

Gender equality in EU: How does Macedonia compare?

Ana Mickovska Raleva, Macedonia, MPhil Education, Cambridge University¹

Tamara Dimitrijevska, Macedonia, MA Human Rights Law, Central European University²

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Abstract

Voracious for the long awaited EU's membership, the Republic of Macedonia has made significant progress in the field of gender equality. In that direction, this paper analyzes the legislative progress that the country has achieved in promoting gender equality and reviews the accomplishment of the EU gender equality targets by the country. In doing so, the paper examines the Macedonian progress, compares the achievement of targeted goals and briefly assesses the implementation of specific policies.

The first section of the paper provides brief background information on the issue, the second section provides deeper examination of the five strategic areas identified in the EU's gender equality strategy: economic independence, equal pay for equal work/value, decision making process, gender based violence and EU external actions and analyzes how Macedonia compares, while the third section briefly wraps up the analysis.

The paper provides good initial picture on the gender equality in Macedonia and identifies the spheres where extra efforts should be placed.



1. INTRODUCTION

The issue of gender equality has not been priority to the founding fathers of the European Community. It was a relatively slow process in which the principle of gender equality managed to come on the top of the EU's agenda. Primarily founded as an economic union, the EU's initial policies related to gender equality were also in the sphere of economy. The first Directive aimed to promote gender equality was the one on Equal Pay for Men and Women, signed in 1975. Since then, as the area of competencies extended to other areas, a shift towards developing affirmative policies was evidenced, and finally a process of gender mainstreaming, i.e. inclusion of the gender aspects in all policy areas is ongoing³. Pollack and Hafner-Burton assessed the process of gender mainstreaming and concluded that: "by the end of 1999, the Commission had established a multi-tiered system of mainstreaming officials and a preliminary set of general procedures designed to ensure that gender issues are considered throughout the policy process, and across the various issue-areas and DGs of the Commission. Moreover, the Commission has made clear that the mainstreaming of gender issues throughout the Commission should supplement, and not replace, existing, specific actions, which continue under the Commission's so-called 'dual-track strategy'⁴. This has been accomplished through the efforts of many DGs to appoint a number of gender 'focal points' to provide decentralized gender expertise at the level of the unit, as well as to enable a uniform instruction to the officials with regards to gender mainstreaming of the EU policies, through developing 'A Guide to Gender Impact Assessment', which contains a basic checklist for the inclusion of gender issues in policy proposals⁵. The principle of equality is one of the five values on which the Union is founded, where the Union is bound to strive for equality between women and men in all its activities. In line with the gradual expansion of the integrated areas as well as its increased external leverage, the EU has started to offer internal protection and demand stricter external protection of human rights in general, and gender equality as such.

The Republic of Macedonia, in a process which resembles the EU's trend on gender equality protection, has gradually increased its devotion towards creation of gender sensitive legal frameworks and affording protection

against gender discrimination. In the last six years the country has achieved evident progress in the field of gender equality, but it is still lagging behind the EU's targets.

On the road towards European Union's membership, the country has been mainly faced with continuous criticism with regards to the implementation of its gender sensitive policies. The Law on Equal Opportunities between Women and Men was adopted in 2006 and since then the country was criticized for its low record of implementation. The critique was mainly pointed towards lack of implementation of its provisions, lack of knowledge of equal opportunities policies on behalf of the municipal equal opportunities coordinators, lack of coherence of the National Gender Equality Plan⁶, limited human and financial capacities of the Sector for Equal Opportunities in the Ministry of Labor and Social Affairs and general lack of political will to place these issues higher on the political agenda⁷. In addition, the Government was criticized for the marginalized position of Roma women and the low participation of women as decision makers at national and local level⁸. Not everything being so bad, there was a significant progress made which was recognized by the EU as well; most notable being the amendments in the Electoral Law, the establishment of Legal Advocate, empowered to receive individual complaints, and the improved mechanism for annual reporting.⁹

2. EU STRATEGY ON GENDER EQUALITY & HOW DOES MACEDONIA COMPARE

The EU Strategy on gender equality (2010-2015) builds on the Roadmap for equality between women and men 2006-2010, and the European Pact for Gender Equality through emphasizing five strategic areas in which EU member states should work on in the specified period.

