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Gender Equality and Human Development in Macedonia during Transition  
(1991-2006)

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## **Introduction**

### **I. Human development and citizenship – linking both concepts in a theoretical examination of the issue of gender equality**

I.I. The Human Development concept

I.II. The Citizenship concept

I.II.I Feminist contentions of Citizenship concept

a. *Equality versus difference debate in the conceptualisation of citizenship*

b. *The relevance of the public/private debate for the citizenship concept*

c. *Active citizenship*

I.III. Linking Human Development and Citizenship – individuation of human capabilities for the analysis of gender equality in Macedonia

### **II. Macedonian constitutional and legal framework – gender based analysis of political, civil and social citizenship**

II.I. Internal legal framework

II.I.I. Political rights

a. *Formal politics*

b. *Informal politics*

II.I.II. Civil rights

a. *Individual rights within family*

b. *Individual rights concerning inheritance, citizenship*

II.I.III. Economic and Social rights

a. *Employment*

b. *Education*

c. *Social Welfare*

II.II. International norms (agreements, conventions) – an integrative part of the national legislative system

II.II.I. International Organisations' Conventions

II.II.II. European Union Legislation and Conditionality

II.III. The impact of the transitional processes on the citizen's human development (political and socio-economic profile of the transition)

### **III. Assessment of gender inequalities in Macedonia through the capability approach**

III.I. The impact of the transitional processes on the citizen's human development (political and socio-economic profile of the transition)

III.I.I Political changes

III.I.II Economic reforms

III.I.III. Socio-economic implications of the transitional policies

III. II. Assessing gender inequalities – Case Study

III.II.I. Longevity

III.II.II. Physical health and bodily integrity

III.II.III. Education and knowledge

III.II.IV. Economic independence (individual property and employment)

III.II.V. Unpaid domestic and care activities and time disposal

III.II.VI. Participation in formal politics and engagement in civil society

### **IV. Governmental gender mainstreaming strategy: analysis of legal reforms and affirmative actions adopted in Macedonia**

IV.I. Specific gender equality policies

IV.I.I. Gender based revisions of certain national laws

IV.I.II. Gender electoral quota

IV.II. Gender mainstreaming policy

IV.II.I. National Action Plan

IV.II.II Law on Equal Opportunities between Men and Women

### **V. Evaluation of the applicability and the sustainability of the state gender mainstreaming agenda in eradicating inequalities in Macedonia**

V.I. Evaluation of the process of engendering of citizenship through the analysis of the gender mainstreaming policy

a. The integration of human diversity within the gender mainstreaming agenda

b. Challenging the public/private divide?

c. More equitable political representation for women's active citizenship?

V.II. Applicability and sustainability of the gender mainstreaming agenda

### **Conclusion**

## Introduction

This research deals with the issue of gender equality in Macedonia during the period of transition from the socialist system to the one of parliamentary democracy. It refers to a period when this country faced a deep process of political and institutional transformation with economic and social consequences that influenced the level of human development of the citizens. For what concerns its political aspects, the transformation processes implied a total system change, where the previous concept of socialist citizenship based, as it will be explained, on economic and social rights, has been substituted by the one characteristic of democratic states and comprising political, civil and social rights. Political pluralism has been introduced; the constitution and national laws reformed permitting to citizens to freely exercise their rights by engaging in politics, formal through political parties and informal through civil activity, and in the economy. Within the latter, the transition implied a fundamental change in the property relations and in the economic performances, where social property (i.e. the property of the labour class) of the land, the enterprises and the immovable had to be transformed in private property and the regulation of the economic development transferred from the state institutions to free market mechanisms.

Considering the complexity of these changes, the main question that can be posed is whether and to what extent the transitional policies produced gender based inequalities?

Gender is understood as a socially constructed definition of women and men, i.e. it refers to the social dimension of the sexual differences and opposes the reduction of these differences to bodily or biological differences.

Taking into account this definition, what is fundamental to ask for the purposes of this research is whether the social dimension of the citizens' sexual identity is affecting their rights and opportunities to exercise their citizenship and how this conditioning reverses on their human development? Issues related to the gender based consequences of the transitional policies have not been sufficiently treated in Macedonia and in this sense the present research faces the lacking of previous methodological references and evaluations. This research, though, mainstream the gender perspective in the analysis of the transitional policies through the examination of the basic citizenship rights to which citizens are entitled and by the means of the evaluation of their capabilities to exercise these rights. The complex process of system change in Macedonia, in fact, comprised the reconceptualisation of the citizenship formula, i.e. of the rights to which citizens have been formally entitled. But, formal entitlement to

rights does not necessarily mean their substantial exercise. Inequalities in the exercise of such rights, either in the field of politics or economic activity, can signalise that not all citizens have the same opportunities to exercise their citizenship rights and be educated, have a job, engage in political activity etc.

This thesis will respond to the following questions: are the constitutional and legal guarantees granting equal rights and freedoms to all citizens, irrespective of their gender? If such is the case, then what may cause gender disparities in the living conditions and the exercise of citizenship between men and women? Does the main reason lie in the gender neutral formulation of the citizenship concept? Or it resides in the lack of interest or of political will on behalf of citizens to exercise the rights and duties to which are entitled? Or else, the cause is more complex and regards, besides legal entitlements to rights, also structural, cultural and social factors that cause inequalities in opportunities among citizens? To eradicate gender disparities can it be sufficient to reconceptualise or reformulate the main concept of citizenship, so that elements deriving from the complexity of the gender relations, characterising the human condition in the public and the private sphere, are integrated? Or this process requires a specific governmental strategy for gender equality that will comprise general policies and ad-hoc mechanisms or measures?

I will answer to the uppermentioned questions by firstly examining, under the gender perspective, the constitutional and the legal framework of the country setting the main citizenship rights and successively evaluating citizens' opportunities to exercise them through the assessment of their human development. The outcomes of these analyses will than outline whether gender specific policies need to be introduced and in which fields, and whether the Macedonian governmental agenda for gender equality is responding to these needs.

Main hypothesis advanced in this research is that formal equality, codified through the gender universalising citizenship formula, is not guaranteeing equal rights and opportunities and that gendered aspects of citizens lives (concerning sexual difference and also crosscutting elements such as class, ethnicity, residence and those related to the private sphere traditionally considered as irrelevant) revealed through the analysis of human capabilities have to be mainstreamed not only within the main citizenship concept but also within all state policies and at all institutional levels so that equality is achieved.

#### Research methodology

In order to carry out the research, i.e. to verify the accurateness of the thesis and to confirm the main hypothesis I organise the work by using descriptive, comparative, qualitative and quantitative methods.

I started with doing the theoretical readings on the concept of citizenship and human development. Successively, I looked into the legal documents, the Constitution (the first Constitution of the Republic of Macedonia and the 2001 amendments, as well as the 1974 Constitution of the Yugoslav Federation), the main national laws guaranteeing citizens' political, civil and social rights, as well as International and European Conventions and Directives related to gender. I used descriptive and comparative methods in performing this analysis. Furthermore, in order to evaluate citizens' human development and the substantive exercise of their rights, I employed a quantitative method of research for the realisation of the Case Study. I performed two types of analysis, the first one related to the retrieve of all relevant gender disaggregated data and the second through the conduct of a proper Opinion Poll by interviewing on a random base 358 respondents. In the research of the gender disaggregated data, I contacted different persons from the State Statistical Office, the Unit for the Promotion of Gender Equality within the Ministry of Labour and Social Policy, the Women's Section of the Trade Union, as well as local women NGO's. Within the second type of quantitative research, I conducted the Opinion Poll in the period from June to November 2006 using a nationally representative multi-stage random sample of the population over 18 years of age. The sample was based on the 2002 Census conducted by the State Statistical Office and considered population according to age, sex, family status, ethnicity, religion, geographical residence. In particular the questionnaire was distributed in 5 cities and 4 villages dislocated in the western, the central and eastern part of the country. The questionnaire was partially structured, containing few open type questions, while the remaining closed type contained the option of other free response. The sample was divided, as mentioned, in three parts; the first part contained general type questions, while the second and the third part were data and opinion oriented. The analysis of the data is bivariate and is realised through the use of the SPSS (the Statistical Package for Social Sciences) programme. I realised the qualitative method of research through the conduction of talks and interviews with the representatives of the Unit for Gender Equality, the Parliamentary Commission for Gender Equality, several women NGO's and the Macedonian Women Lobby. Finally, theoretical and technical literature in the respective field has been used, as well as various national and international reports, statistical data, as reported in the bibliography, and various polls realised previously to this research

## **ORGANISATION OF THE RESEARCH**

### **The theoretical foundation**

The research is developed on the grounds of two basic concepts, the one of citizenship and the other of human development with the purpose to expose the main discussion and critiques raised by feminist scholars and non, about how citizenship rights and persons' human development are related. These theoretical premises, though, serve to develop, in first place, the critical analysis on the Macedonian constitutional and legal framework, with the purpose to understand whether the citizenship formula advantages citizens of certain social group and disadvantages others. Secondly, it serve to perform the evaluation of the substantial exercise of the citizenship rights on behalf of Macedonian citizens through the application of the capability approach in a national based Case study aiming at assessing the level of human development among respondents from selected municipalities. This two level analysis, based on both theoretical concepts, allows for the successive critical analysis of the gender equality agenda promoted by the Macedonian government and the evaluation of the applicability and sustainability of this agenda to the Macedonian context.

In the frame of the human development concept I outline the theoretical grounds that this concept offers for a gender based analysis of the people well-being. The analysis concentrates on the individuation of the gender sensitive list of capabilities through which the citizens level of human development can be examined. The discourse is concentrated on the theoretical work of Amartya Sen and Martha Nussbaum, as well as on the approach of the United Nations Development Programme. The theoretical analysis on the citizenship concept, on the other hand, concentrates on the feminist debates concerning the relation between gender and citizenship which are organised around the following three questions: whether women have to be integrated in the citizenship formula as equal as men in gender neutral terms or as different and therefore entitled to group rights?; the citizenship formula has to entail only the public sphere or the private sphere as well and what seize the boundaries between the former and the later?; to what extent is participation important for achieving equality in the exercise of citizenship. The answers of feminist theoreticians to these three basic questions concerning the concept of citizenship have been diverse and up to certain extent opposed, as analysed in Chapter 1. What has been though asserted was that for gender equality to be reached, the concept of citizenship need to be re-conceptualised so as to integrate aspects stemming from difference/s and to allow for major participation of citizens in decision-making processes in order to influence their own development. In relation to this affirmation of feminists scholars, I posed the question how the citizenship concept is defined in Macedonia, as a gender-neutral notion that confers equal rights to all citizens irrespective of their gender, or if it recognises and regulates some basic differences that derive mainly from the reproductive and childrearing function? In order to answers to these queries, I

considered necessary to analyse the legislative framework of the Macedonian state on gender basis and consequently to examine the main laws regulating political, civil, economic and social rights.

### Gender based analysis of the Macedonian legislative framework guaranteeing citizenship freedoms and rights

For the gender based analysis of the legislative framework, I considered important to review the laws regulating political and civil rights, i.e. the right to vote, to be elected and to associate in civic organisations, the ones regarding the autonomy and the integrity of the individual and the familial unit, as well as norms concerning economic and social rights, meaning the right to be educated, to have a paid job, to inherit, to be health and socially ensured. My intention was, in fact, to verify within Chapter 2 whether these laws guarantee to all citizens, men and women alike, an equal entitlement of rights that enable their exercise on equal basis and if certain norms or institutional mechanisms affected disproportionately one gender with respect to the other. The analysis of the second chapter is organised in two main paragraphs, where the first one deals with the national legislation, i.e. reformed laws from the previous system and new ones approved, while the second treats the international legal commitments of the Macedonian state made through international conventions, treaties and other sources of international and European law related to the issue of gender equality. I posed to myself the objective to examine whether the national laws or the international norms with legal validity in Macedonia contemplate, in one way or another, aspects that are excluded from the public sphere of regulation, because considered as private matters. With the latter are intended questions related principally, but not exclusively to the familial sphere and consequently to the function of reproduction and childrearing, the bodily integrity and the inviolability of the individual (the recognition of the gender based violence within the family as such), the definition and sanction of gender based discrimination and sexual harassment, the individuation of cultural and social norms that affect gender relations and women's and men's opportunities and life chances etc. In accordance with certain arguments advanced by feminist scholars analysed in the first chapter, I considered fundamental for a gender based research taking into consideration these aspects in the study of the Macedonian legislative framework, since I believe that they can influence a great deal women's and men's participation in the political and economic life of the country. The socialist experience of the countries from Eastern and Central Europe demonstrated that the sole affirmation of the equal economic and social rights to men and women in the public sphere, without tackling the social and cultural norms regulating the gender relations within the private sphere, cannot guarantee substantial equality between men and women



because these norms affect necessarily the extent and the quality of the exercise of the citizenship rights as well as the participation of citizens in the political life of the state. Within every democratic state, the participation of citizens in the political, economic and social life of the state through formal or informal political structures, on central or local level, is essential. Citizens therefore must be enabled to take part in politics and to have the same opportunities to exercise the rights to which they are entitled formally. It is true that they may decide not to do so, but it is more likely that if gender disparities exist in the exercise of the capabilities than these are a sign of a lack of opportunities or other impediments deriving from the public sphere (from state institutions, electoral mechanisms, unfavourable legislation towards one gender, shared cultural and social norms rooted in the society) or from the private sphere (gender based distribution of power within the family, lack of time, physical and infrastructural impediments, customary rules of behaviour). In the analysis of these issues I retained important, besides examining the constitutional guaranties and the normative framework, to apply the capability approach so as to reveal the citizen's equal/unequal access to opportunities with respect to their gender, ethnicity, religion, residence.

