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

**Pre-session working group**

**Thirty-fourth session**

16 January-3 February 2006

**List of issues and questions with regard to the consideration  
of reports**

**The former Yugoslav Republic of Macedonia**

**Introduction**

The pre-session working group examined the combined initial, second and third periodic report of the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/1-3).

**Articles 1 and 2**

1. The report states (pages 11, 13) that the principle of equality between women and men has been integrated into article 9 of the Constitution and into some laws of special importance for women's status, such as the Inheritance Law and the Family Law, while the Law on Employment does not include provisions that "directly relate to gender equality" (page 13). Does the Government intend to pursue the review of domestic legislation so as to ensure full compliance with the provisions of the Convention, including the adoption of a specific law on gender equality?
2. The report states (page 29) that Constitutional Court data indicate that only a very small percentage of women submit individual petitions related to discrimination cases. It also states (page 32) that the citizens of the former Yugoslav Republic of Macedonia, including women, "use existing mechanisms and legal means for protection of the freedoms and rights, in case of their violations, to an insufficient extent, which is mainly due to the inadequate knowledge about the guaranteed freedoms and rights and methods of their protection". Please explain what measures the Government has taken to create awareness among women of their rights and the means for claiming them. In that regard, indicate in particular which

of the activities included in the National Action Plan and described in the report (page 32) have been implemented.

### **Article 3**

3. The report indicates (page 33) that “the Unit for Promotion of Gender Equality was established within the Ministry of Labour and Social Policy, in January 1997” and states “however, special funds defined in the State budget are still missing and the Unit operates with one full-time employee”. Please describe the steps taken by the Government to provide the Unit for Promotion of Gender Equality with adequate human and financial resources and with the power and authority to carry out its work. In particular, indicate how the Unit can play a catalytic role in promoting the implementation of the Convention across all sectors of Government.

### **Article 4**

4. The report states (page 37) that at the present time the former Yugoslav Republic of Macedonia “has no official policy whatsoever for de facto advancing equality or for introducing temporary special measures (positive actions)” at the national level. Please describe whether, besides the quota of “a minimum 30 per cent representation of either gender on the lists of candidates” for the Parliament (page 56), the Government is taking steps to adopt temporary special measures in line with article 4, paragraph 1 of the Convention and with the Committee’s general recommendation No. 25.

### **Article 5**

5. The report indicates (page 37) that “the conventional concept of women still persists”, suggesting that the core differences between genders are embedded in the inferior and unfavourable position [of women], and underlining “the ancient division of roles between men and women in the sphere of family relations and wider”. Apart from the representation of women in the media, the report provides little information about prevailing gender stereotypes and their role in perpetuating discrimination against and disadvantages for women. Kindly describe the types and persistence of all kinds of gender stereotypes and the measures taken to change the cultural patterns that are discriminatory, including by promoting the sharing of responsibilities between women and men in family and in society.

6. The report states (page 17) that the prevalence of domestic violence in the former Yugoslav Republic of Macedonia “is a well-known fact, despite the fact that it is rarely mentioned in public. It is also a well-known fact that cultural norms discourage reporting of domestic violence using the excuse that it is ‘about a private family matter’”. The report also states (page 18) that the Criminal Code of the former Yugoslav Republic of Macedonia “does not sanction violence against women as a separate criminal offence”. What measures, including legislation, is the Government implementing to prevent and sanction domestic violence and encourage reporting, to raise women’s awareness of their rights and provide them with access to legal aid, and to increase the capacity of public officials to provide gender-sensitive support to victims of domestic violence?

7. The report states (page 18) that “rape within marriage was introduced into the Criminal Code in 1996. However, the procedure pertaining to this kind of crime is initiated on the basis of a private complaint, unlike the other kinds of rape where the perpetrators are other persons and not the spouse, and where the procedure is initiated ex officio”. What measures have been taken to facilitate women’s reporting of marital rape? Please provide details of the procedure for filing a private complaint; provide data on the extent to which this procedure is being utilized; and indicate whether legal aid is made available to victims.

