

<b>Country</b>	<b>Republic of North Macedonia</b>
<b>SIGI 2019 Category</b>	<b>Very low</b>
<b>SIGI Value 2019</b>	<b>18%</b>

<b>Discrimination in the family</b>		<b>28%</b>
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	4%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	3.0
	Legal framework on inheritance	25%
	Legal framework on divorce	0%

<b>Restricted physical integrity</b>		<b>15%</b>
	Legal framework on violence against women	75%
	Proportion of the female population justifying beating his wife	14%
	Prevalence of domestic violence against women (lifetime)	28%
	Sex ratio at birth (natural =105)	105.3
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	17%

<b>Restricted access to productive and financial resources</b>		<b>13%</b>
	Legal framework on working rights	0%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	11%
	Share of managers (male)	76%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0%
	Share of account holders	52%

<b>Restricted civil liberties</b>		<b>15%</b>
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	67%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	39%
	Percentage of male MP's	63%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	52%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Republic of North Macedonia

### 1. Discrimination in the family

The Republic of North Macedonia is going through a process of legal reforms including the codification of civil law. As of December 2017, the Government is currently working on a draft of the Civil Code, Book V, which will regulate family relations.

#### a) Overarching legal framework for marriage

Women and men have equal rights to enter into marriage, which is based on free will (Family Law, Article 6). A woman and a man that intend to marry should submit an application to register their marriage at a civil registry office (Family Law, Articles 23 and 24). Marriage under religious customs is not recognised by law (Family Act, Article 30). A marriage contracted by force or mistake should not be valid (Family Law, Article 19). With a prescriptive period of one year, annulment of the marriage can be requested by the spouse that has been coerced into marriage (Family Law, Article 36). Spouses may choose to take one common surname for both, to retain their respective surname or one of the spouses can take the surname of the other spouse and add their own surname to that surname (Family Law, Article 31).

#### b) Child marriage

The legal age of marriage is 18 for women and men, meaning that a person that has not reached 18 cannot enter into a valid marriage (Family Law, Article 16). A marriage contracted before the legal age should be annulled by the court (Family Law, Articles 35 and 38). In a non-litigation procedure, a court can however authorise a person who has reached the age of 16 to contract a marriage if it has been established that the person has the mental and physical maturity necessary to exercise the rights and duties that marriage entails. Opinion of a medical institution as well as from a professional from the Social Work Centre should be obtained prior to court ruling (Family Law, Article 16).

An official enabling a marriage despite the existence of legal impediments can be punished with a fine or with imprisonment of up to three years (Criminal Code, Article 196). The Criminal Code further stipulates that an adult living in an extra-marital community with a juvenile aged 14-16 years is a crime punishable by imprisonment for a term of between three months and three years. The same punishment is applicable to a parent or legal guardian that allowed their minor child (14-16 years of age) to live in extra-marital community. If it is found that the marriage is based on self-interest, the perpetrator can be sentenced from one to five years' imprisonment (Criminal Code, Article 197).

In practice, child marriage occurs in the Romani community and to a lesser extent in the ethnic Albanian community (Council of Europe, 2015). It is however difficult to estimate the extent of the practice given the fact that child and forced marriages are rarely registered (US Department of State, 2016). Furthermore, despite the criminalization of child marriage, conditional sentences are prescribed in the majority of cases. According to UNFPA, tradition, pregnancy and the need to preserve family's honour are used to justify child marriage in the FYROM (UNFPA, 2012).

### c) Household responsibilities

Women and men have equal rights to choose their place of residence (Constitution, Article 27). Married women and men have the same rights to decide on their mutual place of residence and the organisation of the household (Family Law, Article 32). Property of spouses is based on common property, meaning that everything acquired during marriage is part of the spouses' joint property (Law on Ownership and Other Real Estates, Article 67). Spouses retain separate property on what they acquired individually before marriage (Law on Ownership and Other Real Estates, Articles 68). Parents have equal rights and duties to provide for the nurturing and education of their children (Constitution, Article 40). Women and men have the same right to be the legal guardian of their children (Family Law, Article 8). Parental responsibility should be exercised jointly by the parents who have equal rights and responsibilities with regard to their children, irrespective of the marital status (Family Law, Articles 8 and 9). Female and male partners that have lived together for at least a year should be treated as married women and men under the law, enjoying the same rights and duties (Family Law, Article 13).