#### Revealing gender inequalities in opportunities through the capability approach

The significance of the human development approach for a gender based analysis, lies, as mentioned, in the fact that is people centred, it considers the individual as the basic unit of analysis, it accounts for social and cultural factors and it considers aspects that concern the private sphere. Fact still more important is that the gender equality is one of the strongholds of the human development approach. To analyse the level of gender equality intended as equality of opportunities, I considered pertinent to individuate within Chapter 3 certain capabilities that are related to the main elements constitutive of the citizenship concept, such as citizens autonomy, his/her political citizenship (engagements in formal and informal politics) and his/her entitlement to social rights. The capabilities, through which equality is measured in terms of opportunities to achieve certain functionings, are the following: longevity, physical health, education and knowledge, bodily integrity, economic independence (engagement in paid employment, possession of property), unpaid domestic and care activities, disposal of free time, participation in formal politics, engagements in civil society. In the choice of these capabilities I followed basically three steps: research, reading and reflection from existing literature on human development and capability approach; evaluation of feminist writings and other analysis related to the concrete issue of gender equality; historical overview of the policy of gender equality in the Macedonian context. The capabilities of longevity and physical health are intended to evaluate if there are inequalities between men and women and if there are gender related aspects causing these

inequalities. The attention is devoted to eventual changes occurred during the transitional period in the average duration of life, as well as if there are certain illnesses that affects more certain citizens than other as a result of changes in the social rights and the general living conditions. The capability of education and knowledge is intended to analyse whether there are downward tendencies in pupils and students enrolment in primary, secondary and higher education and whether there are gender imbalances or others deriving from ethnic variable, geographic residence etc. This capability is strictly connected to the one related to economic independence, since education represents one of the basic criteria for entering the world of paid employment. Considering the historical context of the Macedonian state, the economic independence capability is important for evaluating gender inequalities in economic activity of citizens. For this purpose, women and men participation in the labour market, their employment and unemployment rates, the amounts of wages will be examined, as well as their share in the informal or grey labour market. Unpaid domestic and care work capability examines the extent and the type of work exercised in the household, as well as the care activities for children and elders in the family. This capability is connected also to the others such as disposal of free time, engagement in political and civil activities. Disposal of free time capability measures the gender differences in disposal of free time to dedicate to other activities, such as leisure. The bodily integrity capability refers to reproductive rights and gender based violence. It is intended to discover whether limitation in the former have been posed during the transitional period and whether it conditions the development of the capabilities of one gender more than of the other. Physical and psychological violence within and outside of the family prevents persons autonomy in making free choices in proper life. Participation in formal politics and engagements in civil society are two capabilities related to each other and offer an analysis of gender inequalities within the processes of decision-making, their involvement and interest in political structures. They also evaluate whether there are gender related differences in the engagements in formal politics and in informal politics (civil associations, NGO's) and what the causes are for it. For the measurement of the uppermentioned capabilities, I retrieved all information from existent statistical gender disaggregated data and from questionnaires appositely formulated with the purpose to analyse the cultural, social and economic factors that regard aspects of human life, the public and the private one. The purpose for the application of the capabilities approach in the third chapter was to reveal the level of inequality among citizens with respect to criteria such as gender, ethnicity, religious identity, geographic residence. What I retained important to understand from the existent statistical data was firstly, the level of political participation and the percentage of representation of men and women within state institutions in the last fifteen years of political pluralism.

Secondly, I used the official gender disaggregated data to comprehend whether gender based differences (downward and upward tendencies) occurred among citizens during transition in their level of education, their economic activity and the level of employment/unemployment, their disposal of free time. I used also the data relating to longevity and physical integrity of the individual with the purpose to measure the capabilities related to these issues. In order to determine whether there were gender inequalities as a result of an unequal access to opportunities, I formulated a questionnaire (Opinion Poll) that was distributed to men and women with diverse ethnic and religious identity living in rural and urban regions in Macedonia. The questionnaire consists of fifty questions and is divided in three parts, where the first one requires general information of the respondents, such as age, marital status, nationality, religious affiliation, geographical residence, familial status, number of children. The second section contains questions intended to furnish information concerning the economic state of being of the individuals, their level of education, their involvement in the labour market, their interest toward the political life of the country and their participation in formal and informal politics, the performance of the unpaid domestic labour, the care for children and elderly. The final part asks for respondents opinions about the introduction of top-bottom policies aiming at reforming certain fields concerning their private and public life, i.e. their political, institutional, economic and cultural achievements. The answers obtained from the last section of the questionnaire have been used, besides for the analysis in the third chapter, also for the work of the last chapter, as it will be mentioned in the next pages. The first two parts, on the other hand, have been employed completely for the analysis of the capabilities in the third chapter with the purpose to individuate the differences in the level of the economic independence of the individuals, the existence or not of conditionings regarding the access and the degree of education and occupation, the influence of cultural and social norms on the typology and degree of education and occupation, the access to medical and social insurance, the performance of the work in the family and the care for children and elderly, as well as the interest to enrol in local and national politics through political parties and civil associations.

The aim of the study of gender inequalities through the citizenship concept and the capabilities approach was to confirm the hypothesis that in order to eradicate such disparities and to guarantee equal opportunities a clear political commitment on behalf of the Macedonian state was needed where all political, economic, social and cultural norms are revised and the issue of gender equality is mainstreamed in the national and local policies.

### The analysis of the state gender mainstreaming policy

It is presumed in this research that most of the norms that cause the gender inequalities are rooted in the society and that their changing will require a process of medium-long term period, and therefore a strategy for gender mainstreaming can be initiated through the individuation of certain priorities. For this reason, I proceeded in the fourth chapter in analysing the strategy elaborated by the Macedonian policy makers in order to study the priorities that have been outlined and the reforms that have been implemented so as to evaluate later on, in the fifth chapter, their applicability and sustainability. Consequently, I retained useful on dividing the analysis in two categories, i.e. the examination of the gender equality policies on one side and the gender mainstreaming strategy on the other. The first ones contain measures that face directly the gender imbalances and therefore take into consideration the specific needs of women or of men, while the second refer to general policies and introduce a gender perspective in specific policy fields with the purpose to guarantee that the effects of these policies are gender neutral.<sup>1</sup> Although both policies are complementary, they though present differences in their strategies and therefore I decided to organise the analysis of the fourth chapter along this division. In the first paragraph I examine those policies that I considered as gender equality policies, introduced in Macedonia to correct the existent imbalances through equal opportunities legislation, anti-discriminatory measures, specific equality policies and actions to address specific women's or men's issues. In the second paragraph, on the other hand, I study the policy of gender mainstreaming, i.e. the priorities, the fields and paths of intervention contained in the National Action Plan for Gender Equality. This work enabled the individuation and the examination of those sectors that the Macedonian government has considered as primary in the definition of the proper strategy and in this manner it permitted the evaluation of the degree of political will that existed in mainstreaming the gender equality perspective within its policies and at all institutional levels. In realising this analysis, I carried out certain numbers of interviews with representatives from governmental (Equal Opportunities Unit) and state institutions (Commission of the Parliament for Gender Equality) as well as with those from the civil sector (women NGO's and the Macedonian Women Lobby).

### Evaluating the applicability and the sustainability of the Macedonian gender mainstreaming strategy

Following the analysis of the gender mainstreaming strategy, I posed myself the objective to determined within Chapter 5 its applicability and sustainability in the Macedonian context. A gender mainstreaming policy is intended to enable all citizens to exert their citizenship rights, by eradicating

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<sup>1</sup> Council of Europe, *Gender Mainstreaming – Conceptual framework, methodology and presentation of good practice*, Final Report of Activities of the Group of Specialists on Mainstreaming, Council of Europe Publishing, 1998.

all those institutional mechanisms or practices rooted in the society that cause disparities in opportunities among men and women. The strategy of mainstreaming gender equality should imply the introduction of policies that guarantee equal opportunities through the acknowledgment of differences among citizens and hence the treatment of those aspects of human life that have been traditionally considered as irrelevant in the exercise of the citizenship, but that have persistently affected gender relations and the level of human development of men and women. Moreover, the gender mainstreaming strategy should be context based in order to be able to remedy the inequalities registered among citizens and to prevent its further perpetuation. What I intended to realise within Chapter 5 was, in first place, to evaluate whether the gender equality policies adopted by the Macedonian government presupposed a process of engendering of citizenship. Secondly, I retained relevant to examine the applicability and the sustainability of the gender mainstreaming policy and, finally, to assess its receptivity among citizens. The analysis of the applicability and sustainability was carried out by confronting the envisaged strategic aims within the gender mainstreaming agenda with the inequalities assessed through the capability approach in the third chapter. In the context of this analysis, I posed the query whether in eradicating gender inequalities, specific measures and policies foreseen in the agenda were addressing women only or were referring to men and women, i.e. to the consolidated gender relations in the private and the public sphere. Very often, many aspects characterising gender relations and particularly the distribution of power among men and women are not perceived as socially constructed and structurally conditioned, but as a mere fact, a state of being that has always existed as such. For this purpose, and in order to evaluate the receptivity of the policy of gender mainstreaming in Macedonia, I decided to measure the level of awareness among citizens about the necessity to introduce certain gender equality policies whose aim is, among others, to question the traditional and consolidated gender relations. Therefore, I reviewed within the fifth chapter the opinions that were expressed by respondents of the questionnaire and reported in the third chapter concerning aspects of their political, economic and social life, both in the public and the private sphere that tackle the most affirmed customary norms, which regulate the relations between men and women in the country. In fact, I asked to respondents to express their opinions about the fact to dispose of the same opportunities to participate in political life, to enter the labour market, to choose proper professions, which presuppose the introduction of reforms that would question their relations and the undisputed spheres of competences, such as the performance of domestic work, the care for children and elderly, the introduction of non-transferable paternity leave, the recognition of flexible working hours or home based work for birth-giving women etc.

Through the analysis of the legal framework and the fulfilment of citizen's capabilities, the examination of the state priorities in guaranteeing gender equality and the evaluation of the applicability and sustainability of these priorities, it will be concluded whether solid bases for achieving gender equality are laid in Macedonia, at least until the period to which this research is referring.

## **I. Human Development and Citizenship – linking both concepts in a theoretical examination of the issue of gender equality**

Gender equality, central to this research, is a complex issue that requires a multi disciplinary approach. In this context, the concepts of human development and citizenship have been taken into consideration, since offering a good theoretical basis for an examination of the abovementioned issue in a concrete case such as the Macedonian state. Worldwide gender inequalities have showed that conventional formulas for economic development and the extension of citizenship rights to previously excluded categories were not successful in guaranteeing women's equality with men. The human development concept and the recent challenges addressed to the prevalent citizenship concepts have gained importance in the political struggle for gender equality for the potentialities that they offered within the latter. The notion of human development introduced a *nouveauté* within the theories of economic development because it placed people, their political freedoms and their capabilities to make valuable choices, at the centre of the development efforts. The significance, therefore of this concept is that it introduces an important political and social component, besides the economic one. The main citizenship formulas, on the other side, have been under attack on behalf of scholars, theoreticians and feminists. The contentions that have been addressed by feminists questioned the equity of the main citizenship concepts and brought into the political discussions, issues that have been affecting predominantly women citizens but that have been transcended or excluded from the notion of citizenship. This chapter examines how aspects stemming from both concepts are complementary in the evaluation of the issue of gender equality. Gender equality is central to human development and equal rights and liberties for all citizens is *de jure* a fundamental principle of the citizenship concept. The theoretical instruments that both concepts offer will be further examined through the issue of gender equality in Macedonia during the transitional period lasting for more than a decade. The complex and overwhelming process of system change from socialism to parliamentary democracy implied a re-examination of basic constitutional rights and liberties, new institutional and legislative arrangements and a different approach of economic development. All these processes had their gendered impact on the lives of citizens, which will be though analysed through the concepts of human development and citizenship.

## **I.I. The Human Development Concept**

The Human Development Concept is about people, about exercising their freedom to make choices that they consider valuable for their lives. It considers people not only as beneficiaries of economic development but also as active agents and therefore places great importance on the guarantee of fundamental democratic rights and freedoms, since “development is considered as a process of expanding the liberties to which peoples are entitled”.<sup>2</sup> The aim is not only the increase of the welfare of the population but an amelioration of their living conditions so that they are enabled to exercise their basic rights and liberties. The concept of human development is much broader than the conventional theories of economic development. As indicated in one of the reports of the United Nations Human Development Programme,

*“Economic growth models deal with the expanding GNP rather than enhancing the quality of human lives. Human resource development treats human beings primarily as an input in the production process – a means rather than an end. Welfare approaches look at human beings as beneficiaries and not as agents of change in the development process. The basic needs approach focuses on providing material goods and services to deprived population groups rather than on enlarging human choices in all fields. Human Development, by contrast, brings together the production and distribution of commodities and the expansion and use of human capabilities.”<sup>3</sup>*

This concept considers economic growth as one of the elements for measuring people’s human development, but it goes further and contemplates other important issues such as employment, education, political freedom, social and cultural values crucial to peoples building of capabilities. But, what are the capabilities? The capability approach has been defined by the economist Amartya Sen and subsequently adopted by the United Nations Development Programme and developed by other scholars, as for example Martha Nussbaum. This approach consists of two main concepts: capabilities which are potential functionings, i.e. reflect person’s freedom to choose between different way of living (possibility to enter paid employment), and functionings that reveal persons achievements, i.e. beings and doings in proper life (have a job). In more simple terms, functionings refers to achievements and capabilities to opportunities. The capability approach asserts that an evaluation of the individual human development should look into the substantial freedom that people’s enjoy to lead the lives they

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<sup>2</sup> Sen Amartya, *Lo sviluppo è libertà: perchè non c’è crescita senza democrazia*, Oscar Mondadori, Milano, 2001.

<sup>3</sup> United Nations Development Programme, *Human Development Report 1995*, [www.undp.org](http://www.undp.org).



consider valuable.<sup>4</sup> This freedom is a person's capability; the opportunities that he/she has to achieve certain functionings. Amartya Sen used the capability approach to define the field for the measurement of people's quality of life but he did not offer a specific list of capabilities or he has not indicated if there are capabilities which are more important than others, since for him the latter must be "context dependent, where the context is both the geographical area to which it applies and the sort of evaluation that is to be done".<sup>5</sup> He nevertheless mentioned certain basic capabilities that a just society should ensure for all citizens, such as longevity, health, education, civil, political rights.<sup>6</sup> The United Nations Development Programme on the other hand, outlined three basic capabilities to human development, such as to lead long and healthy life, to be knowledgeable, to have access to resources necessary for a decent standard of living.<sup>7</sup> These capabilities are considered as essential without which many other opportunities remain unavailable. But human development goes beyond these basic capabilities and comprises other additional components that range from political, economic and social freedom to opportunities for being productive and creative.<sup>8</sup> Other scholars, such as Martha Nussbaum, differently from Sen, used the capability approach to outline a set of universal capabilities considered as fundamental political principles representing the basis for constitutional guarantees.<sup>9</sup> Nussbaum indicates ten central human capabilities elaborated on the basis of the conception of the dignity of a free human being and represent a sort of "shared consensus" over universal values of human life.<sup>10</sup> Gender equality has central importance in the level of human development. Women and men not only have to be entitled to same rights and freedoms, but have to be enabled to same opportunities to make valuable choices in their lives. The concept of Human Development encompasses four major elements that constitute the critical issues of gender and development: productivity, equity, sustainability and empowerment.<sup>11</sup> Concerning productivity, the human development concept asserts that people must be enabled to increase their productivity and to fully participate in the process of income generation and remunerative employment. In doing so, they must have access to equal opportunities, meaning that all

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<sup>4</sup> Sen Amartya, *Ibidem*.

<sup>5</sup> Robeyns, Ingrid, "Sen's Capability Approach and Gender Inequality: Selecting Relevant Capabilities" *Feminist Economics*, 2003, vol. 9 (2 – 3), pg. 61-92.

<sup>6</sup> See, Amartya Sen, "Equality of What?" in S. McMurrin (edited by) *Tanner Lectures on Human Values*, University of Utah Press, Salt Lake City, 1990; Amartya Sen, "Capability and Well-Being," in *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen, Clarendon Press, Oxford 1993, pg.30-53.

<sup>7</sup> United Nations Development Programme, *Human Development Report 1990 – Concept and Measurement of Human Development*, [www.undp.org](http://www.undp.org).

<sup>8</sup> UNDP, *Ibidem*.

<sup>9</sup> Martha Nussbaum, *Diventare persone – donne e universalità dei diritti*, il Mulino, Bologna, 2001, pag. 99.

