



PERMANENT MISSION OF THE REPUBLIC
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Introductory Statement by
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Committee on the Elimination of Discrimination against
Women

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Madam Chair,

Distinguished members of the Committee,

Allow me at the outset to express my great pleasure for having the opportunity to exchange the views with you about the implementation by the Republic of Macedonia of the obligations under the Convention on the Elimination of All Forms of Discrimination against Women. We believe that this Committee, with its devotion to assisting the State Parties in the implementation of the Convention aims, makes a substantial contribution to raising awareness about the urgent need for elimination of all forms of discrimination against women. Thus it helped the advancement and promotion of the status of women around the globe. We have much work ahead of us, which first of all requires additional efforts and commitment on the part of the governments, but also of non-governmental sector and the international community at large. Still, the almost universal ratification of the Convention is yet another confirmation about the importance and the relevance of this instrument for the improvement of the status of women world-wide. However, we trust that the State Parties should consider withdrawal of a large number of inappropriate reservations which unfortunately undermine the role of the Convention.

Let me recall a number of facts related to the Republic of Macedonia, although I believe you may be aware of them. The Republic of Macedonia acceded to the Convention by succession of the former Yugoslavia without any reservation. It entered into force for our state on November 11, 1991. The Republic of Macedonia ratified the Optional Protocol to the Convention on October 17 2003. The initial, second and third combined report was submitted in May 2004. As indicated in the Report, according to our Constitution all international treaties ratified in accordance with the Constitution are directly applicable and cannot be changed by Law, that is to say they are the source of law in Macedonia.

In our Initial, second and third report under the Convention a progress was identified in a number of areas, such as education, healthcare, political participation, non-governmental sector. Still, there is much work to be done,

especially in the realms of social and economic life including employment, improved status of women in rural areas, violence and trafficking in women and girls, in order to provide for full implementation of all provisions of the Convention in all areas of interest for women everywhere in the country. This report, and I am confident, the present dialogue with this Committee, are of huge importance; they provide a clear guidance for the future activities in respect of the issues and the follow-up measures the aim of which is further advancement of the status of women in the Macedonian society.

Distinguished Committee members,

Fundamental freedoms and rights of the individual and citizen recognized in international law and defined in the Constitution are fundamental values of the constitutional order of the Republic of Macedonia, contained in Article 8 of the Constitution:

Gender equality is provided for in Article 9 of the Constitution of the Republic of Macedonia which defines the principle of non-discrimination stipulating that: "Citizens of the Republic of Macedonia are equal in their freedoms and rights, inter alia regardless of **gender**. All citizens are equal before the Constitution and laws."

Article 50, paragraph 1 of the Constitution provides for equal protection of all citizens stipulating that every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts and the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency. Furthermore, in accordance with Article 54, paragraph 4 of the Constitution, the restriction of freedoms and rights cannot discriminate on any grounds, including gender. In accordance with Article 110 of the Constitution of the Republic of Macedonia, the Constitutional Court protects the freedoms and rights of the individual and citizen against discrimination on any grounds, including gender.

The principle of non-discrimination is further incorporated in the legislation of the Republic of Macedonia.

The gender equality related legislation has been improved in the process of our approximation with the European standards in general. Furthermore, as part of our rapprochement with the EU, our laws are being

harmonized with all relevant EU legislation. Just to mention a few: Law on Labour Relations of 2005, Criminal Legislation, Family Legislation, etc. I will revert to this issue later.

Despite a solid legal framework, functional institutional protection and a rising policy awareness, women in Macedonia still face some forms of discrimination, in particular those typical for traditional societies. Therefore, I would like to emphasize that the Government is aware that it is crucial to mobilize all relevant segments in society to eliminate gender discrimination.

The Government of the Republic of Macedonia is on the right track in policy making in the sphere of gender equality. The Ministry of Labour and Social Policy, where the national machinery - the Department for Promotion of Gender Equality - is based, continuously works on promoting gender equality on national level and supports the activities of women, in accordance with the aims and the priority activities of the National Plan on Gender Equality and implementation of the Beijing Platform and Action Plan.

Over the last years the Republic of Macedonia has carried out many activities foreseen under the National Plan on Gender Equality. In this context, it should be stressed that almost all activities were implemented and are being implemented through joint action of women from the Republic of Macedonia active in various sectors: non-governmental organizations, political parties, the Government, the Parliament, the local self-government, the trade unions and women-experts, through the following principles of operation:

- creating a joint strategy and coordination of the activities on the national level;
- individual work in the organizations, through projects and other activities;
- campaigning as a group;
- mutual cooperation and support from women from the Macedonian Women's lobby; and
- enormous enthusiasm for volunteer work.