The CEDAW committee (2013) observed that stereotypes regarding roles and responsibilities of women and men in the household persist, putting more value on traditional roles of women as mothers and wives. As such, men are expected to be the breadwinners while women are expected to be the primary caretaker (World Bank, 2013).

### d) Divorce

Women and men have equal rights to initiate divorce. Divorce may be obtained through mutual consent (Family Law, Article 39) or may be granted on the request of one of the spouse if the marriage relations and marital life have become unbearable (Family Law, Article 40). Divorce is also possible in cases where marital community has de facto terminated for over a year (Family Law, Article 41).

In the event of divorce, spouses agree on the division of joint property (Law on Ownership and Other Real Estates, Article 74). If no agreement can be reached between the spouses, the court decides on the division of common property with a presumption that common property is divided into equal shares (Law on Ownership and Other Real Estates, Articles 75). Women and men have the same right to be the legal guardian of the children after divorce (Family Law, Article 39). The mother and father retain equal rights and responsibilities towards their children (Family Law, Articles 44 to 46). Intentional avoidance to pay for child support is punished by criminal law with a fine, or with imprisonment of up to one year (Criminal Code, Article 202).

Circumstances such as the national housing shortage or a lack of financial resources to afford separate housing may lead many partners seeking divorce to continue living together. The court may also oblige couples to continue to live together during a three-month counselling period mandated for any partners seeking divorce (Emery, R. 2013). After divorce, the parent to whom custody is awarded, most often the mother, makes all the important decisions regarding the children, leaving the other parent at the margin of the children's life. Reportedly, this situation has negative impacts on the willingness to pay for child support (Mickovik, D. and Ristov, A. 2016).

### **e) Inheritance**

Equal inheritance rights are guaranteed by the Constitution (Constitution, Article 30). In intestate succession, sons and daughters have equal rights to inherit (Law on Inheritance, Articles 3 and 13). Likewise, female and male surviving spouses have equal rights to inherit (Law on Inheritance, Articles 3 and 13). Children and the surviving spouse are part of the first class of heirs (Law on Inheritance, Article 13). Women and men have equal rights to make a will (Law on Inheritance, Article 9). Mandatory heirs include the deceased's children and spouse (Law on Inheritance, Article 30). Reasons for excluding a mandatory heir from inheritance by will are limited and set by law (Law on Inheritance, Article 46).

In Macedonian and Albanian communities, son preference reportedly dictates inheritance practices, especially in rural areas. Reasons may include the belief that the property inherited by a woman will inevitably become the property of her husband or her in-laws and will thus be lost to another family. Women often forego their rights to property inheritance fearing social judgment. It has also to be noted that as 150 euros is charged by the notary in the process of inheritance, some women choose to refrain from asserting their inheritance rights because of the costs it entails (Mistrevska, C. 2017). Issues of legal literacy also impact women's ability to realise their rights as Macedonian women may not be aware of their inheritance rights (Tonchovska, R., Kelm, K. and Giovarelli, R. 2014).

## **2. Restricted Physical integrity**

### **a) Violence against women**

The FYROM has signed but not yet ratified the Istanbul Convention. Despite international commitments, the FYROM does not at present have any law, policy or action plan dealing with violence against women in general.

Besides the absence of legal protection, systemic problems are observed, such as a lack of shelters for women victims of violence, the absence of a multilingual helpline and the lack of accurate data on reported cases of gender-based violence (European Commission, 2016a).

### **b) Domestic violence**

The Law on the Prevention and Protection against Domestic Violence, enacted in 2014, contains provisions for better institutional cooperation and coordination with regards to the prevention of domestic violence and protection of victims. Domestic violence is punished according to the crime listed in the Criminal Code including maltreatment, fierce offence, security threat, body injury, gender violence or any other kind of violence such as physical or psychological violence, with the aggravating circumstance of family violence.

Defined in gender-neutral terms, domestic violence encompasses sexual, psychological, physical, emotional or economical violence, among family members understood in a broad way to include former partners (Family Law, Article 94 b; Criminal Law, Article 122(21); Law on the Prevention and Suppression of Domestic Violence, Articles 3 and 4).