<sup>10</sup> The list of capabilities comprises: life, physical health, bodily integrity, senses, imagination and thoughts, sentiments, practical reason, belonging, other species, play, control of proper environment. Martha Nussbaum, *Ibidem*.

<sup>11</sup> The United Nations Development Programme, *Human Development Report 1995 – Gender and Human Development*, [www.undp.org](http://www.undp.org).

barriers to economic and political opportunities must be eliminated so that people can participate and benefit from these opportunities. The access to opportunities must be sustainable, i.e. it must be ensured not only for the present but for future generations as well. Finally, people must be empowered to fully participate in the processes of decision making that shape their lives. The ability to receive adequate education, to be enabled to perform a paid employment and participate in the political life of the community contributes to women independence and empowerment as citizens. According to Sen, the recognition of the rights of women is an “essential aspect of the development as freedom” and in generating gender equity in development he underlines that attention should be paid not only to women well-being through welfare policies, but also to their participation, their acting as agents.<sup>12</sup> But, as Sen affirms, “the issue of gender inequality is one of disparate (unequal) freedoms”.<sup>13</sup> Further factors, therefore, must be examined because influencing in particular women lives, such as the existence of affordable child care networks, the division of household work, person’s mobility, customary norms etc. and that are precluding the development of certain capabilities. Differently from conventional theories of economic development which are prevalently concerned with market based mechanisms, the capability approach accounts for social relations and constraints that societal structures and institutions exercise on the lives of individuals. The capability approach in fact acknowledges the social, cultural and environmental factors that influence the conversions of capabilities and functionings and it considers these conversions as an act of choice. In other words, people must be free to choose which capabilities to transform in achievements and central to this aspect is the concern whether they have the same opportunities to realise it. The capability approach, according to Ingrid Robeyns, “has enormous potential for addressing feminist concerns and questions”.<sup>14</sup> She outlines certain advantages that this approach offers to a gender based analysis of inequalities. In first place, the fact that capabilities and functionings are considered to be properties of individuals and that the capability approach is an ethically individualistic theory.<sup>15</sup> With the latter is intended that the basic unit for the evaluation of human development is the individual itself and not the family or the community, aspect stressed also by feminists in their contentions of integrating women individual wellbeing within wider structures, as illustrated in the next pages. The capability approach, nevertheless, does not assume isolated individuals, i.e. it allege that social, cultural and environmental factors (social norms

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<sup>12</sup> Amartya Sen, *Development as Freedom*, Anchor Books, New York, 1999 and United Nations Development Programme, *Human Development Report 1995*, [www.undp.org](http://www.undp.org).

<sup>13</sup> Sen Amartya, *La Diseguaglianza: un riesame critico*, Il Mulino, Bologna, 2000.

<sup>14</sup> Robeyns, Ingrid, “Sen’s Capability Approach and Gender Inequality: Selecting Relevant Capabilities” *Feminist Economics*, 2003, vol. 9 (2 – 3), pg. 61-92.

<sup>15</sup> Robeyns Ingrid, *Ibidem*.

and customs, discriminatory practices, limited mobility) shape people's opportunities and influence the chances of transforming certain capabilities in functionings. Secondly, the capability approach is not limited to the market, but it considers not market settings as well. Market based analysis measure elements such as income, job holdings and "exclude important aspects of well-being such as care and household work, freedom from domestic violence, or the availability of supportive social networks", which instead are considered equally important by the capability approach.<sup>16</sup> Finally, the latter acknowledges human diversity such as race, age, ethnicity, gender, sexuality, and geographical location and it values the latter as a fundamental aspect of inequality.<sup>17</sup> The human diversity in itself and the values that are attached to it influence people's chances to transform certain capabilities into functionings, hence different people need different types and different amounts of capability inputs to reach the same wellbeing. Gender neutral theorising of people's well being, or those which consider "the male" as basic reference, transcend important aspects of human life and help exacerbating inequalities.

Political freedoms and participation are important for gender equality and human development. As mentioned, the entitlement to civil and political rights and freedoms, such as the right to speech, to associate with other citizens, to vote and to be elected, are fundamental to Amartya Sen's approach. In his view, political freedom is a part of human freedom in general and the exercise of political and civil rights is a crucial part of good lives of individuals as social beings.<sup>18</sup> In addition to civil and political rights, political and social participation have an intrinsic value for human life and well-being<sup>19</sup> and are crucial to democratic politics. But democracy for Sen has also an instrumental and constructive value, the former because it confers political attention to people's claims i.e. renders governments responsible and accountable and the latter because it allows to citizens to learn and confront among them in the formation of their needs and priorities.<sup>20</sup> Even though democracy enriches the lives of the citizens, as Sen claims, numerous examples show that however democracy is not so easy to practice and public discussions and understandings are not easily developed, since relations are also based on political power and economic interests. Structural, social and economic inequalities in democratic societies tend to produce inequality of political power.<sup>21</sup> In this sense, more advantaged social segments are able to

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<sup>16</sup> Robeyns Ingrid, "Sen's Capability Approach and Gender Inequality: Selecting Relevant Capabilities" *Feminist Economics*, 2003, vol. 9 (2 – 3), pg. 61-92.

<sup>17</sup> Robeyns, Ingrid, *Ibidem*.

<sup>18</sup> Amartya Sen, "Democracy as a Universal Value" *Journal of Democracy*, 1999, vol 10, n 3, 3-17.

<sup>19</sup> Amartya Sen, *Ibidem*.

<sup>20</sup> Amartya Sen, *Ibidem*.

<sup>21</sup> Iris Marion Young, Public Debate and Social Justice in *Maitreyee, Briefing of the Human Development and Capability Association*, n.3, February 2006.

preserve their positions by means of existing democratic processes, because their voices, opinions and interests have political hegemony.<sup>22</sup> Gender inequalities in the exercise of political rights and freedoms and women low participation in local, national and international political arenas shows how the practice of democracy may be uneven. Young sees in special and affirmative measures and in the organisation of the civil society the means to assure the representation of the needs, priorities and opinions of the marginalised groups and compensate for political imbalances.<sup>23</sup> Political and civic participation plays an important part in individuating aspects and dynamics that influence the transformation of capabilities in functionings and have the potential to expand human capabilities through public debate and actions at local and national level. Women's participation as active agents in the political life of the community, local and national, may help bringing into the political agenda issues that stem from difference and that are not only market based. In this sense, Sen's affirmation of the interconnectedness of capabilities must be remembered, as for example, political freedom and participation empowers people to claim their economic and social rights, while education increases their ability to demand economic and social policies to respond to their priorities.

Achieving gender equality requires a broad based political commitment and a long-term process in which all political, economic, social and cultural norms are questioned and undergo fundamental change. Main goals and priorities towards attaining gender equality differ from one country to another, depending on the social, cultural and economic contexts. Through the individuation of main capabilities, which must be context based, and the outlining and evaluation of priorities deriving from the people considered to be an essential agents of change, an initial ground for this political commitment can be created. The level of human development, considered as a process of enlarging the choices of both sexes, depends of the liberties and rights to which a person is entitled as well as of the opportunities that it has to exercise his/her legal entitlements. What is of crucial importance therefore is the guarantee of the citizenship rights and its exercise which are essential to the realisation of the democratic governance and hence to gender equality.<sup>24</sup> A person may achieve certain functioning's but not fulfil the equivalent capabilities, hence it may enjoy *de jure* equal rights but not have equal opportunities to exercise them. An analysis under gender lens must pay close attention to these distinctions, because often women have encountered numerous difficulties to fulfil their capabilities and exercise their citizenship.

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<sup>22</sup> Iris Marion Young, *Ibidem*.

<sup>23</sup> Iris Marion Young, *Ibidem*.

<sup>24</sup> Roberta Guerrina, *Constitutional Politics in Europe: Continuing Trends in the Politics of Gender*, in *Identities - Journal for Politics, Gender, and Culture*, Vol. 4, No. 1/2, Summer/Winter 2005.

## I.II. The Citizenship Concept

Citizenship entitles persons to certain rights and duties, it defines the criteria for social benefits, it envisages political participation. In the western political thought, citizenship has been defined as a membership in a political community, delineating certain rights and obligations for citizens that are associated with sovereignty and government. In the former socialist states in Eastern Europe, “people enjoyed the status of citizens through membership in a collective in which sharing in an externally defined set of interests and enjoying certain social rights replaced the enjoyment of civil and political rights”.<sup>25</sup> In the former Yugoslavia, since one of its federal entities is an object of research here, the concept of citizenship has been defined on the basis of three principles, equality, brotherhood and unity and self-management. The principle of equality, as in the socialist doctrine, was referring principally to social and economic justice to all citizens, denying political rights and freedoms as intended by the liberal tradition, but though not excluding legal and political equity.<sup>26</sup>

This principle of equality of rights was not referred however to citizens as individuals but as members of a community, initially as workers in the socialist self-managed community and then as members of an ethnic or national community. This, as it will be illustrated bellow, brought to the creation of the dual citizenship. Equality between men and women was included within citizenship concept on an abstract level and not through a gender approach.<sup>27</sup> The principle of brotherhood and unity has been developed from an ideology created by the communist party during the antifascist liberation movement in the course of the Second World War. This ideology was further developed as a fundamental political and cultural principle uniting all the population the Yugoslav state, but it never succeeded in creating the Yugoslav nation. This did not occurred also for other reasons that will be mentioned below. The principle of self-management represented a Yugoslav path to the socialist economic development, opposed to the strict centrally planned economic models.<sup>28</sup> The principle of self-management meant principally the decentralisation of the economy and the creation of some market based elements, such as competitiveness and professional competences. Its political aim, though, was to transform the state administration in a social property and to promote worker’s participation in the processes of decision making on local, republican and federal level.<sup>29</sup> Through the principles of equality and self-

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<sup>25</sup> Julie Mostov, «*Endangered Citizenship*» in *Russia and Eastern Europe After Communism. The Search for New Political, Economic and Security Systems*, M.Kraus and R.D. Liebowitz (edited by), Westview Press, p.39.

<sup>26</sup> Vesna Kesic, «*Gender and Ethnic Identities in Transition - The Former Yugoslavia - Croatia*», in *Gender and Nation*, Julie Mostov and Rada Ivekovic (Edited by), Longo Editore, Ravenna, 2002.

<sup>27</sup> Vesna Kesic, *Ibidem*.

<sup>28</sup> Istituto Gramsci, Centro Studi e documentazione sui paesi socialisti, *L'Autogestione jugoslava*, Franco Angeli Editore, Milano, 1982.

<sup>29</sup> Istituto Gramsci, *Ibidem*.

management, the Yugoslav legislators were aiming at substituting the lack of political and civil rights with institutional mechanisms of direct participation of the population in the processes of decision-making at highest levels. The institutional mechanisms that baked up the principles of equality and self-management were composed of a complex set of representative bodies, such as the Republican Chambers of Representatives, the Chambers of Counties and the Chamber of Associated Labour, created on local, republican and federal level having the objective to channel workers proposals in the decision-making processes. The intention of the Yugoslav legislators was to transform the citizens, through the principle of self-management, from simple voters to autonomous political subjects, able to influence important issues that concern the whole society. Besides the good ideological intentions, however, this “direct democracy” had its difficulties in the proper realisation, on one side, for the political control and supervision exercised by the League of communists and on the other, for the complex and bureaucratized mechanism of delegation for the election of the representatives, which ended up by neglecting workers interests.<sup>30</sup> The principles of self-management, nevertheless, have brought up to a proliferation of different interests requiring a political expression, among which national interests. As a consequence, the Constitution of 1974 introduced a “dual citizenship”, on one side citizens were entitled to their federal citizenship, as workers in the self-managed society and united on the principle of brotherhood and unity. On the other side, they were entitled also to their republican citizenship that was based on the recognition of collective rights to nations (the ethnically majority population constituting the republic) and to nationalities (referring to ethnic minorities living within the republics and having their proper nation-state outside the borders of the Federation, as for example, the Hungarians, the Albanians, the Turks, etc).<sup>31</sup> While this Constitution conferred major autonomy and a greater level of self-government to the Republics it emphasized also the ethnic/national belonging of the citizens within the latter. Consequently and in the concrete case of the Macedonian Republic, the 1974 Constitution defined the Yugoslav federation as a union of Nations, Republics and Autonomous Provinces<sup>32</sup>, confirming citizen’s economic and social rights as workers that through the principle of self-management and the representative bodies were enabled to exercise their rights and participate in the processes of decision-making. The 1974 Constitution of the Republic on the other hand defined their national (ethnic) rights by defining the Republic as a nation state of the Macedonian nation and

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<sup>30</sup> Stefano Bianchini, *La diversità socialista in Jugoslavia*, Editoriale Stampa Triestina, Trieste, 1984, Nenad Kecmanovic, *Politica u kritickom ogledalu*, Istraživačko izdavački centra SSO-Srbija, Beograd.

<sup>31</sup> Vesna Kesic, *Gender and Ethnic Identities in Transition - The Former Yugoslavia - Croatia*, in *Gender and Nation*, Julie Mostov and Rada Ivekovic (Edited by), Longo Editore, Ravenna, 2002.

<sup>32</sup> Part one, Article 1, *Ustav na Socijalisticka Federativna Republika Jugoslavija 1974 I Amandmani na Ustavot na SFRJ*, Sluzben Vesnik na SRM, Skopje 1989.

the Albanian and Turk nationality, entitling citizens to the same rights specified in the Yugoslav constitution.<sup>33</sup> With the dissolution of the Yugoslav Federation and the proclamation of independence of the Macedonian Republic, the concept of citizenship has been re-dimensioned, confirming to some extent certain principles of the previous concept, and predominantly adopting the already developed western models of citizenship.

The three basic citizenship concepts in the western tradition are represented by the socio-liberal model, the civic republican and the communitarian one. The socio-liberal concept of citizenship, applied to western democracies after the Second World War, was defined by the most influential citizenship theorist T.H. Marshall. According to him citizenship is "a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed".<sup>34</sup> The concept integrates political, civil and social rights. Political rights refer not only to entitlement to the right to vote but also to political participation, civil rights refer to those of individual freedom (rights to property, to free association etc.) and social rights concern welfare benefits and provisions. The Marshallian concept, belonging to the liberal tradition, has at its centre the citizen considered as individual who is presumed to have equal rights and duties. For Marshall, "the universal possession of all citizenship rights will modify social and private inequalities", even though the citizenship status may be different for different groups.<sup>35</sup> Recently, there are theorists belonging to the liberal tradition such as Kymlicka that argue for the integration of group rights into the concept of citizenship. According to him a fully integrative citizenship must take into consideration group differences, by conferring to individuals belonging to specific communities special civic and representation rights and allowing themselves subsidies for cultural activities and self-governing rights.<sup>36</sup> The issue of granting group rights in the liberal democracies has been debated among scholars as a consequence of the growing requests on behalf of representatives of ethnic communities, feminists, homosexuals for special recognition of citizenship rights. Citizenship, though, does not include only rights but also, according to scholars belonging to the civic-republican tradition, political participation. The latter have often been critical towards the liberal tradition because of its conceptualisation of citizenship as a status, as a passive entitlement to rights, which citizens may freely decide to exercise or

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<sup>33</sup> It is important to mention here that the first article defining Macedonia a Republic of the Macedonian Nation and of the Albanian and Turk Nationalities was amended in 1989. The changes brought up in this article defined the Socialist Republic as solely the Nation state of the Macedonians, cancelling the reference to the Albanian and Turk Nationalities. Part one, Article 1, 12-72, *Ustav na Socijalisticka Republika Makedonija 1974 I Amandmani na Ustavot na SRM*, Sluzben Vesnik na SRM, Skopje, 1989.