Distinguished Committee members,

As I have mentioned earlier, legally speaking a relatively large step forward has been made in regard to equality of the genders, which had a

pretty solid basis or heritage in the former system. However, in everyday life we encounter remnants based primarily on the traditional prejudices and stereotypes.

Changes are need. We are aware of that.

One of the priority activities in the National plan is empowerment of women, including equal access of women to politics and other spheres of decision-making.

For this purpose, in 2002 the amendments to the Law on Election of Members of Parliament were adopted. Pursuant to Article 37 of the Law "In the list of nominated candidates, each gender will be represented with at least 30%. " This provision resulted in an increased number of women MPs in the fourth multi-party Parliament, established after the parliamentary elections held in the year 2002. Out of the total of 120 elected MPs, 22 are women, which accounts for 18, 3%.

In June 2004, the amendments to the Law on Local Elections were adopted. Pursuant to Article 15-a: "In the list of nominated candidates for members of the Municipal Council or the Council of the City of Skopje, each gender will be represented with at least 30% in both the upper and the lower half of the list." The results of the local elections which took place in 2004 show that out of the total of 85 elected mayors, 3 or 3, 5% are women. Out of 1391 elected Council Members, 309, or 22, 2% are women, which, compared to the elections of 2000 is an increase of 13, 8%.

Aiming at incorporating the concept of gender equality into the local politics and advancement of the status of the women at the local level and implementation of one of the strategic objectives of the National Plan on Gender Equality, there are Committees on Gender Equality established in 10 cities. These Committees on Gender Equality are established upon an initiative of the Ministry of Labour and Social Policy, the Association of Organizations of Women of the Republic of Macedonia and the local self-government, in accordance with the Statute of the Council of Local Self-Government. Membership on these committees is gender and politically mixed. The main task of the Committees is to exert positive influence on the local level politics, from the viewpoint of gender equality, in order to overcome the specific problems the women are facing on the local level. The

Committees have also prepared local action plans, with specific aims and needs for each of the municipalities, respectively.

The proposal to adopt a **Law on Equal Opportunities for Men and Women** is part of the affirmative action on the national level. It will ensure the basis for equal opportunities for men and women in the political, economic, social, educational area and other areas of social life. In order to achieve this aim, this law specifies general and special measures to provide for equal opportunities, and also determines the competences, tasks and obligations for the responsible entities. The draft law will be adopted in two stages. It was approved by the Government and at the moment it is under review in Parliament of the Republic of Macedonia. Answers to your additional questions contain detailed information regarding the Law.

One of the strategic aims of the national level in the area of social policy is ensuring equal access of genders to employment, equal treatment in regard to **rewards** and promotion. A priority activity in this area is the harmonization of labour legislation of the Republic of Macedonia with the EU aquis. In this sense, within the labour legislation reform in July 2005 the Law on Labour Relations was adopted, as I have mentioned earlier. It incorporates provisions from the Council Directive on Equal Access to Work, Education and Equal Conditions of Work, as well as the Directive on Burden of Proof in Case Of Discrimination.

The Law defines direct and indirect discrimination and the exceptions to prohibition of discrimination, and also defines, for the first time, the notion of sexual harassment.

The prohibition of discrimination is ensured by Article 6 of the Law, which stipulates that "The employer shall not treat a job applicant or an employee unequally because of their race, skin colour, **gender**, age, health status or disability, religious, political or other belief, membership in trade unions, ethnic or social background, family status, property or other personal circumstances. Men and women must be ensured equal opportunities and equal treatment in the employment, career development, employment insurance, conditions of work, working hours and cancellation of job contracts". The law establishes that the provisions of the collective

agreements and job contracts, which introduce discrimination upon any of the grounds of Article 6, shall be null and void.

Direct discrimination, as stipulated in Article 7 of the Law, is any action conditioned upon any of the grounds from Article 6 of this Law, by which the person was placed, is placed, or could be placed in a less favourable position than other persons in comparable cases.

Indirect discrimination exists when a certain, seemingly neutral provision, criterion or a practice, places or would place a job applicant or an employee in a less favourable position compared to other persons, because of a certain attribute, status, conviction or belief as mentioned in Article 6.

The discrimination is prohibited in relation to: 1) employment conditions, including the criteria and conditions for selection of applicants to perform certain job, in any industry and at levels of professional hierarchy; 2) career development; 3) access to all types and levels of vocational training, re-qualification and upgrade of skills; 4) conditions of work and employment and all employment-based and –related rights, including equal salaries; 5) cancellation of employment contract and 6) rights of members and activity in the associations of employees and employers, or in any other professional organization, including the benefits derived from that membership.

