate.

247. The percentage of birth in the presence of a health worker, although relatively high (98%), is far lower among the Roma population which is only 82%. All regional hospitals (17) provide services and 24-hour care upon the childbirth, without any compensation regardless of the fact whether the pregnant woman has health insurance or not. However, the additional costs (for example: for transport, absence from home and other costs) may have a certain role in obstructing the availability of these services among socially excluded and marginalized groups.

248. There is a need for harmonization of the infrastructural conditions on the level of institutions, as well as for standardisation of the equipment, regarding the appropriate tasks and functions in each level of the health care (package of services based on the regionalisation and standardisation of the prenatal care).

249. The needs or the insufficiency of staff may be realised in a large amount by the distribution of the existing human resources.

(a) Preparation of organisational standards for regionalization of the prenatal care at all levels of HC (primary, secondary, tertiary);

(b) Establishment of the Centre for Medical Statistics within the frames of the Gynaecology Clinic, in which the data for prenatal care (quality of services and indicators of prenatal health of primary, secondary and tertiary HC) will be collected;

(c) Preparation of a methodology for an audit of prenatal, infants' and maternal mortality;

(d) Preparation of a methodology for an audit of prenatal, infants' and maternal mortality;

(e) Audit and update of package of services in the antenatal care (preparation of standards for antenatal screening, including screening for sexually transmitted infections in the first trimester).

250. By signing the Millennium Declaration, the Government of the Republic of Macedonia obliged itself to support the realisation of the National Millennium Development Goals (MDG) in Macedonia. In this regard, efforts have been made to decrease the mortality rate among infants and children under 5 years of age, as well as the mortality among nursing mothers. Within the frames of the fight against HIV/AIDS, the activities are directed towards stopping and decreasing of the expansion of this disease. In Macedonia, UNDP gave support to the process of mobilization of political will by engagement of a large number of participants (government, civil society, private sector, media, local communities) and by providing financial support.

251. The Ministry of Health of the Republic of Macedonia in cooperation with WHO adopted the National Strategy for the Prevention of Problems Caused by Alcohol Abuse 2008–2011. Since 1974, besides the implementation of the Strategy, there is also the Association of Clubs of Treated Alcohol Abusers which maintains the already established abstinence from alcohol with the help of psychiatrists, psychologists, social workers, and therapists. In addition, special emphasize is given to the area of primary prevention in order to prevent the abuse of alcoholic beverages among youth, female population, prevention of family inheritance etc. The psychological and social support is also provided to the victims of domestic violence and alcohol abusers.

252. In the Republic of Macedonia in 2008, 483 new cases of active tuberculosis were registered with incidence rate of 23.6 of 100,000 citizens.

253. According to sex, in 2008, 277 new cases of men and 206 new cases of women diseased of tuberculosis were registered.<sup>34</sup> The incidence rate of 100 000 citizens of both sexes shows tendency of decline (men 2003:2008=42.8:27.0; women 2003:2008=26.0:20.2). In the Republic of Macedonia, in the period of 1987–2010, 134 new cases of HIV infection were registered in the ratio of 3/1 for the benefit of the male population, with incidence rate of 0.1.

254. According to sex, in 2010, 14 new cases of HIV infection were registered. The incidence rate of 100,000 citizens among the two genders shows a tendency of incline.

### **Article 13**

#### **Social and economic societal living**

255. The beneficiaries of the social protection are citizens of the Republic of Macedonia having permanent residence in the Republic of Macedonia and the foreigners with regulated permanent residence in the Republic of Macedonia in accordance with the Law. The citizens of the Republic of Macedonia with no permanent residence in the Republic of Macedonia and the foreigners with regulated temporal residence in the Republic of Macedonia, in accordance with the Law, use the rights arising from the social protection, under the conditions regulated by this or any other law.

256. There are 30 SWC in the Republic of Macedonia, of which 27 are inter-municipal and three are municipal with total 795 employees, of which 535 women, i.e. 67%. In the area of social protection, in the section of social welfare, the available data show that men are the most frequent holders of social welfare. The percentage of men which occur as beneficiaries of this right was 81% in 2006. (See Table No. 7, Social welfare: number of beneficiaries divided by sex).

257. In accordance with the Law on Social Protection, a right to social welfare has the person capable for work and housing, a materially insecure person and the person who cannot provide funds for existence in accordance with other regulations. Woman's rights in the area of social protection are improved by the legal amendments thereby a single parent pregnant woman has the right to constant financial assistance including up to the third child according to the birth order. A mother who has given birth up to the fourth live born child since 1 January 2009 has the right to financial assistance. The right is exercised by the mother who was taking care of the children by their 18 years of age, who is unemployed and does not use the right to pension after reaching 62 years of age.