<sup>34</sup> Tomas H. Marshall, *Citizenship and Social Class*, Cambridge University Press, 1950, p.28-29.

<sup>35</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications London, 1998, p.35-36.

<sup>36</sup> Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon Press, New York, 1995.

not. Central to civic-republican concept is the idea of citizens' participation in public debate, in decision -making and their realisation as political beings. For civic-republicans, citizenship presupposes impartiality and transcendence of group differences.<sup>37</sup> Both concepts, the liberal and the civic-republican, have been criticised by communitarians, proponents of a group based concept of citizenship. For them, the citizen is not an isolated individual but a social being, a member of a group or a community. The concept of citizenship implies social participation and service to the common good. Central virtue of the communitarian tradition is its anti-individualism and its commitment to the notion of individual as being necessarily entangled in communities.<sup>38</sup>

The concept of citizenship is ultimately a contested concept and important critiques towards the traditional formulas derive from feminist theoreticians, for the traditional neglect of the gender component. The study of the notion of citizenship is however important for an analysis under gender lens, since its conceptualisation defines the basic rights, duties and opportunities to which citizens are entitled. Citizenship, in fact, is about the exercise of political, civil and social rights, but also about political representation, human agency and participation. Citizenship influences person's human development, hence on the basis of what chances citizens have to fully exercise the former they will be able to accomplish certain capabilities. Feminist attention toward the traditional citizenship formulas are therefore important since they are revealing important aspects that are favouring certain citizens and preventing others from exercising their rights and developing their capabilities. As indicated in the introduction of this research, the feminist analysis of the concept is organised on the basis of three arguments: whether gender neutral formula or the recognition of differences and entitlement to group rights is the solution for the guarantee of gender equality; if the citizenship formula has to entail only the public sphere of the private sphere and what is the importance of participation, i.e. active citizenship in achieving gender equality.

### *1.II.I Feminist contentions of citizenship concepts*

Feminist scholars identified citizenship as a strategic theoretical concept for the analysis of the women's subordination and as a political instrument for the struggle against the latter. They contested the neutrality of the universalising citizenship formula by identifying it as highly gendered and influencing their chances in building capabilities. Considering the fact that in this chapter two different citizenship traditions have been examined i.e. the Yugoslav and the one belonging to western democracies for the purpose indicated above, feminist contentions will be contextualised on these two

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<sup>37</sup> Ruth Lister, *Citizenship, Towards a Feminist Synthesis*, *Feminist Review* n.57, autumn 1997, p.33.

<sup>38</sup> Alisson Assiter, *Citizenship Revisited*, in *Women, Citizenship and Difference*, Nira Yuval-Davis and Pnina Werbner, Zed Books, Ltd. London, 1999, pg.44.



distinct realities. The issues advanced by Yugoslav feminists and women scholars concerning the Yugoslav model of citizenship and those outlined by western feminists demonstrate certain commonalities and/or common grounds. The former have been inevitably influenced also by the work and the political discourse of the latter developed during the second wave feminism, which is though much wider. Although differences between both citizenship traditions exists in terms of individual political and civil rights, as well as in the frame of political participation, however, for what concerns gender equality, certain issues, such as the gender neutral conception of the citizenship formula, the unrecognised domestic and care work, the gendered division of labour in the public sphere, the low level of participation in political life etc. have been debated by both categories of feminists. Feminists and women scholars from former Yugoslavia have been critical towards the socialist model of citizenship starting from the end of the 1980ies and the beginning of 1990ies. Feminist groups emerged in the 1980ies in particular in Belgrade, Zagreb, Ljubljana, Sarajevo, Novi Sad debating on feminist issues and challenging the patriarchal structure of the society by distinguishing between formal and real equality and tackling the unquestioned private sphere, even though feminism, according to Drakulic, never become “a mass movement in Yugoslavia”.<sup>39</sup> Yugoslav feminists and women scholars were critical towards the principles forming the citizenship concept, such as the principle of abstract equality, the gendered nature of the self-management and the disregard of important aspects of private sphere that posed women in unequal position with men, which affected their engagement in the public sphere of paid employment and within decision making processes.<sup>40</sup> Central to western feminist contentions of citizenship were the main notions constituting the latter, i.e. the issues of rights (political, civil and social), political participation and the public/private dichotomy. They argue that the universalising gender neutral formula is not neutral but conceptualised on male terms and men and women do not dispose of the same opportunities to exercise their political, civil and social rights and do not participate in an equal manner in the public sphere and in the political life.<sup>41</sup> Main western and socialist citizenship theorists, in fact, have not treated the issue of gender as politically relevant in the conceptualisation of the main principles of the term. Reflections emerged only recently thanks to feminist arguing on the presumed universality of citizenship and alleged equality between sexes. In

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<sup>39</sup> Slavenka Drakulic, Women and the New Democracy in the Former Yugoslavia in *Gender Politics and Post-Communism: Reflections from Eastern Europe and Former URSS*, Nanette Funk, Marcia Mueller (Edited by), Routledge, London, 1993, pp.128.

<sup>40</sup> Among them are Slavenka Drakulic, Rada Ivekovic, Zarana Papic, Lydia Skelevicky, Dasa Duhacek, Vesna Kesic, Milica Antic, Vlasta Jalusic etc.

<sup>41</sup> For feminist reflections on citizenship see, Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998, Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, Lister Ruth, *Citizenship: Feminist Perspectives*, Macmillan, Basingstoke, 1997, Phillips Anne, *Democracy and Difference*, Polity Press, Cambridge, 1993.

western liberal democracies, the issue of citizenship was, according to Voet, “nevertheless under discussion within the equality-difference debate during the second wave feminism when feminists were talking about actual and ideal relations between state and individual citizens, about rights, public duties, public behaviours, public virtues and about the difficulties in distinguishing public from private life”.<sup>42</sup> It was actually on the basis of the equality difference debate that western feminists formed their critiques on the issue of citizenship. Following Iris Young’s and Rian Voet’s (the latter construed on the basis of the former) classification of western feminism into humanist–egalitarian, gynocentric (woman–centred) and deconstructionist, I will outline the arguments treated by the latter concerning citizenship, intended as entitlements to rights and liberties as well as participation. As indicated in the introduction of this research, the feminist contentions of the citizenship concept is organised on the basis of three arguments: whether gender neutral formula or the recognition of differences and entitlement to group rights is the solution for the guarantee of gender equality; if the citizenship formula has to entail only the public sphere or the private sphere as well and what is the importance of participation, i.e. active citizenship in achieving gender equality.

*a) Equality versus difference debate in the conceptualisation of citizenship*

The equality/difference debate has its origins in the second wave feminism developed within the western liberal-democracies, which had its influences also on women scholars in some of the former socialist countries. Inspired by the western feminist discourse, which will be seen here below, the equality/difference debate developed by Yugoslav women scholars was concerned with the socialist conception of equality and equity and therefore their arguments were context driven. The latter criticised the socialist concept of equality because they considered it to be abstract towards the gender component. It can’t go without saying here that many feminist and women scholars though recognised the positive aspects of the socialist equality policy in the enhancement of women education and personal autonomy, by supporting their participation in representative institutions, promoting their entrance in the world of paid employment and providing social services for child care.<sup>43</sup> Nevertheless, for what concerns the citizenship formula, their critics were directed towards its androgynous conception and principally for the integration of the issue of gender equality in the wider socialist ideology of equality, reducing the latter to the class question and precluding any recognition of

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<sup>42</sup> Rian Voet, *Ibidem*, pp.24-25.

<sup>43</sup> The formal granting of equal rights between men and women and the declared commitment in gender equality of the new socialist state was promising for women advancement, hence within the Kingdom of Yugoslavia women were denied voting rights, civil rights and freedoms and were largely discriminated in their economic and social rights. See, Sabrina Petra Ramet (Edited by), *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*, The Pennsylvania State University Press, 1999; Djordje Stankovic, *Zena u Ustavima Kraljevine Jugoslavije (1918-1945) in Srbija u Modernizaciskim Procesima 19 I 20 veka*, Beograd, 1998.

difference as was the case with the ethnic variable.<sup>44</sup> For what concerns its androgynous concept, feminists and women scholars were critical towards the gender neutral definition of rights and duties of workers in self-managed Yugoslavia and the unquestioned traditional patriarchal cultural, social and economic relations that conditioned disproportionately the exercise of these rights between men and women.<sup>45</sup> Moreover, they equally argued against the reduction of the question of gender equality to further more general questions because, for them, it brings not only to the subordination of the issue of women inequality to other concerns but also to its neglect.<sup>46</sup> Consequently, under the presumed and guaranteed policy of gender equality integrated within the wider socialist equality agenda, issues with highly gendered character such as wage disparities, domestic violence, political marginalisation of women and other women's questions did not become adequately visible.<sup>47</sup> Moreover, the entitlement to rights not as citizens, but as workers or members of nations or nationalities, was asserted by feminists as potential threat for populationist policies, such as for example those intended to correct the diverse birth rates among different ethnic communities in the 1980's, which limited women's reproductive rights guaranteed constitutionally.<sup>48</sup>

Western feminist considered the liberal formula of equal rights and duties constituting the concept of citizenship as formal concerning their liberties, reductive in relation to their rights and as not pledging participation. Although this common line of critics, nevertheless they dissociate regarding the interpretation of the causes for the inequalities posed by this concept and the proposals that they advocated for its overcoming. These theorists actually were troubled by the fact whether to consider women as equal as men and hence accept that their capacities as women are not recognised or to argue for the political recognition of women's difference and risk generating women's ghettoization. This troubling derived from the fact that, as Gisela Bock and Susan James argue "both ideas (of equality and difference) have been used against women; on one side, formal equality has been defined in male terms, on the other side, appeals to female difference or otherness have been used to justify the

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<sup>44</sup> Sabrina Petra Ramet (Edited by), *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*, The Pennsylvania State University, 1999; Vesna Kesic, *Gender and Ethnic Identities in Transition - The Former Yugoslavia - Croatia*, in *Gender and Nation*, Julie Mostov and Rada Ivekovic (Edited by), Longo Editore, Ravenna, 2002.

<sup>45</sup> See quotation of Zarana Papić in Sabrina Petra Ramet, In Tito's Time, in *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*.

<sup>46</sup> See, Sabrina Petra Ramet (Edited by), *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*, The Pennsylvania State University, 1999.

<sup>47</sup> See Vlasta Jalusic, Women in Post-Socialist Slovenia in *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*, Sabrina Petra Ramet (Edited by), The Pennsylvania State University, 1999, pg. 109-129.

<sup>48</sup> One such policy for example has been introduced in Macedonia with the purpose to "solve" the problem of the high birth of the Albanian nationality, by deliberating that school and medical care remained free only for the first four children in the family.

inequality of sexes”.<sup>49</sup> Feminist scholars were actually caught up in the Pateman definition of the *Wollstonecraft dilemma* according to which:

“on one hand women have demanded that the ideal of citizenship be extended to them and the liberal feminist agenda for a ‘gender neutral’ social world is the logical conclusion of one form of this demand. On the other hand, women have also insisted, often simultaneously, as did Mary Wollstonecraft, that as women they have specific capacities, talents, needs and concerns so that the expression of their citizenship will be differentiated from those of men. Their unpaid work providing welfare could be seen, as Wollstonecraft saw women’s tasks as mothers, as women’s work as citizens, just as their husbands’ paid work is central to men’s citizenship”.<sup>50</sup>

In fact, according to the classification mentioned above, humanist-egalitarian, gynocentric and deconstructionist feminists argued differently about the so-called Wollstonecraft dilemma.

For humanist egalitarian feminists, substantial liberty, equality of rights and participation in public life for men and women are fundamental principles. Under this perspective they agree with the basic foundation of the liberal formula by claiming for equality for all citizens. Nevertheless, they are critical towards liberal citizenship scholars for having alleged that by formally granting equal rights to women, they would have fully realised their citizenship.<sup>51</sup> According to humanist-egalitarian feminists, women as equal citizens have to have the same rights and treatments as men, but women face major impediments in realising it because of social conditionings deriving mostly from the private sphere. For these feminists, women were entitled only to formal liberties as citizens hence they were enclosed in their gender roles or were oppressed because of their reproductive function. For Simone de Beauvoir woman biological traits and her reproductive function made her being defined as the Other, the negative, while man was the positive and the norm. But, according to her, besides the fact that being of a female sex is a biological fact, woman is a cultural and social construction. For de Beauvoir, women have a choice to transcend their corporality and enter the “*industrie publique*” in order to emancipate themselves and enjoy equal rights as men.<sup>52</sup> Similarly, Nancy Chodorow claimed that women were oppressed and though lacking their liberties because of social factors that were producing the sexual

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<sup>49</sup> Gisela Bock, Susan James (Edited by), *Beyond Equality and Difference – Citizenship, feminist politics and female subjectivity*, Routledge, London, 1992, p.3.

<sup>50</sup> Carole Pateman, *The Disorder of Women – Democracy, Feminism and Political Theory*, Polity Press, Blackwell Publishers, Oxford, 1989, p.196-197.

<sup>51</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London, 1998, Lister Ruth, *Citizenship: Feminist Perspectives*, Macmillan, Basingstoke, 1997

<sup>52</sup> Simone De Beauvoir, *Le Deuxième Sexe*, Edition Gallimard, 1976, p.100-101.

division of labour and psychological factors that were related to the function of mothering.<sup>53</sup> The liberal universalising notion of citizenship and its principle of equality does not apply, according to Susan Moller Okin to the private sphere as to the civil society. Furthermore, besides the equal entitlement to the right to vote and being elected, civil and social rights are not enjoyed equally between men and women since the right and the liberty of choice of occupation is compromised by the conventional sexual division of labour and social policy is related to families or households and not to individuals.<sup>54</sup> Humanist egalitarian feminists have, in fact, put an accent predominantly on the economic and social conditions under which a citizen may be able to exercise his/her formal rights and duties and less on political factors.<sup>55</sup> According to Voet, however, “social and economic activities itself do not appear to have direct relationship with citizenship, but the unequal income distribution affects their power and the exercise of their citizenship”.<sup>56</sup> The unequal enjoyment of civic and social rights and the consequently created social and economic structure are also indicated by humanist-egalitarian feminists as the main reasons for the unequal political representation. For them the reason is not in the universalising liberal conception of the political rights, which is equal for all citizens, expressed by the principle of one person one vote, but is caused by discrimination in other sectors such as education, unequal access to occupation etc. For humanist-egalitarian feminists what is important is to further emancipate women through education and labour and to extend the citizenship rights, that would be beneficial to both men and women, as well as to adopt positive temporary measures and policies so as to guarantee equality and equal opportunities, especially in the political field.<sup>57</sup> Gynocentric feminists assign to sexual identity a fundamental significance in their analysis of citizenship and are far more critic towards the liberal-universalising formula. This feminism started to develop during the 1970’s in opposition to the humanist egalitarian feminism. For gynocentric feminists the concept of difference is central in their argumentation. They consider humanist egalitarian feminist orientation towards “sexual equality as a negation of the gender difference, through which men and women are measured and treated in the same manner”.<sup>58</sup> The liberal universalising citizenship formula presumes abstract neutral meanings for defining men and women as citizens and therefore asserts and identify equality with sameness. Anne Yeatman defines the latter as “patriarchal citizenship that enforce women to acquiesce

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<sup>53</sup> Nancy Chodorow, *The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender*, University of Berkeley, California, 1978.