Article 8 of the Law on the Prevention and Protection against Domestic Violence provides for a right to assistance, support and protection to victims of domestic violence as well as the right to information. Protection of victims is to be offered in a timely and effective manner (Law on the Prevention and Protection against Domestic Violence, Article 6). On the request of the victim of domestic violence, the Social Work Centre must provide them with accommodation, adequate health care, psychosocial support and legal assistance (Law on the Prevention and Protection against Domestic Violence, Article 18). The Police must react immediately in cases of domestic violence and provide the victim with adequate legal protection (Article 29). The Court may decide on temporary measures such as removing the perpetrator from home for a minimum of 10 days and maximum of 30 days or prohibition to go to certain places (Law on the Prevention and Protection against Domestic Violence, Articles 34-35). If the perpetrator of domestic violence does not respect or violates the temporary measures, a fine can be imposed according to Article 62 of the law. The legislation on domestic violence also envisages prevention measures of domestic violence through trainings, awareness raising campaigns and educative programs (Law on the Prevention and Protection against Domestic Violence, Article 17)

To complement the law, five bylaws have been enacted, namely: the Rulebook on the method of implementing and monitoring the measures for protection of the victim of domestic violence, taken by the Social Work Center and on the method for monitoring the imposed measures for protection; the Rulebook on the method of enforcing the imposed temporary measure for protection – mandatory counselling for perpetrators of domestic violence (Official Gazette No. 17/2015); the Rulebook on the method of assessing the risk for the life and bodily integrity of the victim of domestic violence and the risk for the violence to be repeated; Rulebook on the method of enforcing the issued temporary measures for protection of the victim of domestic violence and the members of their family (Official Gazette No. 28/15); the Rulebook on the method of enforcing the temporary measure for protection against domestic violence – mandatory treatment for the perpetrators if they use alcohol, drugs and other psychotropic substances or are mentally ill (Official Gazette No. 94/15). These bylaws regulate the implementation and monitoring of the protection measures.

The FYROM reported in its most recent CEDAW report (2017) that a National Strategy for Prevention and Protection against Domestic Violence is currently being drafted.

Pursuant to the Law on Social Care and the Rulebook on the method and procedure for assigning funds to civil associations for performing defined actions in the field of social care, the Ministry of Labour and Social Policy supports NGOs financially in the implementation of several projects on domestic violence such as a national SOS line for reporting domestic violence and temporary accommodation in a shelter for victims of domestic violence (CEDAW, 2017).

In 2013, the country conducted a national assessment of the court cases 2008-2012 on domestic violence from a gender perspective. Findings from the study revealed that in 51% of cases, penalties were imposed while alternative measures were prescribed in 49% of them. The study also confirmed the gendered nature of domestic violence, which affects women disproportionately. Based on this study, trainings for 100 judges were implemented (CEDAW, 2017).

Despite the criminalization of domestic violence and the existence of several legal instruments for its prevention and eradication, domestic violence is a persistent and common problem in the country (European Commission, 2016). The US Department of State (2016) reported that the importance of cultural norms such as stigmatization of victims of domestic violence is a major factor in explaining the low number of reported cases. It further observed that the police and judicial officials are often reluctant to prosecute domestic violence cases. For women who choose to report violence, the government provides for seven shelters with limited capacity. There are also two crisis centres for women at risk with a capacity of 30 women ran by NGOs (US Department of State, 2016). The Committee on Economic, Social and Cultural Rights (2014) regrets the lack of national data on domestic violence.

### **c) Rape**

Articles 186 to 194 of the Criminal Code contain provisions on sexual violence. Rape is addressed in Article 186 of the Criminal Code and is characterised by use of force or threats. It is punished by imprisonment of three to ten years. More severe sentences can be prescribed in cases of gang rape, rape of a helpless person, rape of a minor and rape with misuse of position (Criminal Code, Articles 186 to 189). Although marital rape is not mentioned as such in rape law, based on Article 122(21) of the Criminal Code and following the amendments of 2004 of the Criminal Code abolishing paragraph 5 relating to private lawsuit in case of marital rape, all forms of rape including marital rape can be prosecuted. The Law on the Prevention and Protection against Domestic Violence also contains provisions relating to sexual violence within the family in its Articles 3 and 4.

According to the US Department of State (2016), rape laws are poorly enforced in the FYROM and the police as well as judicial officials are often reluctant to prosecute marital rape cases. In 2015, 24 adult perpetrators were convicted for rape (State Statistical Office, 2016).