258. In order to provide housing for the beneficiaries of social protection, a distribution of social apartments has been made in several cities in the Republic of Macedonia (Skopje, Ohrid, Kavadarci, Kochani, Kichevo, Kriva Palanka, Makedonska Kamenica) during the reporting period. Several social categories of beneficiaries and sexual representation are taken into account.<sup>35</sup>

259. The basic criterion upon the determination of the requirements for realization of the right to old-age pension is the age and the existence of a minimum length of service. The conditions for obtaining right to old-age pension are determined by the Law on Pension and Disability Insurance, including: 64 years of age for men and 62 years of age for women and at least 15 years of length of service. The need for an increase of the age limit is a result of the demographic tendencies, i.e. increase of the life expectancy of the population, thereby

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<sup>34</sup> Appendix on health: Diagram 4 – Incidence of active tuberculosis of all organs according to sex in the Republic of Macedonia, 2003–2008.

<sup>35</sup> Appendix on housing: Table for distribution of social apartments.

of the expected duration of the pension usage. According to these requirements, certain harmonization has been reached among the pension usage, approaching to the European standards in terms of the duration of the pension usage for less than 14 years.

260. In accordance with the Law on Pension and Disability Insurance, the members of the family (spouse, children born in marriage, adopted children, grandchildren without parents which were supported by the insured person, parents which were supported by the insured person) has the right to family pension.

261. The members of the family obtain the right to a family pension if the deceased insured person has 5 years of insurance length or 10 years of length of service, if he/she has met the requirements for an old-age and disability pension, and if the death of the insured person has occurred upon injury at the workplace.

262. A widow has a right to a family pension if the spouse has obtained 45 years of age by the time of death. A widow, who has lost the right to a family pension on the basis of performing parent's responsibilities after reaching 40 years of age, obtains the right to a family pension at the time of reaching 45 years of age.

263. A widower obtains a right to a pension at the time of reaching 55 years of age. A widower, who has lost the right to a family pension on the basis of performing parent's responsibilities after reached 50 years of age, obtains the right to a family pension at the time of reaching 55 years of age.

264. The Agency for Youth and Sport encourages and supports the federations for equal development of women's sport through its activities and through organizing women's leagues and promoting female professional sport workers. In accordance with the National Strategy for Youth, the activities are also directed towards the educational programmes for a promotion of health life styles and appropriate gender representation.

## **Article 14**

### **Women in rural environments**

265. For greater inclusion of the women from rural environments and from smaller ethnic groups in the social developments and mechanisms for realization of the human rights, in compliance with the Recommendation 28 from the Committee, Ministry of Labour and Social Policy, in cooperation with the multiethnic women's organization "Antiko", have realized a series of forums.

266. The statistical data, as well as the numerous researches indicate a high economic inactivity, as well as unemployment among the women from the rural environments.

267. The Government of the Republic of Macedonia, through MEAA has specified certain objectives in the Strategic Plan that needs to be realized through certain programmes. There are some affirmative actions (positive measures) directed towards the women among the programmes.

268. The Strategic Plan defines the following objectives enabling equal approach of women and men.

- (a) Improving the competitiveness in agriculture;
- (b) The agricultural development and support of the rural development;
- (c) Increasing the foreign and domestic investments;
- (d) Strengthening the public private partnership;

(e) Improving the citizens' conditions for quality and healthy life by providing a better food quality.

269. The objective that the Government of the Republic of Macedonia strives to achieve is a European agriculture with European opportunities – perspectives. The activities for achieving these objectives are divided into programmes. One of the basic tools for improving the equal opportunities in the agricultural sector is keeping gender divided data. The implementation and installation of integrated information systems is among the priorities of MAFWE. It has been envisaged for an integrated information system to be established, which should provide data collection and data processing for the agricultural sector by introducing a variable for collecting gender divided data.

270. The Decree on Rural Development adopted in April 2008, provides visible results verified from the reports on the utilization of the financial means on the basis of all programmes that the Government of the Republic of Macedonia is directing towards the farmers.

271. The women that have used the opportunities from the Programme for Financial Support of the Agriculture, and the Programme for Rural Development, which enables financial support, state that they had a very stimulating effect on their work and that they have helped them to gain economic strength.