<sup>54</sup> Susan Moller Okin, *John Rawls: Justice as Fairness – For Whom?* In *Feminist Interpretation and Political Theory*, Mary Lyndon Shanley and Carole Pateman (Edited by), The Pennsylvania University Press, 1997, p.181-198.

<sup>55</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998, p.79.

<sup>56</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998, p.77.

<sup>57</sup> Rian Voet, *Ibidem*.

<sup>58</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.202.

masculine individuality when they enter the civil society”.<sup>59</sup> For Carole Pateman, the patriarchal citizenship was actually conceptualised in the original social contract from which women have been excluded from the beginning.<sup>60</sup> The universalisation of the main citizenship rights has been realised by simply extending those rights to women. According to Pateman, women have never been completely excluded from participation in the public world of freedom and equality, rights, contract, interest and citizenship, but they were incorporated in the latter as “women”, as beings whose sexual embodiments prevented them from enjoying the same political standings as men.<sup>61</sup> Pateman argue that the sexual difference is a political difference, difference between men’s natural freedom and women’s natural subjection.<sup>62</sup> Pateman is critical of the humanist-egalitarian feminists responses towards gender neutral conceptualisation of the ‘patriarchal’ citizenship, hence according to her “to argue that patriarchy is best confronted by endeavouring to render sexual difference politically irrelevant is to accept the view that the civil realm and the individual are uncontaminated by patriarchal subordination”.<sup>63</sup> For gynocentric feminists the universal formula for a neutral citizenship, but modelled on male principles, permits women’s integration in the latter as a second class citizens. In fact they are critical to the definition of individual equal rights because these rights are conceptualised with a man as the model for the universal, disembodied human being and are not appropriate to women special needs.<sup>64</sup> For Young, formal equality does not eliminate social differences and rhetorical commitment to the sameness of persons makes it impossible even to name how these differences presently structure privilege and oppression”.<sup>65</sup> To ignore the group differences, according to Young, and this is what the law is doing under different profiles is to mark these groups as deviant and as the Other. And in this case, “institutions or sexist or homophobic behaviours continue to create for these groups particular conditions that limit the opportunities for the development of their capacities”.<sup>66</sup> But with respect to humanist egalitarian feminists, gynocentric theorists do not see the transcendence of the Other or the elimination of the differences but their affirmation and integration in the notion of citizenship. According to Luce Irigaray, citizenship has to be reformulated through the recognition of difference, not only of the male but also of the female identity, so as the two citizens, female and male are

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<sup>59</sup> Yeatman Quotation in Rian Voet, *Ibidem*, p.51.

<sup>60</sup> Carole Pateman, *The Sexual Contract*, Stanford University Press, California, 1988.

<sup>61</sup> Carole Pateman, *The Sexual Contract*, Stanford University Press, California, 1998.

<sup>62</sup> Carole Pateman, *The Disorder of Women – Democracy, Feminism and Political Theory*, Polity Press, Blackwell Publishers, Oxford, 1989, p.5.

<sup>63</sup> Carole Pateman, *The Sexual Contract*, Stanford University Press, California, 1998, p.17.

<sup>64</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998,.

<sup>65</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996,p.205-206.

<sup>66</sup> Iris Marion Young, *Ibidem*, p. 206.

acknowledged.<sup>67</sup> She accepts the critical work of Simone de Beauvoir for what regards the devaluation of the woman as the Other, but argues against her propensity towards the universality (the male), the sameness, since, according to Irigaray, the other (woman) is irreducible to the one (man) and needs positive recognition of its diversity.<sup>68</sup> Instead of considering the femininity as a kind of distortion and inhibition of the authentically human potentialities of women, Young argues, feminist have to be aiming at the revalorisation of women capabilities, of their engagements in care, of their collaboration in social relations and at the reconsideration of the female body.<sup>69</sup> For Young equal division of rights and especially political rights offers political minorities (such as women) limited capacity to defend themselves against the political majority, because they can be easily outvoted. They claim for the recognition of special collective rights for women, hence in a situation of inequality, equal rights and equal treatment will only perpetuate inequality.<sup>70</sup> Gynocentric feminists see special collective rights for women, such as maternity rights, special group representation and quotas as a way to obtain public recognition for the female element in society and as a safeguard against assimilation.<sup>71</sup> For Young, women represent a social group, defined as a collective of persons differentiated from another group by cultural forms, practices or way of life.<sup>72</sup> These groups are an expression of social relations; group members that discover to have affinities with other members because of similar life experiences or positioning in the society tend to associate among them. Women as a social group should advocate and represent women interests in the society. Gynocentric feminists do not agree with humanist egalitarian standings that the solution to the unequal exercise of citizenship is the women's entrance in the public sphere at the same footing with men, because this would have meant to follow the same path as most men. According to Nancy Fraser "as long as the citizen's role is tied to male-dominated modes of dialogue, then it too will remain incapable of including women fully".<sup>73</sup> On the contrary, they affirm that by imitating men, women's activities will continue to produce disrespect for the citizens of female sex in the society and will not change the male norms of conceptualising citizenship. In Carole Pateman's terms, it will perpetuate the sexual contract that has been an integral part of the civil society, by having structured the relations between men and women not only in the family but also in the public world of paid employment. For them it is impossible to universalise citizens or to include both genders,

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<sup>67</sup> Luce Irigaray, *La Democrazia comincia a due*, Bollati Boringhieri, Torino, 1994.

<sup>68</sup> Luce Irigaray, *Ibidem*, p.112-114.

<sup>69</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.203-204.

<sup>70</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998.

<sup>71</sup> Rian Voet, *Ibidem*, p.65.

<sup>72</sup> Iris Marion Young, *Ibidem*, p.56-57.

<sup>73</sup> Nancy Fraser, *Unruly Practices. Power, Discourse and Gender in Contemporary Social Theory*, Cambridge Polity Press, 1989, p.129.

as long as the labourer and the childrearer roles are constituted as fundamentally incompatible.<sup>74</sup> According to Rian Voet, gynocentric feminists dissociate for what concerns the issues of social equality, since on one side, there are feminists like Iris Young who affirm that social and economic inequalities among men and women will remain unless power relations are not changed. In fact, Young is critical toward the liberal distributive paradigm because according to her social justice is not related to equal distribution of incomes but to equal access to jobs and decision-making positions.<sup>75</sup> On the other side, Voet indicates the morality feminists, such as Jean Bethke Elstain, who advocate for the need of recognition and revalorisation of the women-related activities, such as care work and mothering, which, according to them, have to receive equal respect as the male paid work. The latter feminists don't see the performing of public work and the affirmative actions as main means for guaranteeing equality in the exercise of citizenship. Gynocentric feminists aim at integrating feminine values and needs into the concept of citizenship, i.e. at re-conceptualisation of the notion of citizenship from the viewpoint of female citizens.<sup>76</sup> According to Carole Pateman, for citizenship to be of equal worth, the substance of equality must differ according to the diverse circumstances and capacities of citizens. As an example, she refers to the functions of mothering by saying that the latter "not longer fills women's lives...nor is women's citizenship only a matter of motherhood, but motherhood and citizenship remain intimately linked".<sup>77</sup> Luce Irigaray agrees on my view with Pateman when she says that the notion of citizenship has to establish rights adequate to each gender and revise the function of the family and its role in the society. For Irigaray, the reconceptualisation of the term of citizenship is necessary and it can be reached through the recognition of feminine civil rights, the reforming of the family and the revaluation of the privileged position of the traditional family.<sup>78</sup> According to Irigaray, the relevance that has been conferred to the family has concealed for a long time the necessity for the recognition of the civil rights. The existing power hierarchies, in particular in the private sphere, in fact, impeded women to take full advantage of their rights as citizens.<sup>79</sup> What is needed for Irigaray is the establishment of a Code for civil cohabitation, the definition of a proper individual identity and a relative deconstruction of the family, so as that everyone could benefits of a proper civil identity,

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<sup>74</sup> Nancy Fraser, *Ibidem*.

<sup>75</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.21-50.

<sup>76</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998.

<sup>77</sup> Carole Pateman, *Equality, difference, subordination: the politics of motherhood and women's citizenship* in *Beyond Equality and Difference – Citizenship, feminist politics and female subjectivity*, Gisela Bock and Susan James (Edited by), Routledge, London and New York, 1992, p.29.

<sup>78</sup> Luce Irigaray, *La Democrazia comincia a due*, Bollati Boringhieri, Torino, 1994, p.91.

<sup>79</sup> Luce Irigaray, *Ibidem*.



inalienable to an institution, such as the family.<sup>80</sup> Gynocentric feminists are approaching to some extent deconstructionist feminists by exposing the need for the reconceptualisation and deconstruction of the notion of citizenship, even though the latter go beyond the dilemma between equality and difference and aim at more pluralities. In fact, for deconstructionist feminist the particularistic identity politics cannot be in alternative to abstract universalism.<sup>81</sup> These feminists are sceptical about universal citizenship, since people are inserted in different social positioning and have different needs that cannot be met and solved with the same formula because the risk is to further marginalise the most vulnerable. On the other hand, differential citizenship and group rights may for them either isolate certain communities with respect to others or enclose individuals/citizens in given identity based groups. Deconstructionists dismantle the idea that equal individual rights and special group rights are mutually exclusive.<sup>82</sup> Individual and special rights according to Marta Minow have to be juxtaposed and be granted according to which are the most suitable in a particular situation. In fact, for Minow, in those societies where politics is based on the principles of equality but in which the difference, intended as inequality, abnormality though exist, this difference is continuously perpetuated and reproduced by the politics that tempt to eliminate it. For deconstructionists the citizen is an individual that is formed and influenced by different discourses that are reflections of power relations and he/she is not relating only to the state but also to the other fellow citizens. Several scholars, among which Nira Yuval Davis, define citizenship as much more than simply the formal relationship between an individual and the state presented by an earlier liberal and political science literature. Their alternative approach defines citizenship as a more total relationship, inflected by identity, social positioning, cultural assumptions, institutional practices and sense of belonging.<sup>83</sup> In particular, Nira Yuval-Davis states that, "a study of citizenship should not consider the issue of women's citizenship only by contrast to that of men, but also in relation to women's affiliation to dominant or subordinate groups, their ethnicity, origin and urban or rural residence".<sup>84</sup> Citizens are formally and informally members of various collectivities (sub, cross, national, supra-national) that exist in a variety of cooperative and conflicting relationships that differently determine the positioning and the access to resources to different people at different times.<sup>85</sup> In this sense, individuals cannot be considered as abstracted from their specific social positionings, but

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<sup>80</sup> Luce Irigaray, *La Democrazia comincia a due*, Bollati Boringhieri, Torino, 1994, p.87-95

<sup>81</sup> Nira Yuval Davis, Pnina Werbner (Edited by), *Women, Citizenship and Difference*, Zed Books, London and New York, 1999.

<sup>82</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998.

<sup>83</sup> Nira Yuval Davis, Pnina Werbner (Edited by), *Women, Citizenship and Difference*, Zed Books, London and New York, 1999.

<sup>84</sup> Nira Yuval Davis, *Women, Citizenship and Difference*, *Feminist Review* n.57, Autumn 1997, pg. 4-5.

<sup>85</sup> Nira Yuval Davis, *Ibidem*, p.22.

also cannot be considered as members of exclusive identity based groupings. Consequently, deconstructionists do not believe in affirmative policies granting women equal access in the labour field neither in the female oriented policies in social policies, since women do not represent a uniform category. Hence they are also critical towards the universal formula of transcendence of differences since it may perpetuate inequalities but also towards the gynocentric idea that women in politics would represent the interests of all women or would make a better society for all women. For deconstructionists the category of women refers to many different social meanings and multiplicity of identities.

*b) The relevance of the public/private debate for the citizenship concept*

The public/private divide is another important issue that feminist scholars treated concerning the concept of citizenship. Considering the two distinct citizenship traditions analysed here, it is important to underline here the different meanings of feminists critiques towards this divide.

Western feminists contested this divide since for them the concept of citizenship has been defined on the basis of the latter. According to them, citizenship was delimited on citizen's acting in the public sphere and men were those who dominated this sphere since considered to possess the necessary traits such as rationality, impartiality and transcendentness of the personal and emotional traits. Women on the other hand were relegated predominantly to the private sphere, performing caring and other working duties that were devaluated and unrecognised within the concept of citizenship. Feminists state that even if this order of things was created at the formation of the social contract, however, it influenced women exercise of their citizenship at the moment that were entitled to same rights as men. Their opinion is that the unchallenged divide between public and private sphere, continue to condition women's involvement in the world of paid employment and in their acting in politics and civil society. The public/private divide in a socialist country such as former Yugoslavia had different meaning. The policy of women's full integration in the labour market and the encouragement of their participation in the processes of decision-making through the principle of self-management have modified the western conception of the public/private divide. Nevertheless, this change was only partial for Yugoslav feminists and women scholars. It was their common assumption that the socialist policies of employment and self management did not succeed in overcoming important aspects of the public/private divide. For Yugoslav feminist and women scholars, the patriarchal norms and values already existing before the formation of the socialist state remained not only unchallenged but became an intrinsic part of the rule of the League of the Communists and dominated the political, economic and social institutions. All policies and practises adopted by the state were consequently gendered. The

socialist politics of public services and networks of care institutions were created to help always women and never men, so that the former could be able to work in the labour market.<sup>86</sup> Women were considered both as workers and mothers, while men only workers. Feminists argue that the state did not interfere in the private sphere of familial relations (besides the provision for childcare institutions) nor made proposals for changing the gendered division of the domestic labour and care activities. The principle of self-management, promoted as promising mean for the active integration of the citizens in the decision-making processes was also gendered. Following Iveković, “the self-management did not brought to women liberation, since it was positioned at the third place or priorities, after paid jobs obligations and the one related to the familial sphere”.<sup>87</sup> The principle of self-management, according to Yugoslav feminists, did never actually included women and their specific relation to time use, to their work (paid one and additional in the familial sphere) neither to their creativity.<sup>88</sup> Moreover, the diverse implementation of the principle of self-management with respect to its original idealisation permitted that the process is controlled and ruled by party cadres, managers, skilled professionals that were prevalently men. Women, thanks to the gendered labour policy were restricted to low scale positions mainly employed in low wage sectors such as services, sales, health care, education and culture and hardly ever held public offices, except at lower level of the judiciary system and in education.<sup>89</sup>

Western feminists contested the consolidated public/private dichotomy as the one dividing the sphere of the public and civic engagements (politics, labour etc.) of citizens and the one of the private sphere relegated to particularities, person’s identity, emotions, embodiments. According to them if line of division is followed, a person considered to be a citizen has to transcend its proper particularity and difference and embrace a universal point of view, identical to all citizens, i.e. the common wellbeing and the general will.<sup>90</sup> Feminists argue against the dichotomy between public/private because they consider the latter as one of the causes for the unequal exercise of citizenship. Humanist-egalitarian feminists assert the inequalities deriving from the public/private divide, in particular for what concerns civic and social rights, but do not contest this divide seriously, nor confer a political meaning to it. As it

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<sup>86</sup> Rada Ivekovic, *Damenation – Nations et Différences des Sexes*, Longo Editore, Ravenna, 2006.