The following part reviews the position of the Republic of Macedonia with regards to the level of accomplishment of the EU's five strategic areas, through both analyzing the relevant statistics and the policies in line for accomplishing the goals. In doing this, we recognize that the Macedonian Action Plan was developed three years before the EU Strategy and that while the former is about to be completed (time-wise), the latter is due in 2015. We are also aware of the contextual (social, political, economic)

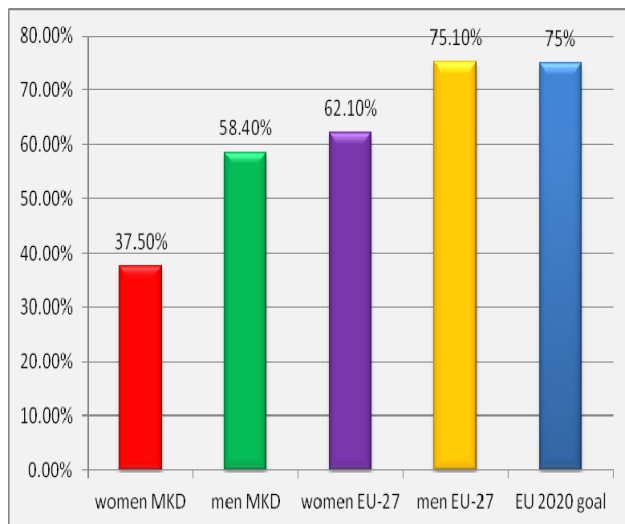


differences between the two subjects. The sole aim of this section is to provide brief and concise comparison and to assess the progress of Macedonia, as a candidate country, towards the achievement of the EU's strategic goals.

2.1 Strategic area 1: Equal economic independence

The female employment rate in Macedonia in 2010 was 37.5%¹⁰, which is far below the EU's average of 62.1%¹¹ and especially far from the Europe 2020¹² objective of a 75% employment rate for women and men (see Graph 1). However, if analyzed from the perspective of national goals, it should be noted that there has been a 7.4% rise in the level of employment of women since 2005¹³, which should not be undermined. Nevertheless, data indicate that special attention needs to be given to policies for greater inclusion of young women (20-24 years) and older women (55-64 years), as well as women from the non-majority ethnic communities, at the labor market.

Graph 1: Employment rate of men and women in Macedonia and EU (2010)



Source: State Statistical Office, Labor Force Survey 2010 (authors' calculations) and Eurostat News Release 96/2011¹⁴

Policies

The Macedonian National Action Plan for Gender Equality (NAPGE) is broadly oriented and envisages activities for supporting the inclusion of women at the labor market, such as:

- Supporting female entrepreneurship, through easier access to loans and developing solidarity schemes;
- Conducting activities for re-training, informal education, etc. for unemployed women;
- Developing campaigns for increasing awareness about female entrepreneurship;
- Preparing analyses on the status of women in the national economy and on the sector policies which concern women;
- Activities for increasing the employment rate among rural women;
- Enhancing the network of child-care facilities.¹⁵

Part of these priorities are in line with the National Employment Strategy¹⁶, where more focus has been given to activities for supporting certain vulnerable groups of women (e.g. single mothers, women-victims of domestic violence etc.) through subsidizing their employment or providing self-employment grants. Women from the Roma ethnic community are provided special attention through a separate action plan¹⁷ where activities for supporting employment mainly include raising awareness regarding job opportunities available and informal education in order to increase the prospects for employment. While these measures are wide-ranging and encompassing different categories of women, the overall scope of beneficiaries is rather small, and certain measures appear to have been inefficiently implemented (e.g. business-startup grants for women victims of domestic violence and Roma women) and did not result with the expected outcomes.