272. The reports accurately indicate to 18% (the data has a certain variable according to an adequate stimulating measure on the basis of acquired data) increased utilization of the financial means by the female farmers.

273. It is worth mentioning that the already formed group of female advisors within the AMDA (Agency for Motivating the Development of Agriculture) is intensively working on-sight with women farmers.

274. Within their scope of work, they:

(a) Visit the female farmers in their homes and give them free of charge advices for the programmes that the MEAA offers;

(b) Familiarize them with the laws and by-laws that are available to the female farmers;

(c) Affirm them by organizing events by which their activity is being motivated;

(d) Help them in creating the business plans and provide assistance in applying on the basis of the public notices published by MEAA.

275. For that purpose, this year, the budget for their activity within the AMDA is being planned, supported by the Action Plan for 2011.

276. Directed towards improving the status of the Roma woman and her integration into the social developments, the Government of the Republic of Macedonia has adopted the National Action Plan on Promoting the Status of the Roma Woman by Operational Plans for the period of 2008–2010 on the 139 session held on 23.3.2008.

277. The Action Plan for the specific needs of the Roma woman encompasses five sectors of action:

(a) Education;

(b) Employment;

(c) Healthcare;

(d) Public and political participation of the Roma women;

- (e) Anti-Discrimination and human rights.

278. The general objective of the activities is promoting the status of the Roma woman and her integration into the social life. Within the sectors, the activities are directed towards:

- (a) Increased participation of the Roma women for 10% on all levels of education;
- (b) Increased opportunities for the Roma women for successful integration into the labour market;
- (c) Increased inclusion of the Roma women by the healthcare and insurance;
- (d) Equal opportunities and equal approach in the human rights realisation for the Roma woman;
- (e) Increased participation of the Roma woman in the political and public life.

279. After the adoption of the National Action Plan for the Promotion of the Status of Roma Women on 23.03.2008, the Ministry of Labour and Social Policy, as a competent ministry for the current year, has not provided funds for the beginning of the implementation of this document. In the next year, the demanded funds have been reduced, and at the same time it can be indicated as a reason for the partial implementation of the Action Plan.

280. In order to have efficiency in tackling human rights-related problems, the organisation of educative programmes and the introduction of measures in this sense is necessary. As part of the Operational Programme for 2009 which refers to human rights, two-day training for Roma women-trainers has been held on the topic "Rights of the women as part of the human rights". Apart from the female participators from the information centres, also representatives of Roma Women non-governmental organisations who act in the same cities have been included. Each city (8) had 2 female representatives. After the organisation of the training, the equipped female trainers organised 7 working meetings with women from the community. A total number of 685 women and 10 men were included, thus they obtained information and knowledge of their rights as part of human rights.

281. As part of the Action Plan for the Promotion of the Status of Roma Women referring to human rights, in 2009 a project has been realised for preparation of analysis for the relevant legal regulations and civil journals for overcoming the unequal treatment and access of the Roma people, especially Roma women, to the services of the state institutions. Starting ground for the implementation of this project is that the Roma women face double discrimination. Subject to analysis are the legal regulations and the civil journals of the Ministry of Labour and Social Policy, the Employment Agency, the Ministry of Interior and the Ombudsman's Office, as institutions the Roma people most often refer to in order to obtain certain personal document or to exercise certain rights. The legal analysis that was performed and the results that were obtained from the field research that was conducted provided recommendations directed towards overcoming the registered unequal treatment in the access of Roma women to the service, as well as taking affirmative measures for establishing equal treatment regarding the provision of services by the state institutions.

282. Following the results that were obtained and the recommendations from the legal analysis and the field research for overcoming the unequal treatment in the access of Roma, especially Roma women, to the services of the state institutions, in the middle of June 2010 a two-day training was held regarding equal treatment on the basis of gender and ethnic affiliation in access to the services of the state institutions intended for the clerks from the institutions participating in the preparation of the research. In accordance with the Action

Plan for the Promotion of the Status of Roma Women, in May the Equal Opportunities Sector prepared an analysis on the situation and the decrease of the number of Roma boys and girls in the education process in the Republic of Macedonia.

283. The Government of the Republic of Macedonia on 28 December, 2010 adopted the Second Action Plan for advancement of the social position of the Roma women in the Republic of Macedonia, with the aim of continuous integration of this group in social developments, with focus on employment, healthcare, education and human rights as priorities.