<sup>87</sup> Rada Ivekovic, *Ibidem*.

<sup>88</sup> Rada Ivekovic, *Ibidem*.

<sup>89</sup> Milica Antic, The Transitional spirit of the age in *Superwomen and the Double Burden: Women’s Experience of Change in Central and Eastern Europe and the former URSS*, Chris Corrin (Edited by), Scarlet, London, 1992, pg. 155-179; Vesna Kestic, *Gender and Ethnic Identities in Transition - The Former Yugoslavia - Croatia*, in *Gender and Nation*, Julie Mostov and Rada Ivekovic (Edited by), Longo Editore, Ravenna, 2002, pg. 63 -80; Slavenka Drakulic, Women and the New Democracy in the Former Yugoslavia in *Gender Politics and Post-Communism: Reflections from Eastern Europe and Former URSS*, Nanette Funk, Marcia Mueller (Edited by), Routledge, London, 1993, pg. 122-130.

<sup>90</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.147.

was mentioned they stand for policies (welfare politics, social services such as rights to parental leave, childcare facilities) correcting the inequalities but do not contest the concept of citizenship based on the public/private divide. Only recently and in the progressive analysis of citizenship intended as active citizenship, have egalitarian feminists treated the public/private divide. Ruth Lister for example, understands the public/private divide as a shifting political construction under constant renegotiation, which reflects both historical and cultural contexts as well as the relative power of different social groups. For Lister the struggle to control the meaning and positioning of the divide is central to the project of engendering citizenship.<sup>91</sup> Gynocentric feminists have challenged the public/private dichotomy as oppressive for women's exercise of citizenship. Among them, Carole Pateman has argued against the social contract theorist's conceptualisation of citizenship as necessarily linked to rationality and impartiality. One of the main arguments that Pateman, and not only, has treated against is the association of the man with rationality and woman with sentiments and desires (Rousseau was the one among the social contract theorists that created this paradigm). According to this association and to the importance of the impartiality and rationality embedded in the concept of citizenship, the latter ended to signify impartiality and unity counterposed to the disorder, to the sentiments, desires etc. As Young states, "the private-domestic sphere was considered as the place where sentiments could flourish and where each individual could recognize and affirm its proper specificity. And because the virtues of impartiality and of universality were considered to be what constitutes the public citizen, thus the meaning of public had to exclude human particularity".<sup>92</sup> Within the concept of citizenship, homogeneity was imposed by excluding those who considered themselves different and associated to the influences of their bodies, needs and desires, influences that could deviate the citizen's rationality. Thus, the male became the citizen and the female a 'disorder' that had to be relegated to the private sphere. Following Pateman analysis, women by virtue of their natures were considered as a source of disorder in the state; their being, or their nature, was considered as such that would lead them to exert a disruptive influence in social and political life.<sup>93</sup> For Pateman the private sphere was typically presupposed as necessary, natural foundation for civil, i.e. public life, but treated as irrelevant to the concerns of political theorists and political activists.<sup>94</sup> With the definition of the concept of citizenship on the basis of the private/public dichotomy, the private sphere was associated with the family and familial relations that were supposed to be free from state intervention. Feminists, both gynocentric and

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<sup>91</sup> Ruth Lister, *Citizenship: towards a feminist synthesis*, *Feminist Review* n.57, autumn 1997, p.28-48.

<sup>92</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.140.

<sup>93</sup> Carole Pateman, *The Disorder of Women – Democracy, Feminism and Political Theory*, Polity Press, Blackwell Publishers, Oxford, 1989, p.18.

<sup>94</sup> Carole Pateman, *Ibidem*, p.6.

deconstructionist contested this allegation. Gynocentric feminists, through their slogan “personal is political” argued against this presumption of the natural foundation of the family as a private sphere where the state should restrain from any interventions. Certain among them, such as Carol Gilligan, Sara Ruddick, Jean Belthke Elsthain, have challenged the integrity of the divide by arguing that instead of the private being brought under the jurisdiction of the public, the public had to be oriented by the values of the private. It is argued that the conceptualisation of the public, which is traditionally masculine, is complemented with feminist orientation of nurture and concern, the ethic of care, of maternal thinking. Other gynocentric feminists (Iris Young, Carole Pateman) criticised the “male viewpoint” for identifying the family as the space of freedom from state intervention where individuals could pursue self-enhancement and other personal activities. The family, they argue, is not free from intervention by the state and it is not an autonomous and free space for women.<sup>95</sup> This view is shared also by other scholars such as Martha Nussbaum who sustains that certain political approaches regarding the family are misleading such as for example that the family exist by nature and is considered to be a private sphere where the state laws and institutions have no role in its shaping as social institution and in the forming of the individuals within it.<sup>96</sup> According to Nussbaum, the state constitutes the structure of the family with its laws, it delimitates the privileges and the rights of its components, it defines the legitimacy of the partners and parents etc.<sup>97</sup> In fact, different members of the family occupy different social positions, powers and resources within it.<sup>98</sup> The state intervenes in diverse ways in the private sphere of the family “for the sake of larger sometimes open and sometimes disguised national projects (concerning reproductive methodologies, birth-rate controls ecc.)”.<sup>99</sup> Gynocentric feminist such as Iris Young proposes, though, to define “private not as something that is excluded by the public but as certain aspects of life or certain activities that each of us has the right to exclude the others”.<sup>100</sup> In this sense, private is not what public institutions exclude but what the individual chooses to take away from public attention. Two political principles are on the basis of this dichotomy for Young, in first place the one that no person’s action or aspects of person’s life should be forced into privacy and no social institutions or practices should be excluded *a priori* from being a proper subject for public discussion and expression.<sup>101</sup> For deconstructionist feminists the dichotomy

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<sup>95</sup> Silvia Walby, *Is citizenship gendered?*, Sociology Vol.28, n.2,1994, p. 379-395

<sup>96</sup> Marta C. Nussbaum, *Diventare persone – Donne e universalità dei diritti*, il Mulino, Bologna, 2001, p.304.

<sup>97</sup> Marta C. Nussbaum, *Ibidem*, p.314.

<sup>98</sup> Silvia Walby, *Ibidem*.

<sup>99</sup> Nira Yuval Davis and Pnina Werbner (Edited by), *Women, Citizenship and Difference*, Zed Books, London and New York, 1999.

<sup>100</sup> Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996, p.150-151.

<sup>101</sup> Iris Marion Young, *Ibidem*, p151.

private/public is fluid, historically and contextually determined and constantly struggled over and redefined. For them all spheres of life, from the family, through civil organisations or associations to the political arena are influenced by competitive power relations.<sup>102</sup> Nira Yuval Davis is critical towards the boundaries of the public and private sphere as the political versus the familial. She assumes that if the private sphere is delimited with the family, where the individual is autonomous, “than he or she can be in all social spheres hence all individuals are part not only of the families but also of further collectivities”.<sup>103</sup> For Yuval Davis, power relations operate within the primary social relations, such as the family, as well as within more impersonal secondary social relations of the civil and political domain.<sup>104</sup> The boundaries of the public and private are for Yuval Davis a political act in itself and she is arguing for the deconstruction of the dichotomy. For her what is necessary is to differentiate between three distinct spheres i.e. the state, civil society and the domain of the family, kinship and other primary relationships.<sup>105</sup> In this context, by the deconstruction of the divide public/private, the individual is not only posited vis-à-vis its family and the state, but also towards different organisations, associations of the civil society which are formed by persons of particular collectivities. Following Nira Yuval Davis, any theory of citizenship must include an examination of the individual autonomy allowed to citizens (of different gender, ethnicity, religion, class etc.) vis-à-vis their families, civil society organisations and state agencies.

### c) *Active citizenship*

The issue of participation, i.e. active citizenship can be treated under different aspects in both citizenship traditions. In former Yugoslavia, free political and civil rights were denied to citizens and their political acting could be realised only within the structures of the single political party and through the mechanisms offered by the latter. Arguments advanced by Yugoslav feminists and women scholars were therefore concentrated on the existing mechanisms to evaluate the level of gender equality in the participation within decision-making processes. Western feminists on the other hand evaluated the different limits and potentialities of existing citizenship concepts in terms of promoting women’s participation in the political processes.

Yugoslav feminist and women scholars contested women’s limited participation in political activities and representative institutions, always considered within the one party system. For them, the double

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<sup>102</sup> Further deconstructionist and post-modernist feminists, such as for example Jane Flax, Donna Haraway, Judith Butler, consider gender relations as affected by power relations. See, Linda Nicholson (Edited by), *Feminism/Postmodernism*, Routledge, New York, 1990, Judith Butler, *Problemi so Rodot – Feminizmot i potkopuvanje na Identitetot*, Evro-Balkan Press, Skopje, 2002;

<sup>103</sup> Nira Yuval Davis, *Women, Citizenship and Difference*, *Feminist Review*, n.57, autumn 1997, p.4-27.

<sup>104</sup> Nira Yuval Davis, *Ibidem*.

<sup>105</sup> Nira Yuval Davis, *Ibidem*.

burdening of women with paid jobs and domestic responsibilities towards the family impeded them to actively participate in the political life of the state. Moreover, the unchallenged patriarchal norms and values that became an intrinsic part of the rule of the League of the Communists, as mentioned, rendered the structure of the latter prevalently gendered. Yugoslav feminists and women scholars, saw in the gendered structure of the League of communists with male prevalence in the percentage of membership and total predominance at the upper levels of the hierarchy one reason for women limited participation in the decision-making processes. This double burdening of women and the gendered structure of the Party helped creating the broad shared conviction of politics as male business, where “women were excluded and reluctant to participate in male dominated organisations and power structures”.<sup>106</sup> Due to these factors, additional mechanisms, such as informal electoral quotas, adopted by the communist party with the purpose to increase women participation in representative institutions had, for Yugoslav feminists and women scholars, limited effect and rendered their presence roughly symbolic.<sup>107</sup>

Western feminists bestowed recently great importance to political participation, i.e. to the active exercise of citizenship. They realised that only through active engagement as citizens in the public world and the recognition of the activity of citizenship considered by itself as a value that women would have been able to claim a true liberatory politics.<sup>108</sup> What is important though for women’s citizenship is for them to act politically, to take part in the social and political decision-making and therefore to realise themselves as full citizens - individuals or members of a group. Although they agreed on the importance of participation i.e. on the concept of active citizenship for the establishment of *de facto* equality between genders they however dissociate about the modality of participation that would better suit women interests. Liberal-egalitarian feminists consider political representation and participation as an expression of liberty, a personal choice as to whether or not to engage in political activities.<sup>109</sup> For humanist-egalitarian feminists, women, being a part of the same humanity as men should transcend their particularities and enter the political and public sphere on equal footing with men.<sup>110</sup> As Anne Phillips states, “we do have to detach ourselves from the crucial facts of our sex, our religion, our nationality, our class, and our beliefs, so as to enter into experiences that can seem so different from our own. This is not to say that that we have to deny these features, but important as

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<sup>106</sup> Vesna Kesic, *Ibidem*.

<sup>107</sup> See Milica Antic and Slavenka Drakulic, *Ibidem*.

<sup>108</sup> Mary Dietz, “*Context is all: feminism and theories of citizenship*”, *Daedalus*, Vol.116, n.4, 1987, p.1-24.

<sup>109</sup> Rian Voet, *Ibidem*, p.103

<sup>110</sup> Rian Voet, *Ibidem*.

sexual/bodily identity is, it is never our only or even essential characteristic”.<sup>111</sup> Gynocentric feminists consider citizens (or groups) particularities as important to be brought in the public sphere so as the concept of citizenship could meet the needs of the most vulnerable. This approach, defended by Iris Young, suggests that citizens participate in politics as representative of groups and not as individuals, through the adoption of special mechanisms. Active citizenship for feminists would enable women to change politics and political thought that have been dominated by men for a long period. In order to achieve greater women participation in politics, feminists consider that what was necessary was to correct or change the concept of citizenship from the perspective of the female and the feminist citizen. For them, a woman friendly citizenship would include more actively female citizens and would also imply a recasting of the boundaries between private and public, as well as the acknowledging of the plurality in politics. For Lister, citizenship as participation represents an expression of human agency in the political arena and enables people to act as agents.<sup>112</sup> She understands citizenship as a complex and dynamic concept that can be subjected to reinterpretation and change. Lister claims that the concepts of citizenship offered by the main citizenship traditions such as the liberal and the civic-republican one have been limited, because the former conferred much attention to rights and thus generated a concept of passive citizenship, while the latter advocated for active citizenship, i.e. for the active participation of citizens in the public sphere, but was gender neutral, it defined the common good on the basis of universalising principles based on male traits and its conception of the political was built on the rigid separation of public and private spheres.<sup>113</sup> Ruth Lister and Chantal Mouffe, for example propose to go beyond the conceptions of citizenship of both the liberal and the civic republican traditions while building on their respective strengths.<sup>114</sup> This conception according to them would draw on both the liberal formulation of free and equal rights-bearing citizens and the richer republican conceptualisation of active political participation and civic engagement, but based on a radical pluralist reframing of the common good. Thus Lister for example proposes a concept of citizenship that would represent a “differentiated universalism”.<sup>115</sup> She, as egalitarian feminist, claims that feminists have to aim at universalism which stands in creative tension to diversity and difference and which challenges the divisions and exclusionary inequalities which stem from diversity. Therefore differentiated universalism represents an attempt to reconcile the universalism which lies at the heart of citizenship

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<sup>111</sup> Anne Phillips, *Universal Pretensions in Political Thought* in *Destabilizing Theory – Contemporary Feminist Debates*, Michele Barrett & Anne Phillips (Edited by) Stanford University Press, California, 1992.

<sup>112</sup> Ruth Lister, *Citizenship: towards a feminist synthesis*, *Feminist Review* n.57, autumn 1997, p.28-48.

<sup>113</sup> Ruth Lister, *Ibidem*.

<sup>114</sup> Chantal Mouffe quoted in Ruth Lister, *Citizenship: towards a feminist synthesis*, *Feminist Review* n.57, autumn 1997, p.28-48.