Article 8 stipulates the **exceptions** from the prohibition of discrimination. Namely, it is not considered a discrimination, different treatment, exclusion or giving preference in terms of a given job, when the nature of the job is such, or the work is performed in such conditions that the attributes related to some of the grounds in Article 6 of this law constitute a real and decisive prerequisite for the performance of the job, provided that the aim that is desired is justified, and that the condition is proportionate.

Article 9 of the Law stipulates that the harassment and sexual harassment constitute discrimination in the sense of Article 6 of this Law, and as such are prohibited. **Harassment** is any undesired conduct, caused by any of the situations mentioned in Article 6 of this law, which is aimed at or constitutes a violation of the dignity of the job applicant or employee, and which causes fear or creates an adversarial, humiliating or offensive behaviour. **Sexual harassment**, in the sense of this law, is any verbal, non-verbal or physical conduct which is aiming at or which constitutes a violation

of dignity of the job applicant or employee, and which causes fear or creates adversarial, humiliating or offensive behaviour.

In case of discrimination, as described in Article 6 of the Law, the right of the job applicant or the employee to ask for compensation of damage in the amount of five average salaries in the Republic of Macedonia is provided for.

If the job applicant, or the employee, in a case of a dispute, presents facts that the employer has acted in breach of Articles 6 and 9 of this Law, **the employer has the burden of proof** that discrimination has not occurred, i.e., he/she acted in conformity with the Law, unless he/she proves that the different treatment occurred because of the exceptions provided for in Article 8 of the Law.

Article 107 regulates the obligation of the employer that for equal job with equal job requirements an equal salary is paid to the employees regardless of their gender, what has always been the legal obligation.

This Law is expected to bring changes to the factual situation on the labour market presented below:

Women in Macedonia are predominantly employees. Out of the total number of employees, 40.7% are women; out of the total number of employers 20.9%; and out of the total number of self-employed, 18.4 % are women. They are the least paid family workers.

The percentage of women in the total unemployment figure, according to the Labour Force Survey for the third quarter of 2005, was 41.3 %.

Education in Macedonia is accessible to all under equal conditions. The reform of the education system showed that there was a need for elaboration and adoption of the **National Strategy for Development of Education**. This document has been finalized and is in the government procedure for review. It is a comprehensive strategy defining 6 main points of intervention in the education system, inter alia, dealing with equality in education, including gender equality.

As far as the stereotypes are concerned, the Ministry of Education has already introduced gender balanced curricula at all levels of education.

The statistics show balanced representation of students of both genders, in both the enrolment policy, and in the process of education and graduation.

Among certain ethnic communities in the Republic of Macedonia, especially the Roma and rural ethnic Albanian children, there is evident problem of dropout of pupils, especially girls. The Ministry of Education of the Republic of Macedonia undertakes measures to alleviate or eventually eliminate this phenomenon and reintegrate the pupils in the education system. Aiming at realizing this goal, there have been seminars organized for the school principals, teachers and representatives of the professional services at the schools (pedagogues, sociologists, psychologists). The training is related to concrete measures to decrease the dropout rate. There have been information materials distributed to school teams in order to detect the reasons for dropout. The mentioned strategy will address this issue systematically.

Madam Chair,

The priority goals in the National Plan for Gender Equality are: to identify the dimensions and gravity of the problem, and to create legal and institutional prerequisites for prevention and elimination of **violence against women**.

In this sense, in the year 2000, the Institute for Sociological, Political and Juridical Researches, upon a request of the non-governmental organization "Emancipation, Solidarity and Equality" (ESE) implemented a research on the violence against women in the Republic of Macedonia. The research was conducted using a sample of 850 interviewed females of full age, which is more than 0,1 percents of the total female population in the country.

The results have shown large incidence of violence against women. Namely, 61, 5% of the interviewees stated that they had had personal experience with some form of psychological violence. 23, 9% of them stated that they had been victims of physical violence, at the smallest number (5.0%) stated that their sexual integrity had been violated.

These and other practical findings resulting from the activities of the non-governmental sector in the Republic of Macedonia were an additional argument for the need of urgent change of the society's treatment of this phenomenon, through creating legal and institutional prerequisites for prevention and elimination of violence against women.

In this sense, an important segment in the reform of the criminal legislation was the introduction of domestic violence as separate incrimination.

The amendments to the Law on Family of June 2004 introduced for the first time the treatment of family violence in the Macedonian civil legislation.

Namely, pursuant to the provisions of the Law, it is established that the state provides protection of the marriage and the family from broken relations and violence in the marriage or in the family. Any type of violence in the marriage and in the family is prohibited.

The law also defines measures for protection from family violence.

For the purposes of implementation of the Law, the Ministry of Labour and Social Policy opened four daily centres for victims of family violence, as special organizational units within the respective centres for social work. For development of this form of protection, the Programme foresees expansion of the network.