284. The implementation of an efficient environment policy is governed by the volatile ecological, economic and political factors on national and international level. The need for environment protection is based on the principles of sustainable development which increases more and more, concomitantly with the growing demands of the population for higher quality living conditions, clean drinking water and healthy food. Certain projects of associations and municipalities are being financed on annual basis in order to promote and improve environment and nature quality, to lower the pollution caused by different entities who pose a threat to human health and to plan the space arrangement and the sustainable development of the Republic of Macedonia. Part of the financed projects is directly channelled towards women:

(a) The 2006 Project “Woman of the 21st century” which was implemented in Kumanovo;

(b) The education project for raising public awareness “Stop pollution-vote nature”;

(c) In 2010 in cooperation with “Initiative for Emancipation of Roma Women”, the project “All together for a cleaner environment” was implemented;

(d) With the funds of the Ministry of Environment and Physical Planning, the Association of Women AJO from Skopje implemented the project “Me and my environment”.

## **V. Articles 15 and 16**

### **Article 15**

#### **Equality before the law**

285. The citizens of the Republic of Macedonia are completely equal in respect of the right to concluding agreements bearing in mind that the national legislation, the state of legal entity is acquired in equal manner and under equal conditions, both by men and women. The legal competence as a fitness to be carrier of the rights and duties within the legal system is recognized by the legislation to every physical entity.

286. Regarding this Article of the Convention, the Republic of Macedonia reported on the legal basis related to concluding and managing property in its primary initial Report after the Convention on the Elimination of All Forms of Discrimination against Women.

### **Article 16**

#### **Marriage and family relations**

287. Starting ground of the family law is the Constitution of the Republic of Macedonia where the family is defined as an institution of special importance and is subject to special

interest of the overall legal and institutional system. The marriage and family relations are regulated with the Law on Family which covers marriage as an institution, the relations between parent and children, adoption and guardianship.

288. The marriage represents a life community of a man and a woman regulated by Law in which the interests of the spouses, the family and the community are being fulfilled. Marriage can be concluded between two persons from opposite sex with a freely expressed will before a competent body. A person below the age of 18 cannot enter into marriage.

289. The authorised court can allow a person who is already 16 years of age to enter marriage as part of a non-trial procedure if it determines that the person is physically and psychologically mature to exercise the rights and perform the duties established at matrimony, but only after obtaining an opinion from a health care institution and providing the person with professional assistance at the Social Work Centre.

290. The relations between the spouses are based on free decision of the man and the woman to enter into marriage, on their equality, mutual respect and helping one another. The family tradition still influences the choice regarding the surname at matrimony although when entering marriage the spouses can agree to take as their surname the surname of either of the spouses, or either of the spouses can keep her/his own surname, or either of the spouses can add the surname of the spouse to their own surname, or one of the spouses to take the surname of the other spouse and to add to it her/his own surname.

291. The relations between the parents and the children are based upon the rights and responsibilities of the parents to take care of the raising, nurturing and education of their children and to develop their working skills and habits.

292. The parental right is exercised mutually by the parents in accordance with the child's needs and interests and the interests of the community.

293. The rights and duties of the parents and the other relatives towards the children, as well as the rights and duties of the children towards the parents and the other relatives are equal, regardless of the fact whether the children are born in or out of wedlock.

294. The parental right ceases when the child becomes adult or in other ways determined by law. The parents have the right and duty to maintain their minor children, to take care of their life and their health condition, to prepare them for an independent life and work, to take care of their upbringing, education and professional qualification.

295. The child has the right to be supported by its parents, to be accommodated, to have his life and health protected, to be prepared for independent life and work, to have optimal conditions for her/his upbringing, education and professional education provided in accordance with the conditions of the family. The child has a right to maintain personal relations and direct contacts with the parent she/he does not live with.

296. The parent with whom the child does not live has the right and duty to maintain personal relations and direct contacts with her/his child.

297. The minor children have the right to maintain direct contact with the parents and other close relatives of the deceased parent, of the parent who is stripped of the parental right or of the parent who is in other way hindered in performing the parental right.

298. When the parents of the child live separately, they agree to whom of them the care and upbringing of the child shall be awarded, and if they cannot reach an agreement or if their agreement is not in the interests of the child, the decision shall be made by the social work centre.

299. When the parents of the child live separately, they agree upon the way of maintaining personal relations and direct contacts with the child. If in a time period of at

least two months the parents of the child do not reach an agreement regarding the way of maintaining personal relations and direct contact with the child, then the social work centre makes a decision in this respect.

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