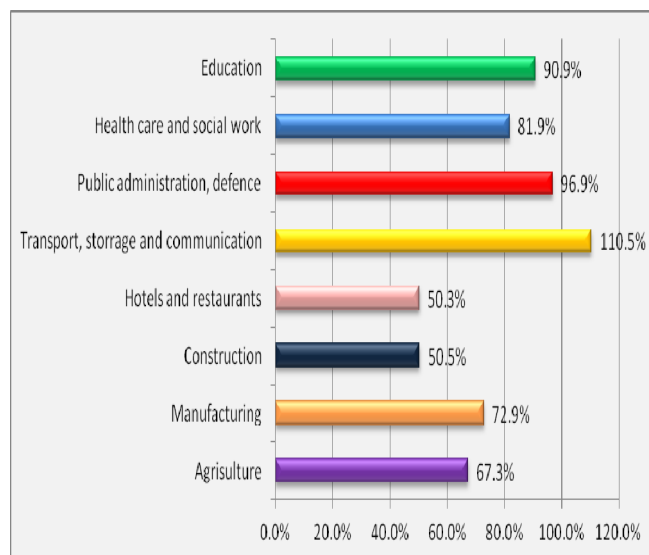
2.2 Strategic area 2: Equal pay for equal work / work of equal value

The gender pay gap, while widely varying among different EU member states, on average is 17.8% (calculated as the average difference between men's and women's hourly gross earnings across the economy as a whole). Data available for Macedonia indicate that the pay gap is about 27%¹⁸ and that estimated female to male earned income is 0.49¹⁹. What is concerning is that, as a study shows 'about 83% of the gender gap in remuneration in the country is not supported with facts and points to discrimination against female workers'²⁰.



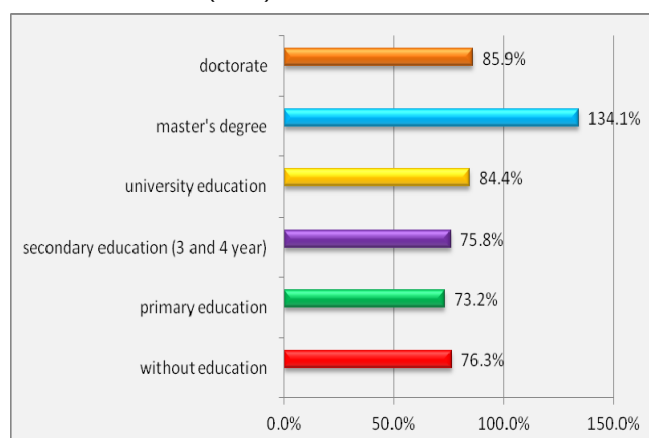
Furthermore, while present on almost all levels (sectors, levels of education), the wage differences are particularly evident among women and men in the sectors 'construction' and 'hotels and restaurants', as well as among persons with lower education levels²¹ (see graphs 2 and 3). Another concerning fact is that the difference between the male and female earnings has increased more than twice from 2000 to 2006, especially in the following sectors: agriculture, manufacturing, electricity, construction, hotels and restaurants, real estate and education ²²

Graph 2: Female/male net wage ratio in Macedonia for selected sectors (2006)



Source: Gender Pay Gap in fyr Macedonia, Kazandžiska, M, Risteska, M, Schmidt, V, ILO, 2012

Graph 3: Female/male net wage ratio in Macedonia with regards to level of education (2002)



Source: Gender Pay Gap in fyr Macedonia, Kazandžiska, M, Risteska, M, Schmidt, V, ILO, 2012

Policies

The Law on Labor Relations contains provisions that employees are entitled to earnings in accordance with national legislation, collective agreements and employment contracts. The principle of equal remuneration for work of equal value is incorporated through the statement "the employer is obliged to pay equal wages to employees for equal work with equal responsibilities in the same job position, regardless of gender"²³. However, as Kazandžiska et al. (2012) argue 'the provision does not correspond fully with the principle enshrined in the Equal Remuneration Convention²⁴, as it does not address the situation in which men and women perform different work, with different responsibilities, but which is nevertheless of equal value'²⁵.