The Law on Family also regulates the institution of a procedure of judicial protection, regardless of whether there is a criminal procedure instituted against the perpetrator of family violence. For this purpose, the Centre for Social Work has the competence to lodge a petition to the court to initiate a procedure for interim measure for protection from family violence with the obligation to mandatory lodge such request to the court on behalf minors and incompetent persons. The request on behalf of persons of full age and competent persons is submitted only with a consent by the victim of family violence.

The law also regulates the procedure of pronouncing the interim measures for protection from family violence, the composition of the trial chamber, the course of the hearing, and the legal remedies against the court's decision.

One of the strategic priorities of the Ministry of Labour and Social Policy is continuous training for acquiring necessary knowledge and skills to recognize violence and to render assistance to family violence victims.

In this sense, within the framework of the ongoing cooperation with the UNICEF office in Skopje, between November 2004 and May 2005, a cross-sectoral training was organized on the topic "Working with victims of family violence in the community". Within two cycles of this training, training covered a total of 86 professionals from various backgrounds: social protection, healthcare, justice system, and the non-governmental sector. "

At the same time, in June 2005, a month-long National Campaign on Dealing with Family Violence was implemented, in order to strengthen the trust in the state institutions of the potential victims of family violence, recognize the problem of family violence and stimulate and encourage family violence victims to take action and to ask for help. The campaign was aimed at the general public, with a special emphasis of women and children, as the most common victims of family violence, but also to the media, in order to raise awareness about the presence of family violence.

Also, in cooperation with the non-governmental organization Association of Women of the Republic of Macedonia, a national SOS hotline was opened for the victims of family violence; it is a 24/7 service for information and assistance to the victims of family violence. This line receives the average of 120 phone calls per month.

To implement the strategic objectives in the area of women's health, in 2005 the Government has adopted: a Programme for Protection of the Population from AIDS, and a Programme for Early detection and Prevention of the Reproductive System Diseases in the Women in the Republic of Macedonia.

The Programme for protection from AIDS promotes the United Nations recommendations for prevention and eradication of HIV/AIDS and includes the following measures and activities: a system of programmed epidemiological researches and monitoring; laboratory tests, education of healthcare workers and health-education activities for the entire population in the Republic of Macedonia, and especially for the risk population groups. The

Programme is implemented especially within the framework of the funds provided in the Budget of the Republic of Macedonia for 2005, in the amount of 110. 000 EUR.

Aims of the Programme for early detection and prevention of the reproductive system diseases in the women in the Republic of Macedonia are: decreased incidence of the disease and mortality from cervical cancer and screening for purposes of early detection of pre-cancerous cervix conditions for about 640. 000 women in the Republic of Macedonia. For 2005, screening is provided for 20% of the total female population aged between 19 and 65. The Programme also foresees development of health-promotion materials, to popularise the activities of the Programme.

Distinguished members of the Committee,

On January 22nd and 23rd 2003, the Republic of Macedonia hosted the 5th European Ministerial Conference on Equality between Women and Men, organized in the format of the Council of Europe. The Ministers adopted a Declaration and Plan of Action, where they agreed that the activities of the Council of Europe must be primarily focused on the following main objectives: promotion of equal opportunities, rights, freedoms and responsibilities of women and men, prevention of violence against women and of trafficking in human beings. The conference adopted the Resolution on the Role of Women and Men in Conflict Prevention, Peace Building and the Post-Conflict Democratic Processes –Gender Perspective.

At that Conference, the Ministers agreed on the need to draft a European Convention on Combating Trafficking in Human Beings. The Republic of Macedonia participated in the drafting of the Convention. We signed it in November 2005.

A special honour and pleasure for the Republic of Macedonia was the opportunity given to it by the Council of Europe to present the results of the Ministerial Conference at the special event organized by UNIFEM during the 48th session of the Commission on Status of Women in the United Nations in the year 2004.

As I have already stressed, the Republic of Macedonia is working hard to prepare for the European Union membership, harmonizing its legislation

with the EU standards. Particular attention is paid to the body of issues in the area of human rights and freedoms, as well as equal opportunities for every citizen. In that sense, we will continue working in a focused on the issues of gender equality, aware that a true democratic society requires full and unimpeded inclusion of both women and men, on a fully equal footing, in all social mainstreams.

I would like to use this opportunity to highlight the active and successful cooperation of the Republic of Macedonia with the United Nations and its agencies, especially the ones present in the country, and I hope such cooperation will continue in the future.

At the end, I would like to invite members of our delegation to introduce themselves. As you may see, there are many of them, which is yet another indicator of the commitment of the Republic of Macedonia to the aims of the Convention. I hope that in the dialogue to follow, we will be able to provide complete and competent answers to your questions.

Thank you.