### **d) Sexual harassment**

Sexual harassment is prohibited by the Law on Protection against Harassment in the Workplace, the Law for Prevention and Protection against Discrimination in its Articles 3 and 7(2) and the Law on Equal Opportunities in its Articles 3(3) and 4(7). Pursuant to the scope of application of these laws, sexual harassment is prohibited in the sphere of employment and labour, education, science and sports, social security, including social protection, pension and disability insurance, health insurance and health protection, judiciary and administration, housing, public information and media, information and communication technologies, defence and security, membership and active participation in union organizations, political parties, associations and foundations, other membership-based organizations, culture and other spheres defined by law (Law for the Prevention and Protection against Discrimination, Article 4 and Law on Equal Opportunities, Article 3(3) and 4(2)). Sexual harassment is considered as discrimination based on gender (Law on Equal opportunities between Women and Men, Article 7(2)) and is defined as verbal, nonverbal or physical conduct of sexual character with the purpose or effect of violating dignity and of creating an intimidating, hostile, humiliating or offensive environment (Law for the Prevention and Protection against Discrimination, Article 7(2)). The Law on Protection against Harassment at the Workplace mandates employers inform

their employees on the prohibition of harassment in the workplace as well as the protections offered in case of harassment.

A lack of information on sexual harassment in the workplace has been reported by the CEDAW committee (2013). However, according to the US Department of State (2016), sexual harassment of women in the workplace is a persistent problem in the country, which is often not reported due to fear of being fired.

#### **e) Female genital mutilation**

There is no law addressing the issue of female genital mutilation (FGM) in the FYROM. Neither is there evidence that FGM is practiced in the country.

#### **f) Abortion**

In 2013, a law restricting women's access to abortion was passed. According to this law, abortion can be performed up to ten weeks of pregnancy based on the written request of the woman who seeks to terminate her pregnancy. When the woman is minor, same conditions apply and parental consent is required (Abortion Law, Article 3). Abortion is limited to one per year (Abortion Law, Article 3). Exceptions exist based on medical indications; scientific findings that the child may have serious mental or physical disabilities or when the pregnancy is the result of a criminal act *inter alia* (Abortion Law, Article 4). The Law now requires a mandatory ultra-sound confirmed by a certificate from the gynaecologist prior to abortion (Abortion Law, Article 6). A mandatory waiting period of three days as well as mandatory pre-abortion counselling is also prescribed (Abortion Law, Article 3). Furthermore, if the woman is married, the woman has to notify her spouse prior to the abortion (Abortion Law, Article 10).

The Center for Reproductive Rights (2015) expressed concerns regarding the biased nature of abortion counselling which contains requirements to specify "all anatomical and physiological features of the foetus at the given gestational age". Counselling must also provide with information on the possible harm abortion can cause to women's health and the possible advantages of continuing a pregnancy (Guidelines on Psychological Pre-Abortion Counselling). The Center for Reproductive Rights (2015) also observed that such law further consolidates harmful gender stereotypes and discriminatory attitudes and undermines women's decision-making capacity. Women may suffer from abortion stigma and face additional procedural obstacles to access reproductive care services. Prior to the enactment of the law in 2013, the CEDAW committee (2013) had reported a high rate of abortion in the FYROM and a low use, availability and accessibility of adequate forms of contraception, indicating that abortion was used as a method of birth control. Incidence of the new law on the national abortion rate and on the use of contraception has not yet been reported.

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Women and men have equal rights to ownership and property (Constitution, Articles 8 and 30). They have equal rights to own, use, administer and use as collateral over land and non-land assets (Law on Ownership and Other Real Estates, Articles 2-5-8).

Property of married women and men as well as female and male partners that have lived together for at least a year falls under the same legal provisions (Family Law, Article 13). Property of spouses is based on common property, meaning that everything acquired during marriage is part of the spouses' joint property (Law on Ownership and Other Real Estates, Article 67). Spouses retain separate property on what they acquired individually before marriage, and possibly on what they inherited or gifted property (Law on Ownership and Other Real Estates, Article 68). Married women and men have equal rights to own, use and administer their joint property and separate property (Law on Ownership and Other Real Estates, Articles 68-69-70-75). Notably, Article 59 of the Law on Ownership and Other Real Estates states that when an item is held in joint ownership, the right to own it is not affected by whether or not the joint owner's name is in the property register. Hence, rights to property are protected for women and men that do not have their name included in the registry. Article 61 of the same law gives women and men the same right to request that their name be on the registry. After divorce or separation, women and men retain equal rights to property (Law on Ownership and Other Real Estates, Articles 74-75).