<sup>115</sup> Ruth Lister, *Ibidem*.



with the demands of a politics of difference. For Lister a female friendly concept of citizenship has to define “the political in broad terms so as to encompass the kind of informal politics in which women often take the lead of the struggles of oppressed groups generally”.<sup>116</sup> Nira Yuval Davis considers citizenship as a multi-tier concept and therefore for her any theory of citizenship has to dismantle the identification of the private with the family and the political with the public and to sever it from an exclusive relation to the state. According to her, “once the notion of citizenship is understood as a concept wider than just a relationship between the individual and the state, it could also integrate struggles of women against oppression and exploitation in the name of culture and tradition within their own ethnic and local communities”.<sup>117</sup> Citizenship can be understood as an appropriate instrument for political mobilisation, it can integrate feminist struggles over rights, participation etc. Citizenship for Nira Yuval Davis is a complex relationship and citizens cannot be considered as individuals abstracted from their social positionings; they are formally and informally members of different collectivities and enter among them in diverse relationships which differently determine their positionings and access to resources.<sup>118</sup> For her, gender, sexuality, age and ability, as well as ethnicity and class are important factors in determining the relationship of people to their communities and states.<sup>119</sup> She agrees with certain feminists (black feminists, Italian feminists) that a transversal politics is needed, based on the epistemological recognition that each positioning produces specific situated knowledge, and dialogue among differently positioned should take place in order to reach a common perspective. Instead of a given unitary standard, there has to be a process of constructing a standard norm for each specific political project. Transversal dialogue, thus, should be based on the principle of remaining centred in one’s own experiences while being empathetic to the differential positionings of the partners in the dialogue, hence enabling the participants to arrive at a different perspective from that of hegemonic tunnel vision.<sup>120</sup> Similarly to Lister and Yuval Davis, Rian Voet considers participation as an important element of the notion of citizenship and therefore proposes the concept of active and sex-equal citizenship. According to her, the idea of equal participation in decision-making has to be combined with special provisions for citizens in disadvantaged or vulnerable positions, a plurality of aims and opinions need to be sustained and finally social conditions and psychological demands need to be

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<sup>116</sup> Nira Yuval-Davis and Pnina Werbner (edited by), *Women, Citizenship and Difference*, Zed Books, London and New York, 1999, p.1-31.

<sup>117</sup> Nira Yuval-Davis, *Women, Citizenship and Difference*, *Feminist Review* n.57, autumn 1997, p. 22.

<sup>118</sup> Nira Yuval-Davis and Pnina Werbner (edited by), *Ibidem*, p.4

<sup>119</sup> Nira Yuval-Davis, *Ibidem*, p.4-27.

<sup>120</sup> Nira Yuval Davis, *Ibidem*, p.19

considered.<sup>121</sup> Voet outlines three social conditions as essential for feminist participatory citizenship, the first one is the equal division of paid labour between sexes, the second is vertical mobilisation and the third is the equal division of household tasks and care tasks between men and women.<sup>122</sup> The psychological demands that need to be met so as the active and sex-equal citizenship can be fulfilled is in first place, that women must see themselves as political beings that have potentials and responsibilities towards the state and the society. Secondly, women have to have the desire to assert themselves, i.e. to defend their own interests, to perceive themselves as insiders and not outsiders.<sup>123</sup>

### **I.III. Linking Human Development and Citizenship – individuation of human capabilities for the analysis of gender equality in Macedonia**

Feminist contentions of the citizenship concept are revealing important issues, traditionally neglected by citizenship theoreticians, which are somewhat related to the concept of human development and therefore treated by the capability approach. As it was already mentioned, citizenship entitles to rights and liberties and pledges participation, aspects that are fundamental to persons' human development. But, as feminists have demonstrated, formal entitlement to citizenship rights does not necessarily mean its substantial exercise. Looking from a gender perspective, there are factors such as economic independence, education, time disposal, political mechanisms and cultural influences that are shaping citizens opportunities in exercising their citizenship. The human development approach, as mentioned, offers certain advantages for a feminist research, because it considers the individual (and not the family) as a basic unit of analysis although it accounts at the same time for social, cultural and environmental factors, it takes into consideration conditions that are not deriving strictly from market settings and it acknowledges human diversity. Feminist contentions of citizenship and their idea of the process of engendering the concept are construed on similar principles, i.e. they require the recognition of differences between women and men as well as among them, criticize the alleged conception of the private sphere as freed from state intervention and irrelevant to political debate, challenge the principle of non remuneration of work not directly related to market based mechanisms and pose important value on participation.

Since the object of this research is the assessment of gender equality in Macedonia during the transitional period, the decision to interrelate these two concepts seemed appropriate, for two reasons. In first place, the Macedonian state has been experiencing from the beginning of the 1990ies a complex

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<sup>121</sup> Rian Voet, *Feminism and Citizenship*, Sage Publications, London 1998, p.146.

<sup>122</sup> Rian Voet, *Ibidem*, p.146.

<sup>123</sup> Rian Voet, *Ibidem*, p.146.

process of system change realised through political, economic and social transformation from the previous system of self-managed socialism to a system of parliamentary democracy. In this context, the study of formal entitlements to citizenship rights and analysis of the legislative reforms following the system change reveal to be important for the assessment of citizens political, civil and social rights. Gender equality as fundamental aspect of human development can not be reached only through the entitlements to rights and liberties. Citizens must be enabled to exercise these rights and therefore further elements of economic, social and cultural nature, which may act as inhibitors or stimulators in person's agency, must be evaluated and institutional mechanisms put in place so that gender equality is guaranteed. It is in this context that the capability approach gains its importance. Through the use of the human development concept, existing inequalities among citizens in the development of their capabilities, despite the entitlements to equal rights and liberties, can be individuated. The selection of the list of capabilities needs to be context based in order to allow for less abstract conclusions.

The Macedonian republic proclaimed its independence from the Yugoslav federation in 1991 after a decade of economic and political crisis that was affecting the latter. Among the first political actions that the State undertook were the approbation of the new constitutional arrangement and the definition of the basic citizenship rights, issues that will be elaborated in the second chapter. Here it is important to mention that with the dissolution of the Yugoslav Federation and the abolishment of the principle of dual citizenship, the federal and the republican one, the newly born states, as the Macedonian one, had to decide between the options of granting individual or community based entitlements to rights. This option was a consequence of the provisions deliberated by the last Yugoslav Constitution of 1974 (and later amendments of 1981), which had its positive effects with the decentralisation of the political, economic and administrative power within the state, but defined the single Republics as nation states, granting them large autonomy. The political recognition of ethnic belonging however had its consequences for the single republics that were ethnically heterogeneous (all except for Slovenia that was homogeneous to a certain degree) since it posed the ethnic component in the centre of the political discussions for the future constitutional arrangements of the country. The Macedonian Republic at the moment of the declaring of its independence was composed, according to the 1991 Census, of 65% Macedonians, 21,7% Albanians<sup>124</sup>, 3,7% Turks, 2,5% Roma, 2% Serbs. Differently from the ethnic, the gender component was totally neglected and the issue of gender equality was integrated in the more

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<sup>124</sup> The percentage was estimated since the Albanian population boycotted the official Census in 1991. For further information, see Vladimir T.Ortakovski, *Inter-ethnic relations and protection of minorities in the Republic of Macedonia with special emphasis on the relations between Macedonian and Albanian nationality*, published on [www.seep.ceu.hu](http://www.seep.ceu.hu), pag.3 and State Statistical Office, *Census of the Population of Republic of Macedonia 1991*, [www.stat.gov.mk](http://www.stat.gov.mk).

wide policy of the democratisation of the state. The neglect of the gender issue may be considered as one of the elements that represented an aspect of continuity with the previous system. Gender equality was considered to be important on declarative terms, but in practice was put aside with respect of issues that were considered to be of more imminent political importance. The reasons for this, I would say, misconception was the fact that on one hand, the question of gender was not considered to be an important issue while peace and stability of the state, as well as the economic well-being and social security of the society were at stake.<sup>125</sup> On the other hand, gender equality was perceived to have been already reached in Macedonia during the socialist rule.<sup>126</sup> The lack of any feminist agenda or movement in Macedonia struggling for the recognition of the political significance of the issue of gender equality contributed to its transcendence. The development of feminist ideas in former Yugoslavia occurred in Slovenia, Croatia and parts of Serbia at the beginning of the eighties, although feminist movements existed already in these republics during the 1920ies. In Macedonian society gender relations have been characterised by strong patriarchal values that have ever been questioned. Before the advent of socialism after the world war II, the territory of the present day Macedonia was under the ottoman rule for 500 years and then under the Serbian rule, where feudal relations were still in act and where the patriarchal customary laws regulated the relations among the population. During the Kingdom of Yugoslavia (previously Kingdom of Serbians, Croats and Slovenes) in the period between 1918 and 1941, the Macedonian territory was under Serbian rule where the civil code of 1844 was in act and which defined women's intelligence and rationality as that of children or mentally ill, denied to women any political or inheritance right and any right to autonomous decision-making.<sup>127</sup> Women's identity was related to the male one and their function was to have children and serve her husband and his parents. Accordingly to customary rules women even used to loose their names and be called or referred to with new names deriving from their husbands' name. The only organised women movement that occurred in Macedonia was the one emerged during the Second World War when most

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<sup>125</sup> The first years of transition were particularly difficult for Macedonia, because of certain unfavourable internal and external factors. For what regards the former, there were problems of economic nature, such as the loss of the Yugoslav market, the direct embargo imposed by Greece and the embargo of the UN to the FR Yugoslavia that indirectly damaged Macedonia, and of political nature related to the disputes with the Albanian political parties concerning fundamental issues such as character of the state and institutional guarantees for the rights of minorities. Concerning the external and regional context, all problems were related to the recognition of Macedonia as independent state with its constitutional name Republic of Macedonia that was strongly opposed by Greece. Moreover, the conflicts in the Former Yugoslavian Republics (Croatia, Bosnia Herzegovina) and Kosovo also represented a threat to the stability of the country.

<sup>126</sup> Najcevska Mirjana, Arifi Teuta, Gaber Natasa, *Ucestvo na Zenite vo Sovremenite Trendovi vo Republika Makedonija*, Friedrich Ebert Stiftung, Skopje, 1997

<sup>127</sup> Marija Draškić, Olga Popović – Obradović, *Pravni Polozaj Zene Prema Srpskom Gradjanskom Zakoniku (1844-1946) in in Srbija u Modernizaciskim Procesima 19 I 20 veka*, Beograd, 1998.

women joined the Anti-fascist Front of Women (AFZ).<sup>128</sup> But, the subjugation of AFZ within the official communist structure and the integration of its objectives within the socialist policy of equality posed an end of any autonomous women movement in Macedonia.<sup>129</sup> Considering these premises, the socialist policy of equality, thanks to which women were granted right to vote and being elected, had equal rights to education and work and benefited of extensive social rights, created a commonly shared idea that gender equality was realised and that it did not required special attention. It is useful to assert here that “the inclusion of women in history by marxist-socialist feminism and their awarding of equality only as part of higher priorities instead of their autonomous struggle for equality” contributed to the formation of this common shared idea.<sup>130</sup> But, as Yugoslav feminists and women scholars have argued, gender equality was far from being realised, since there were further elements such as, the androgynous citizenship formula, the unquestioned gendered division of labour in the familial sphere and the gendered organisation of the principle of self-management and the male dominated structure and policy of the league of communists that impeded its realisation. Reading the critiques advanced by feminists concerning the gender issue, we may assume that gender equality, as fundamental aspect of human development, requires a great political commitment, a long-term process in which all cultural, social, political and economic norms undergo fundamental change. A clear gender based strategy employed by the state is necessary in order to address the existing inequalities in terms of capabilities and functionings. As it was mentioned, the disparities in functionings between men and women may be an expression of free choice, but generally signify inequalities in terms of opportunities to transform

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<sup>128</sup> Since the involvement of women in the partisan struggle for liberation was elevated, Commissions of anti fascist front of women were created and controlled by the communist party. But, with the harshness of the war, these local commissions started to operate from local to federal level quite autonomously, integrating their proper needs and values in the general aims. The AFZ fulfilled the role in all-round assistance to the army, the organisation of home front, care for refugees and children, sabotage of the enemy, procurement of supplies, etc. In Macedonia, the commissions were active in establishing tailor, shoemaker and other workshops as well as make shift hospitals and health care. AFZ local councils in Macedonia virtually took over governmental functions in the first critical years of the war. See Vera Veskovic-Vangeli, *Zenata vo Revolucijata na Makedonija 1941-1945*, Institut za Nacionalna Istorija I Zavod za Unapreduvanje na Stopanstvoto, Skopje, 1982.

<sup>129</sup> Even though it gained certain autonomy during the war, AFZ was never meant to be an organisation of women representing women. Its members were firstly committed to the communist cause, which facilitate the process of dismantling of the central committee of the AFZ in 1944 and the subordination of the local councils within the National Liberation Councils (NOO) controlled by the communist party. The AFZ continued to play a role in cultural and educational work among women for several years after the war, but was abolished in 1953 on the argument that gender equality could be better promoted through the party structures. The reduction of the AFZ in an organisation subordinate to the broader partisan movement and the party structures put an end to any attempt by women to maintain continuity between the pre-war women's movement, the AFZ experience in the national liberation movement and the nascent communist regime in Yugoslavia. See, Barbara Jancar-Webster, Women in the Yugoslav National Liberation Movement, in *Gender Politics in the Western Balkans – Women and Society in Yugoslavia and the Yugoslav Successor States*, Sabrina Petra Ramet (Edited by), The Pennsylvania State University, 1999, pg.67-87.

<sup>130</sup> Daša Duhaček, Women's Time in the former Yugoslavia in *Gender, Politics and Post-Communism: Reflections from Eastern Europe and the Former URSS*, Nanette Funk, Marcia Mueller (edited by), Routledge, London, 1993, pg.123-131.

certain capabilities in achieved functionings. As it follows in the next chapters, the analysis of gender equality has been organised through the use of a determinate list of capabilities, individuated in the introduction and related to the main elements constitutive of the citizenship concept, such as citizens autonomy, his/her political citizenship (engagement in formal and informal politics) and his/her entitlement to social rights.

The individuation and analysis of the uppermentioned capabilities is enabling for the examination of the citizenship rights and liberties (political civil and social citizenship), intended as more broader concept that takes into consideration gendered aspects of citizen's lives (sexual difference, crosscutting factors such as ethnicity, geographical residence and aspects deriving from the private sphere) and it accounts for economic, social and cultural factors. The next chapter analyses the constitutional and legal framework of the newly established Macedonian state, i.e. the definition of the main political, civil and social rights as well as laws and regulations related to a gender based analysis of citizenship rights, such as family law, inheritance law, law on abortion, law on labour relations, social and child welfare, the criminal code, with the purpose to detect main changes introduced with respect to the previous period.

## II. Macedonian constitutional and legal framework – gender based analysis of political, civil and social citizenship

The analysis of the legal framework is fundamental to the examination of the issue of gender equality in one country. Basic rights and freedoms of citizens are codified through the national legislative framework that consists of constitutional guarantees and national laws concerning economic, political and social rights and by the means of international conventions and agreements whereas the latter are recognised and considered as part of the national legal system. The Constitution is the fundamental document of one state containing the basic norms and rules regulating the organisation of the state and the competencies of its institutions, it defines the fundamental rights and liberties of citizens, including political, civil and social rights. National laws are developing further the basic constitutional rights and guarantees to which citizens are entitled, whether it concerns individual or community rights. The analysis of the legislative framework in Macedonia on gender ground is aimed to examine whether the basic constitutional rights and freedoms and the subsequent national laws are conceptualised in an androgynous form and/or whether there are norms and provisions that are addressing and regulating aspects that are related to the sexual difference of the citizens. The study of the legal framework though concerns the Macedonian written constitution, the national laws and the international conventions. The Macedonian legal system is, in fact, belonging to the category of those systems where the principles of continental law are valid. Basic sources of law, therefore, are the written Constitution, the national laws, the norms of international law and international agreements ratified by the Parliament. International agreements represent direct source of national law, since according to the article 118 of the Constitution, “international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law”.<sup>131</sup> The national legislative framework is concerning the period from state independence and consists of the Constitution of 1991, with relative amendments of 1992 and of 2001 and national laws that have been reformed in conformity with the liberal democratic principles and norms embraced by the Macedonian state. The legal system in fact followed important changes in norms and regulations since the declaration of state sovereignty and independence and the enactment of the transitional policies to democracy from self-managed socialism.