Apart from being mentioned in the law, no specific policies have been developed in order to reduce the gender pay gap. It is not mentioned as a problem in the NAPGE, nor in the Strategy for Equal Opportunities. No initiatives have been taken to reassess the concept of equal pay from the perspective of 'work of equal value' and analyze the complexity of the jobs.

2.3 Strategic area 3: Equality in decision-making

The equality in decision-making is an ongoing issue in the EU, where it is estimated that women represent only one tenth of the board members of the largest publicly listed companies and 3% among the presidents of the board. In addition, despite the EU goal, set in 2005, of having 25% of leading positions in the public research sector filled by women, the target is still some way off as only 19% of full professors in EU universities are women²⁶.

As regards Macedonia, table 1 clearly indicates that the percentage of women at decision-making positions rarely exceeds the (often) legally determined minimum of 30%. Especially concerning data is the absence of women mayors during the last local elections (2009).



Table 1: Senior and legislative positions held by women in Macedonia (% of total)

Seats in parliament held by women	Female legislators, senior officials and managers	Female professional and technical workers	Women in ministerial positions	Women elected for the municipality councils	Women-members of management board of public companies	Women elected as mayors 2009
28	29	53	14	27.6	32.7	0

Source: Human Development Report (2009) indicators 1-4, Analysis of the Ministry of Labor regarding participation of women at the local level (indicators 5-8)²⁷.

On the other hand, the percentage of full-time women professors is 36%²⁸, which is a good indicator that women in the science sector are better represented than in the political sector. Still, considering that during the past several years, the number of women enrolling and completing tertiary education is significantly higher than men (4% difference in enrollment but 16% in completion) the gender-balance in the scientific sector is still not satisfactory. Specifically, the trend of men dominating the professors' positions (60% - 40% in favor of men) and women the positions of teaching assistants (40% - 60% in favor of women) is obvious²⁹.

Policies

For the purpose of increasing the number of women in the national parliament and local councils, in 2006 in the Electoral Code an affirmative measure ('quota') was included with the provision that at the candidacy lists every third place will be occupied by the less represented gender. If this is not respected, the State (or municipal) electoral committee should reject the list.³⁰

In addition, the Law on Equal Opportunities between Men and Women contains provisions that the participation of both genders in commissions and boards, on a national and local level should not be below 40%³¹. However, bearing in mind the above statistics, the level of respect of these principles is questionable, as well as the mechanisms for their control.

The aspect of greater inclusion of women in the decision-making processes was recognized by many municipalities as well, and they have included activities for achievement

of the goal in the Local Gender Equality Action Plans, the vast majority of which have not been completed yet³².

2.4 Strategic area 4: Dignity, integrity and end to gender-based violence

In contrast to the previous strategic areas, due to absence of official accurate statistic, the field of domestic violence has particular characteristics. While the previous areas aim to increase women economic independence, advance their position at the labor market, and raise their participation in the decision making process and their political representation, the aim of the strategic area of domestic violence is directed towards elimination of violent acts, offering protection to the victims and punishment of perpetrators. This is difficult to be assessed and measured as the precise number of the victims is unknown. The EU gender strategy estimates that 20% to 25% of women in Europe "have suffered physical violence at least once during their lives"³³. A research conducted in Macedonia, shortly before the adoption of the National Strategy against Domestic Violence estimated that every fifth woman has been a victim of physical violence and every tenth has been a victim to sexual violence³⁴.