Co-ownership is addressed in Articles 31 and 148 of the Law on Ownership and Other Real Estates, enabling partners in a relationship falling outside of the scope of family law to co-own land and other assets, albeit with some limitations set by law.

A paper presented at a World Bank conference in 2014 (Tonchovska, R., Kelm, K. and Giovarelli, R. 2014) suggested that women in the FYROM own approximately 17% of land while their male counterparts own 83%. Despite the existence of gender sensitive policy in the field of agriculture, discriminatory practices impede on women's access to land. Tradition dictates that men should register as farmers, leaving women farmers unregistered and thus preventing them from applying for land titles (Mistrevska, C. 2017).

### **b) Secure access to formal financial resources**

Women and men have equal rights to open a bank account (no restriction found). They also have the same right to obtain a credit. The law prohibits discrimination on the basis of sex in access to credit (Law on Prevention and Protection against Discrimination, Article 4(7)).

Although the World Bank (2013) did not identify gaps in access to credit, it did notice gender disparities in access to savings, women being less likely to possess savings than men. It also reported a low percentage of women entrepreneurs. On study found that women often hold the belief that bank loans are not accessible to them as they do not own assets that could be used as collateral and are not registered as farmers (Mistrevska, C. 2017).

### **c) Workplace rights**

The FYROM has ratified the ILO Conventions C100, C11, C156 and C183, but not C189.

Direct and indirect discrimination based on sex is prohibited in the workplace (Law on Prevention of and Protection from Discrimination, Article 3 and 5 and the Labour Relations Act, Article 7), as is discrimination on the ground of sex in job advertisements (Labour Relations Act, Article 24(2)). Additionally, women and men must be provided with equal opportunities in regard to selection

criteria, recruitment, hiring, terms and conditions, promotions, trainings, assignments and termination of employment (Labour Relations Act, Article 6(2)).

Equal pay for work of equal value is mandated by Article 108(1) of the Labour Relations Act with a special mention to sex. However, evidence of a significant gender pay gap in the country may imply poor implementation of the law (European Commission, 2016).

The Constitution guarantees the protection of mothers, particularly at work (Constitution, Article 42). Women are entitled to a maternity leave of nine months (Labour Relations Act, Article 165(1)) paid at 100% by the government (Law on Health Insurance, Articles 14 and 17). Paid leave due to family reasons such as childbirth for the father is provided for a period of up to seven working days (Labour Relations Act, Article 146(1)), also paid at 100% by the government (Law on Health Insurance, Article 17). The Labour Relations Act provides for unpaid parental leave for a period up to three months until the child attains the age of three (Labour Relations Act, Article 170-a). An employer cannot terminate the employment relationship of a person under maternity, paternity or parental leave (Labour Relations Act, Article 101(1)).

Gender segregation is a significant feature of employment in the FYROM (European Commission, 2016). According to the Committee on Economic, Social and Cultural Rights (2014), women remain overrepresented in low-paid jobs. They are also highly unemployed, this being particularly true for Roma women and women with disabilities.

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

Women and men have equal rights to acquire (Law on Citizenship, Article 3), change and retain nationality (Law on Citizenship, Article 19). The law provides women and men with the same rights to pass on citizenship to their spouse (Law on Citizenship, Article 9) and their children (Citizenship Law, Articles 4-5).

Women and men have equal rights to register the birth of their children (Law on Registers of Births, Marriages and Deaths). In the Romani community, the non-registration of births is common which often prevents members of the Roma community from accessing social benefits, education and employment. Complex administrative procedures and the submission requirement of marriage and medical certificates can prove to be indirectly discriminatory against the Roma community (Council of Europe, 2015).

Women and men have equal rights to apply for a passport (Law on Travel Documents, Article 29) and for an identity card (Law on Identity Card, Article 4). They both have the same rights to travel outside of the country (Constitution, Article 27).

### **b) Voting**

Women and men have equal rights to vote at the age of 18 (Constitution, Article 22).

The US Department of State (2014) observed that in some Romanian and Albanian communities, men dictate the vote of female family members or vote on their behalf.

### **c) Political voice**

Women and men have equal rights to hold public and political office (Constitution, Article 23).