8. The report notes a lack of services to support women victims of violence. What efforts are being made to ensure that victims of violence have the necessary support, including psychological and medical assistance and access to adequate shelters?

9. Please describe the measures undertaken to collect, analyse and use data and statistics disaggregated by sex and ethnicity on all forms of violence against women.

## **Article 6**

10. The report indicates (page 49) that the Government of the former Yugoslav Republic of Macedonia cooperates with the International Organization for Migration on “initiatives with the purpose of identification, appropriate care, returning and reintegration of victims of human trafficking”. Please indicate whether the Government has introduced witness protection legislation to protect women victims of human trafficking, and, in particular, clarify whether victims of human trafficking are fined and/or deported.

11. Please provide information, including statistical data, on the phenomenon of prostitution, and on the measures taken to address the root causes, to prevent the sexual exploitation of women and girls, to raise awareness of the health and safety risks of prostitution and to ensure the protection, rehabilitation and social reintegration of prostitutes.

## **Article 7**

12. The report indicates (pages 133-137) that in the 2002 parliamentary elections only 21 women were elected out of a total 120 Members of Parliament, and that only 8.4 per cent of women were elected in the 2000 local elections. The report also indicates (page 56) that, in order to ensure improvement of the position of women in the political sphere, electoral laws have been made and that article 37 of the Law for Election of Members of Parliament of the former Yugoslav Republic of Macedonia [now] provides a legal obligation that requires a minimum 30 per cent representation of either gender on the lists of candidates. Kindly describe the results and effectiveness of the preceding provision, as well as any measures that may have been introduced to enhance the number of women participating, and succeeding in local elections.

13. The report states (page 56) that “for the purposes of promotion of gender equality in this sphere, one should stress the need for the formation of a special parliamentary committee for gender equality”, which would comprise Members of Parliament and experts whose role would be “to analyse the proposed legal solutions

from the aspect of gender equality and, in this sense, to influence their content". Has such a committee been established? If so, please give details on its mandate, the activities it has undertaken and their impact.

14. The report highlights (page 54) the marginal participation of women in the sphere of decision-making and public life. What steps have been taken by the Government to increase women's presence in management positions in the executive branch and enhance women's representation on courts of higher instance?

### **Article 8**

15. As stated in the report (page 70), the "participation of women at the international level is still low". Please provide information on measures aimed at increasing women's representation in decision-making positions in the Ministry of Foreign Affairs, as well as in the diplomatic and consular missions.

### **Article 10**

16. The report indicates (pages 76-77) that "the lowest participation [of female students in secondary education in 2001-2002] was observed in the vocations of electrical and mechanical engineering, with an average of about 7 per cent". What measures is the Government taking to increase female students' participation in areas of study that are traditionally male dominated?

17. The report states (page 84) that the dropout rate at the secondary education level is high for both genders. Kindly provide data disaggregated by sex and ethnicity on dropout rates in primary and secondary education; state the reasons why students are dropping out; and provide information on measures taken to decrease the dropout rates of female students, including the use of temporary special measures in accordance with article 4, paragraph 1 and the Committee's general recommendation No. 25.

### **Article 11**

18. The report indicates (page 13) that poverty affects women more than men and that an action plan to identify and eliminate the root causes for women's higher poverty levels is still missing. The report states (pages 86-87, and 149) that the unemployment rate for women is 32 per cent. It also indicates that 69.8 per cent of women are low-paid manual workers and that 21.8 per cent of women are unpaid family workers. The table on page 149 indicates that women continue to predominate in education, health care and social work. What efforts has the Government made to improve the economic prospects of women, including measures to help women reconcile work and family responsibilities as well as the provision of adequate child care facilitators?