Gender based violence has not been a priority to the founding fathers of the EU, all of whom were men, and primarily concerned about economic questions. Starting with provisions on gender equality and their primary applicability in the work relations, the EU gradually increased its interest towards human rights protection, and widened its legislation in protecting dignity, integrity and prohibition of gender based violence. Gender based violence may consist of physical, sexual and psychological abuse and includes but it is not limited to domestic violence, rape, sexual harassment, genital mutilation and forced marriage. Usually it is "violence directed at a woman because she is a women or violence that affects women disproportionately"³⁵ and it is often accompanied with a stigma of shame, especially if the perpetrator is a family member.

Recognizing the increasing importance of the issues of violence against women, the EU institutions shared the belief that it "is a breach of the fundamental rights to life,



safety, freedom, dignity and physical and emotional integrity³⁶. Therefore, there is an increased reference to gender equality not only in the EU treaties but also explicit secondary legislation specifically targeting violence against women, such being: the EU gender equality strategy adopted in 2010, the EU Guidelines on Violence against Women and Girls and combating all forms of discrimination against them³⁷, as well as the EU directives and resolutions.

Although, not legally binding, it is important to note the Declaration 19 on Article 8 of TFEU which states: "The Conference agrees that, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of **domestic violence**. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims³⁸. The Resolution of the European Parliament from 1997³⁹ called on Member States to "make domestic violence against women, including rape within marriage and sexual mutilation, a criminal offence and to set up services to help women who are victims of this kind of violence". In the Republic of Macedonia, the sphere of domestic violence was regulated for a first time in 2004, when acts of domestic violence were criminalized in the Criminal Code as well as outlawed in the Law on Family. The EP resolution from 1986⁴⁰, which was latter strengthened with the European Parliament resolution of 26th November 2009⁴¹ in paragraph 24 (a) "calls on the national governments to provide an allocation of funds, or increased financial support for reception facilities for victims of in-family and sexual violence". In that line interesting to note is that with the Macedonian Law on Games of Chance and Entertainment Games, article 16 stipulates that portion of the profit will be allocated in the fund for victims of domestic violence⁴². In regards to support and information of victims, paragraph 24 (d), of the above mentioned EP Resolution referred to availability of telephone lines for the victims. Currently in Macedonia there are two landlines and three cell phone lines available for victims of domestic violence. Another form of violence which also targets disproportionately larger number of women than men is **rape**. In the EU "Rape law is now firmly gender-neutral, with all 27 Member States recognizing female victimization and 24 male victimization (except BG, CY, SI); in all Member

States the perpetrator can be male and in 25 also female (except SK, UK)⁴³." In Macedonia, rape is gender neutral and is criminalized in section nineteen, articles 186-189 of the Criminal Code. Resolution EP 1986 requires recognition⁴⁴ "of rape within marriage"; the articles in the Criminal Code of Macedonia do not contain explicit enumeration of rape within marriage; but this however, does not mean that it is not outlawed. Article 94(b), of the Family Law stipulates that domestic violence encompasses sexual violence and as such rape is prohibited.

With regards to **sexual harassment** on EU level "only three Member States (BE, LV, LU) rely solely on labor law, while the great majority (22) now address sexual harassment in anti-discrimination law, but most also have provisions in another legal domain". Sexual harassment was regulated in the Directive 2002/73/EC which amended Council Directive 76/207/EEC, and introduced the "concepts of harassment related to sex and sexual harassment and stated that they are forms of discrimination in violation of the equal treatment principle."⁴⁵ Further, Directive 2006/54/EC qualified sexual harassment as "sex discrimination and violation of dignity in the working place". In Macedonia sexual harassment is prohibited in article 9 from the Labor Law⁴⁶ as well as article 7(2) on the Law against discrimination." In the definition provided in the latter, there is explicit reference that sexual harassment is leading to violation of human dignity. With regards to other forms of gender based violence, the Law on Family in article 19 prohibits **forced marriage**, and in accordance with article 35 of the same Law the marriage without consent will be annulled. Last but not least, as of now "there are no records that **genital mutilation** is practiced in the country⁴⁷. As a result, there is not explicit enumeration of legal prohibition of female genital mutilation.