The Gender Equality Strategy contains a strategic goal (2.1) that provides for an increased gender-responsible participation of women in decision-making processes in the legislative and executive branches, in party politics and editorial broadcasting. Affirmative measures are explicitly recognised in Article 13 of the Law on Prevention and Protection against Discrimination. Article 15 of the same law states that protective mechanisms for particular categories of persons should not be deemed discrimination. In its Article 7, the Law on Equal Opportunities for Women and Men provides for special measures. The CEDAW committee (2013) noted that the different terminologies that refer to temporary special measures translated into a lack of consistent application.

The Law on Political Parties mandates for the realisation of the principle of gender equality within political parties in its Article 4. According to the Law on Elections, Article 4/3, each sex should be represented by at least 30% in the electoral bodies. A one-third quota applies to members of parliament and for municipal councils (Electoral Code, Article 64/5). The quota however does not apply to mayors. If the party does not respect the quota requirement, the list is rejected (Electoral Code, Article 67). The European Commission notes that quotas are generally perceived as ultimate goals in themselves and not a minimum standard in the pursuit of gender equality (European Commission, 2016).

Although the legislative quotas have contributed to enhancing women's voice in politics, especially in the national parliament (European Commission, 2016), some important challenges remain. For instance, women are often not promoted to higher party positions, they may have limited access to funding and may have less access to media outlets. The lack of work-life balance arrangements in public life may also account for the low participation of women (Azizi, A. 2016). The CEDAW committee (2013) reported that negative gender stereotypes may impede women's equal participation in political life as women's responsibilities are still considered to be linked to domestic duties, caring and motherhood.

### **d) Access to justice**

Women and men are equal before the Constitution and the law (Constitution, Article 9). This guarantees equality of women and men's testimony in court. They have equal rights to sue and to be sued (Law on Litigation Procedure, Article 70(1); no restriction found elsewhere).

The Law on Free Legal Aid from 2010 establishes a legal framework building on the constitutional guarantee of equal access to justice. The Law provides access to justice to vulnerable groups who are financially disadvantaged and allows their representation in court. There is no specific provision contained regarding women victims of violence but women can apply to receive legal aid as any other citizen. Although the government (CEDAW, 2017) reported that an increased number of women victims of domestic violence applied for legal aid in 2014, the inefficiency of the procedure to approve

free legal aid and strict criteria to award it have made many women victims of violence turn to civil organisations providing legal pro bono services instead of seeking state-appointed legal aid (Saltirovska, Z. 2017). Furthermore, the Committee on Economic, Social and Cultural Rights (2014) has raised concern about the lack of resources allocated to the legal aid programmes and the limited information provided to individuals about their rights under the Law on Free Legal Aid. Administrative court taxes, costs for expert opinions or costs for obtaining evidence are not covered by the law and may thus constitute additional challenges for women with limited resources (ESE, 2015).

Access to justice for women has been improved by the introduction of a provision in Article 55 of the Criminal Code of Procedure that provides for a gender-sensitive access to justice and protection against secondary victimization of women victim of criminal offences. Pursuant to this article, women are guaranteed the right to be interviewed by someone of the same gender with the police and in public prosecution, the right not to answer questions touching upon their intimate life that are unrelated to the criminal offence and to be provided by audio or visual aids during interviews.

Regarding discrimination cases, citizens are entitled to invoke protection of their fundamental rights and freedom before regular court (Constitution, Article 50). However the European Commission (2016c) noted that in practice, the Constitutional Court has been reluctant to act upon discrimination cases. A lack of clarity and accessibility regarding proceedings when addressing discrimination complaints creates a de facto challenge for victims (European Commission, 2016c). Although the law provides for a shifted burden of proof in civil procedure (Law on Prevention and Protection against Discrimination, Article 138), this has proven difficult to apply in practice (ESE, 2015). Without tangible evidence, discrimination is hard to prove. The law also provided for the creation of an equality body in 2011, the Commission for Protection against Discrimination (CPAD). Its mandate includes giving advice and recommendations on cases of discrimination; providing information and initiating procedures at relevant state bodies; reporting, and providing education and training; initiating changes to legislation; cooperation with local government, NGOs, other equality bodies and international organisations; collecting statistical data, establishing databases and carrying out research. Yet the European Commission (2016c) has noted that the CPAD does not currently meet the European requirements of the Directive 2000/43, in particular due to its lack of independence.

### *More*

Multiple discrimination is recognised by the Law on Prevention and Protection from Discrimination, Article 12, under the concept of severe discrimination. There is however no case law by reference to multiple discrimination in the FYROM (European Commission, 2016).

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