19. The report states (page 87) that "self-employment and employment opportunities offered by the private sector are not utilized by women". What are the reasons for that situation, and what steps is the Government taking to build women's capacity in order to ensure that women can gain access to self-employment and employment opportunities in the private sector?

20. The report, in several instances, refers to special protective legislation for women in relation to the workplace (Law on Labour Relations of 1993). Has any study been undertaken concerning that legislation, as called for in article 11.3 of the Convention, including determination of the impact of such special protection on women's participation in the labour market and on their employment opportunities?

21. The report states (page 93) that the father of the child shall exercise the right to [parental] leave in case of the death of the mother, if the mother abandons the child, or if the mother is prevented from exercising her rights because of justified reasons. Do fathers have a right to paternity leave in other circumstances? If so, please explain and indicate what proportion of fathers take paternity leave.

22. How many families are headed by women? What steps have been taken to economically empower women heads of households with low incomes?

23. Has any research been undertaken on the multiple forms of discrimination faced by vulnerable groups of women and women from different ethnic groups? Please provide information on the situation of such vulnerable groups as elderly women and women with disabilities as well as that of women belonging to ethnic groups; in particular, on the situation of Albanian and Roma women, and refugee and migrant women; and on the measures taken to improve their socio-economic status and to ensure their equal access to education, health and political representation.

## **Article 12**

24. The report indicates (page 100) that the former Yugoslav Republic of Macedonia "failed to provide a strategic document for long-term development of health care" but that the Macedonian Academy of Arts and Sciences was working on the preparation of the document. Kindly explain the status of the preparation of the document.

25. The report states (page 107) that abortion is still used as a method of family planning, "which is reflected in the indicators of delivery and abortion ratio, regarding the recent period, in average 2.5 deliveries are accompanied by one abortion". What steps are being taken to ensure that women and men, including adolescents, have access to information on reproductive health and family planning and to affordable contraceptive methods?

26. Kindly provide data disaggregated by sex and ethnicity on the prevalence of HIV/AIDS in the country. Please also describe measures taken to address HIV/AIDS, and indicate whether a gender perspective has been integrated in such measures.

27. The report does not provide any information on the situation of migrant women, including their number and country of origin. The report states (page 110) that "the health status of women immigrants is not followed with any particular attention. Thus, a need has been imposed that the statistics system should cover indicators for the population in question". Have any steps been taken to create such a system, and have measures been implemented to ensure access to health services for migrant women?

### **Article 13**

28. The report states (page 113) that the Government of the former Yugoslav Republic of Macedonia in its programme activities “is aiming to prevent discrimination and provide gender balance” with respect to economic and professional life through:

(a) “Provision of access to free of charge or inexpensive legal services, in order to ensure equal access to the economic resources, and possibilities for special loaning terms for women, including young women;

(b) “Provision of participation or common ownership (where possible) for women in the decision-making processes of the institutions offering credit and financial services.”

What is the status of implementation of such activities?

### **Article 14**

29. Considering that approximately 40.5 per cent of the population lives in rural areas,<sup>1</sup> please describe the impact of all the measures carried out by the Government to improve the situation of rural women, including their access to health, education, water and land, and their participation in decision-making processes at all levels.

### **Article 16**

30. The report states (page 125) that “legislation provides an opportunity for the financially unsecured marital partner to be assigned support after the divorce if he/she does not have substantial means to support him/herself, is not able to work, or has lost his/her job not by his/her fault for five years after the divorce or the annulment of the marriage. Nevertheless, although the court assigns support for the children and the mother, the actual implementation of this support as an obligation of the father is complicated”. What steps have been taken to facilitate the implementation of support for the children and the mother?

#### *Notes*

<sup>1</sup> As of 2003, 59.5 per cent of the populations was living in urban areas in the former Yugoslav Republic of Macedonia (*Trends in Europe and North America, 2005* (United Nations publication, Sales No. 05.II.E.14); see <http://www.unece.org/stats/trends2005/Welcome.html>, links: Population/Population in urban areas).