Policies

The National Strategy 2008-2011 for Protection against Domestic Violence was adopted in 2008 and it is the "basic strategic document of the Republic of Macedonia that is designed to determine the strategic guidelines and priorities in suppressing and preventing this type of violence and identifying the responsible authorities for their implementation"⁴⁸. There is no specific Law against do-



mestic violence in the country and the sphere of domestic violence was regulated for a first time in 2004 through the Law on Family and the Criminal Code, further prohibited with the Law on Equal Opportunities between Women and Men from 2006 and the Law for Prevention and Protection against Discrimination from 2010.

The Law on Family in article 33(a) prohibits any type of violence in the marriage and the family and contains separate article 94 which regulates the sphere. This provision states that domestic violence includes "harassment, insults, danger to safety, physical injury, sexual or other mental of physical violence that causes feeling of insecurity, endangerment or fear...". Further, this article makes the provisions not only applicable to spouses but also to parents, children or other persons living in martial or non martial community, joint household, former partners and people living in close personal relations. Criminalization of such acts is provided in the Criminal Code article 122 (21). Prohibition on sexual harassment is stipulated in the Law on Prevention and Protection against discrimination in article 7(2) as well as article 3 (3) in the Law on Equal Opportunities. Although, significant progress has been achieved in this field, it is important to acknowledge that there is a perceived need for strengthening of the support provided to victims as well as elimination of the existent prejudice for women's role in the family.

2.5 Strategic area 5: Gender equality in external actions of the EU

One of the conditions for membership in the EU, as stipulated in the Copenhagen Criteria is the respect for human rights. As such the EU in its gender equality strategy identifies that: "candidate countries must fully embrace the fundamental principle of equality between women and men⁴⁹". The Roadmap for equality between women and men 2006-2010 besides striving for eradication of gender based violence also fosters promotion of gender equality in third countries⁵⁰. In that light the Progress Report for Macedonia of 2011 observes the achievements of the country and includes gender equality perspective.

It concludes that there has been some improvement in the awareness of the population on the issues of domes-

tic violence⁵¹ and that some progress towards women's health rights was achieved.

Since 1992, the EU has financed more than 250 projects in the Republic of Macedonia and for the period 2007-2012, through the five components of the IPA, the assistance for the country was 622.4 million euro. The gender equality perspective is preserved through the external actions of the EU; for an instance, out the eight projects of the last 2010 EIDHR program, three had a direct gender perspective⁵².

3. CONCLUSION AND RECOMMENDATIONS

The gradual EU's gender equality shift from the area of labor relations to other spheres has generally been followed at the national level. Since 2004, Macedonia has made significant process towards women's protection and fostering of gender equality. In many of the areas where quantitative data exist, Macedonia is still below the EU average such being: women's economic independence, equal pay for equal work/value as well as women's participation in the decision making process. Still, it has to be underlined that since 2006, there is significant rise of women's activity and participation in the decision making process. Limited progress being achieved, the government has to strengthen the incentives for greater women's activity and to make them accessible to every woman. Gender equality and increased women's participation cannot be fully achieved until the widespread prejudice of women's role in the society and family still persist. Therefore, there is a need for strengthening the awareness raising campaigns and their promotion in both urban and rural areas. With regards to domestic violence it is difficult to assess to real number of the victims. The belief is that as a result of the existent stigmatization of the problem, there is a significant number of unreported cases. However, bearing in mind the complexity of the issue, mere criminalization of these acts is good starting point but not sufficient. The government has to strengthen its support of victims and engage in more active awareness raising campaigns.



The views expressed in the paper are the author's personal points of view and they do not necessarily represent the views of the Konrad-Adenauer-Stiftung and the Center for Research and Policy Making.

Contact:

Konrad-Adenauer-Stiftung

Maksim Gorki 16 / floor 3
MK – 1000 Skopje
Telefon +389 (2) 3231 122
Telefax +389 (2) 3135 290
Skopje@kas.de
www.kas.de/macedonia

Center for Research and Policy Making

Cico Popovic 6-2/9
MK-1000 Skopje
Telefon +389 (2) 3109 932
crpm@crpm.org.mk
www.crpm.org.mk

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¹ Ms. Mickova-Raleva holds an MPhil degree in Education from the University in Cambridge, UK. Her interests range from social psychology issues (group relations, forming stereotypes and prejudice, media influence on forming opinions) and issues of educational modernization and quality. She has published her studies in domestic and international journals and presented her research at several international conferences.

² Ms. Dimitrijevska holds an MA degree in Human Rights Law from the Central European University in Budapest, Hungary and dual BA degree in European Studies; Political Science and International Relations from the American University in Bulgaria. Currently, Ms. Dimitrijevska works as Policy Analyst at Center for Research and Policy Making in Macedonia and has participated in number of conferences, trainings, seminars, with human rights perspective.

³ Mark A. Pollack and Emilie Hafner-Burton, Mainstreaming gender in the European Union, *Journal of European Public Policy* 7:3 Special Issue: 432-56

⁴ Ibid.

⁵ Ibid.

⁶ 2009 EU progress report for fyr Macdonia.

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⁸ 2009, 2010, 2011 EU progress reports

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¹⁰ Accessed online on

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¹³ National Action Plan for Gender Equality (2007-2012), Ministry of Labour and Welfare Policy.

¹⁴ Supra note 11.

¹⁵ Pages 40-43.

¹⁶ National Employment Strategy 2015, Ministry of Labor and Social Policy

¹⁷ Annual Report, Ministry of Labor, Accessed online:

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¹⁸ According to: Women and Men in the Republic of Macedonia, SSO, 2008, 2006.

¹⁹ Human Development Report (2009), UNDP; The ratio for each country is calculated on the basis of the average female and average male earnings. For further info, see <http://hdr.undp.org/en/statistics/tn1>.

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²¹ Gender Pay Gap in fyr Macedonia, Kazandziska, M, Risteska, M, Schmidt, V, ILO, 2012, p. 25-26

²² Ibid, p. 23-24

²³ Law on Labor Relations, Official Gazette of RM, 158/2010, art. 108.

²⁴ Equal Remuneration Convention, 1951 (No. 100), accessed online

<http://www2.ohchr.org/english/law/equalremuneration.htm>

²⁵ Supra note 21.



²⁶ EU Strategy for equality between women and men 2010-2015, 2010

²⁷ Information on Government of R. Macedonia conclusion "за наодите од анализата за квалитативното учество на жените во јавниот и политичкиот живот во единиците на локалната самоуправа, со заклучоци кои ќе бидат во функција за надминување на евентуалните онстатирани слабости, Ministry of Labor and Social Affairs, 2011"

²⁸ Authors' calculations on the basis of the SSO data (Women and men in the Republic of Macedonia, SSO, 2012).

²⁹ Women and men in the Republic of Macedonia, SSO, 2012

³⁰ Electoral Code, 2006, art.64

³¹ Law on equal opportunities between men and women. Official Gazette of RM, 66/2006

³² Supra note, 27.

³³ EU Strategy for equality between women and men, 2010-2015, p. 13.

³⁴ Association for Emancipation, Solidarity and Equality of Women of Republic of Macedonia, http://www.esem.org.mk/Root/mak/default_mak.asp, p 7-8, also

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<http://www.europarl.europa.eu/data/resources/library/media/20110405MLT17038/20110405MLT17038.pdf> p.24,

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⁴⁹ EU Strategy for equality between women and men, 2010-2015, p. 10.

⁵⁰ Roadmap for equality between women and men 2006-20120,

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