The Macedonian Republic proclaimed its independence from the Yugoslav Federation in 1991. Previously to its constituency as a Republic and an integral component of the Yugoslav Federation in 1944, Macedonia had no experience of state autonomy or independence in contemporary history. The

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<sup>131</sup>Article 118, *Constitution of the Republic of Macedonia*, [www.pravo.org.mk](http://www.pravo.org.mk).

territory of present-day Macedonia, as mentioned in the first Chapter, was under the rule of the Ottoman Empire for more than 500 years and precisely from 1392 to the Balkan wars in 1912 and 1913, when it became part of Serbia. After the First World War, it was incorporated in the new Kingdom of Serbs, Croats and Slovenes (SHS) and then within the Kingdom of Yugoslavia, but was considered as Southern Serbia. With the end of the Second World War and the formation of the Socialist Federative Republic of Yugoslavia, the Macedonian Republic was recognised, as mentioned, as constituent part of the Federation with equal status with the other five republics: Slovenia, Croatia, Bosnia Herzegovina, Montenegro and Serbia (on which territory there were two autonomous provinces, Kosovo and Vojvodina). The first Macedonian constitutional and legal system was developed within the frame of socialist Yugoslavia. Constitutionally, the relations between the Yugoslav Republics, as federal components, and the Federation, were regulated through the Federal and the Republican Constitutions of 1946, 1963 and 1974. While the 1946 Constitution belonged to the category of the socialist constitutions written on the model of the soviet one, the following constitutions of 1963 and 1974 differed in their normative and factual conceptions from the other socialist countries and confirmed the Yugoslav way to affirm socialism. Basic premises of these constitutions were: the social ownership of the means of production, the principle of self-management as basic to the political system, the delegate system as mean of decision-making, the socialist democracy of self-management as democracy without political parties and with the workers-class sovereignty as fundamental governing principle. While the Constitution of 1963 was the one that enacted the principle of self-management and the government of working people as basic to the socialist community, the 1974 Constitution recognised the importance of the ethnic element together with the principle of self-management. The 1974 Constitution in fact conferred to single Republics the status of nation states, based on the sovereignty of the people and the self-management of the working class, granting to the latter great autonomy. Moreover, in its Preamble, the 1974 Constitution defined the right to self-determination, including the right to secession, as basic principles of expression of people's will, which have united the Yugoslav people in the Federation in first place.<sup>132</sup> These principles contained in the Preamble, were interpreted, though, by the political elites of the Yugoslav Republics in the nineties as an implicit constitutional right to secession. In fact, the Macedonian political leadership, was recalling also to these principles expressed in the Preamble when it voted the *Declaration for the Sovereignty of the Socialist Republic of Macedonia* in January 1991 and proclaimed independence in september the

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<sup>132</sup> *Ustav Socijalisticke Federativne Republike Jugoslavije (Sluzben list SFRJ br. 9/74) sa ugradjenim amandmanima*, Novinsko -izdavačka radna organizacija "Zastita rada", Beograd, 1988.



same year. The legal basis for the approval of this Declaration, actually, were considered to be the right to self-determination interpreted as constitutionally granted by the 1974 Constitution on one side and the UN International Act for Civil and Political Rights from 1996 which guarantees the right to self-determination to all people.<sup>133</sup> The Declaration decreed “the sovereignty and the territorial integrity of the Macedonian state, confirming the right of its people to self-determination, including the right to secession”.<sup>134</sup> The same Declaration stated the need for the voting of a new Constitution with which the new state system and form of government would have been decided. A small digression is necessary here to mention that the choice for the dissociation from Yugoslavia, came after a prolonged economic crisis and a political stalemate within the League of the Communists and successively between the political leaders of the single republics<sup>135</sup> after the run of the first multiparty elections at republican level in 1990. Several attempts were made to clear this political stalemate with the organisation of inter-republican conferences having the objective to devise a political solution to the crisis and propose a new constitutional arrangement regulating the relations between the single republics and the federation.<sup>136</sup> The failure of any negotiations for the preservation of the Federation was decisive for the Macedonian political leadership to hold a referendum for independence on 8<sup>th</sup> of September 1991, leaving an open option for further entrance in confederation with the former Yugoslav republics. After the pronouncement of the population in favour of independence, a Declaration of independence has been stated, which together with the previous Declaration for Sovereignty, formed the legal basis for the ratification of the new Constitution in November 1991.

The new Constitution abandoned the socialist concept of collective rights of self-managed workers and the one of social property and posed the individual rights and freedoms of the citizen, the political pluralism, the separation of powers and the legal protection of property as basic principles. The fundamental values of the new constitutional order are in fact stated in article 8 and consist of the guarantee of basic freedoms and rights of the individual and the citizen; free expression of national

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<sup>133</sup> Svetomir Skarik, *Ustavno Pravo*, Union Trade, Skopje, 1994, pg. 356.

<sup>134</sup> Clen 1, *Deklaracija za suverenost na Socijalisticka Republika Makedonija*, Sluzben Vensik na SRM, br.8-220/1, januari 1991.

<sup>135</sup> After the organisation of the first multiparty elections, right wing parties won in the majority of the Republics. In Slovenia, it was the large coalition of six central-right parties Demos that gained the majority of votes, in Croatia, the right-wing nationalist Croatian Democratic Union (HDZ), in Bosnia Herzegovina the Muslim nationalist party SDA won in coalition with the Croatian Democratic Union in Bosnia and the Serbian Nationalist party SDS, in Serbia and Montenegro it was the Serbian socialist party (SPS) that gained the majority of the votes, while in Macedonia the nationalist party VMRO-DPMNE won the majority of the votes but insufficient to form a government. A technical government was voted, that comprised the best winning parties at the first multiparty elections.

<sup>136</sup> Six inter-republican conferences were organised at which the president of the six republics, namely Milan Kucan, Franjo Tudzman, Alija Izetbegovic, Slobodan Milosevic, Momir Bulatovic and Kiro Gligorov, were present. The last attempt for the preservation of Yugoslavia was made by the presidents of Bosnia Herzegovina and Macedonia, Izetbegovic and Gligorov, which proposed a resolution for the formation of a Confederation of sovereign states but it failed.

identity and adequate and just representation of citizens belonging to all (ethnic) communities within state institutions at all levels<sup>137</sup>, rule of law; the division of state powers into legislative, executive and judicial; the legal protection of property; the freedom of market and entrepreneurship, humanism, social justice and solidarity; local self-government; urban and rural planning for congenial human environment, ecological protection and development and respect for the generally accepted norms of international law. The Constitution defined the Macedonian Republic as sovereign, democratic and social state. The sovereignty has been expressed as indivisible, inalienable and non transferable, deriving from and belonging to citizens. The democratic character of the state has been defined by the principle of the separation of powers, the guarantee of fundamental political, civil and social rights, the rule of law, political pluralism and free elections. The constitution defines the Macedonian republic as a social state since it decrees the need for social justice and envisages for equal opportunities and social protection for its citizens. One particular characteristics of the new constitutional order is however the continuation with some normative principles inherited from the previous socialist system. Namely, the Constitution of 1991 posed the civil character of the state and the individuality of rights as basic constitutional value, but at the same time recognised group rights, based on the ethnic principle. While through article 2 a liberal model of citizenship was promoted, where it was stated that sovereignty belongs to and derives from all citizens, at the same time the 1991 Constitution preamble defined the Macedonian state as “national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities”<sup>138</sup>. The preamble, according to prof. Skarik, “is an introduction to the constitution and not the integral segment of the normative part; consequently it does not has any legal (judicial) force, but it can be considered as a source of constitutional law and a basis for the interpretation of the normative text of the constitution”.<sup>139</sup> Besides the Preamble also within the normative text of the 1991 Constitution, an accent on the ethnic differentiation has been posed by the guarantee of community based or group rights to nationalities in the fields of language (art.7 is defining the Macedonian language and its Cyrillic alphabet as official and recognising within the units of self-government the language of the nationalities as official where they are a majority), education and culture (art.48 granting the right to ethnic communities to primary and secondary education on their mother tongue and to establish cultural, art, scientific and other associations) and religion (art.19

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<sup>137</sup> This article has been modified with the amendment VI from 2001. In the initial version of the 1991 Constitution only the text “free expression of national identity” was stated. See amendments of the Constitution of Republic of Macedonia, 2001, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>138</sup> Preamble, *The Constitution of the Republic of Macedonia*, Novembre 1991, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>139</sup> Svetomir Skarik, *Ustavno Pravo*, Union Trade, Skopje, 1994, pg. 230.

allowing to communities to establish religious schools). The composition of the population of the Macedonian republic, as mentioned in the first chapter, is multiethnic where ethnic Macedonians represent 64% of the population<sup>140</sup>, ethnic Albanians 25%<sup>141</sup>, ethnic Turks 3.8%<sup>142</sup> Roma 2.6%<sup>143</sup> ethnic Serbs 1.8%<sup>144</sup> Vlachs 0.5%<sup>145</sup> and around 2% others. Correspondently there are six spoken languages and two prevailing religions, Christian orthodox and Muslim. But there are also two genders, with their respective ethnic, linguistic, religious, social cultural and sexual orientation's diversities, whose sexual differentiation influences the exercise of their citizenship rights. Yet, the intention of Macedonian policy makers in the formulation of the 1991 Constitution was, though, to promote civic equality by recognising differences based on solely ethnic, religious and linguistic identity. In this context, the gender issue was simply not considered normatively, nor was politically articulated. The conceptualisation of the citizenship within the new constitution was, in fact, in part a continuation of the former Yugoslav principle of guarantees granted to nationalities and related to certain cultural and linguistic aspects of their identities and in part an embracement of the liberal principles of western democracies. While the Macedonian political representatives considered the Constitution as civic and guaranteeing fundamental rights and freedoms equally to all citizens, the representatives of the Albanian political parties retained the Constitution conceptualised on ethnic principles that denied to Albanians a status of constitutive community of the state.<sup>146</sup> There were several issues that created a

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<sup>140</sup> According to the Censuses realised in 1991, 1994 and 2002 the proportion of the ethnic Macedonians within the state was 65%, 66.6% and 64.1% respectively, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>141</sup> Actually, 21.7%, 22.7% and 25.17% on the basis of 1991, 1994 and 2002 Census respectively, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>142</sup> 3.7%, 4% and 3.85% in 1991, 1994 and 2002 Census, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>143</sup> According to 1991, 1994 and 2002 Census, the proportion of ethnic Roma was 2.5%, 2.2% and 2.66% respectively, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>144</sup> 2%, 2.1% and 1.78% in 1991, 1994 and 2002 Census, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>145</sup> 2.4% and 0.48% in 1991, 1994 and 2002 Census respectively, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>146</sup> For further information, see, Kristina Balalovska, *Macedonia 2006: Towards Stability?*, Ethnobarometer, Rome, 2006, [www.ethnobarometer.org](http://www.ethnobarometer.org); Gordana Siljanovska Davkova, *Democracy in Multiethnic and Multicultural Society – Between Demos and Ethnos* in Macedonia on Globalisation, Natalija Nikolovska (Edited by), Global Scholarly Publications, New York, 2004, Vladimir T. Ortakovski, *Minorities in the Balkans*, Transnational Publishers, Ardsley, New York, 2000, Vladimir T. Ortakovski, *Inter-ethnic relation and protection of minorities in the Republic of Macedonia*, [www.seep.ceu.hu](http://www.seep.ceu.hu), Hugh Poulton, *The Balkans, Minorities and States in Conflict*, Minority Rights Publications, 1993, Danforth Loring, *The Macedonian conflict*, Princeton University Press, 1995 Mickey R. W., *Citizenship, status, and minority political participation: the evidence from the Republic of Macedonia*, in *Muslim communities in new Europe*, Ithaca press, 1996. International crisis group, *The Albanian question in Macedonia*, Report n.38, 1998, Norwegian Helsinki Committee, *Divided Communities, a study of inter-ethnic relation and minority rights in Macedonia*, 2001.

contentious between the political parties, such as the issue of self-rule for the Albanian community, proportional representation of nationalities, the issue of education in Albanian language, the use of symbols in the units of local self-government that posed the ethnic principle at the centre of the political disputes. From the initial intent for the conceptualisation of a civic state, the Macedonian state saw its progressive ethnisation of all spheres of political and civil life. This situation escalated in the 2001 conflict between the Macedonian state and armed Albanian groups regrouped in the so-called National Liberation Army. An end was put to the conflict through a political dialogue mediated by representatives of the international community that involved all political forces in the country. As a consequence the Ohrid framework agreement was signed, which represented a framework for successive constitutional and legislative reforms having the aim to guarantee “Macedonia’s sovereignty and territorial integrity“, and at the same time to retain the “multiethnic character of the society”.<sup>147</sup> The 1991 Constitution has been amended and reforms have been introduced in the national laws regulating the use of the community languages at the parliamentary procedures and within the units of self-government, the electoral processes, the state decentralisation and local police, education, the use of identitarian symbols of communities, with the aim to guarantee major representation and participation of the Albanian community in the Macedonian society through the institutionalisation of a model of inter-ethnic power sharing.<sup>148</sup>

Differently from the ethnic principle, the gender component, as mentioned, was not treated separately within the basic constitutional document. The gender element was incorporated within the larger principle of political, civil and social equality of all citizens and mentioned in certain antidiscriminatory provisions. Special attention on gender based difference was conferred only in relation to social rights i.e. to maternity rights. Neither the amendments of the Constitution approved in the year 2001, dealt with the gender component separately when certain constitutional provisions concerning political, civil and social rights were revisioned.<sup>149</sup> Gender issues are somewhat treated in the national laws, such as the law on education, family law, law on property and inheritance law, law

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<sup>147</sup> See Framework Agreement, English version, [www.president.gov.mk/eng/info/dogovor.htm](http://www.president.gov.mk/eng/info/dogovor.htm) and Amendments of the Constitution of the Republic of Macedonia, 2001, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>148</sup> There are different and contrasting opinions among scholars concerning the impact, the results and the functioning of the Framework Agreement. For more information, see Mirjana Maleska, What Kind of Political System Did Macedonia Get after the Ohrid Peace Agreement?, *New Balkan Politics*, Vol.9, Skopje, 2005; Kristina Balalovska, *Ibidem*, Gordana Siljanovska Davkova, *Ibidem*; Zidas Daskalovski, Language and Identity: The Ohrid Framework Agreement and Liberal Notions of Citizenship and Nationality in Macedonia”, *Journal of Ethnopolitics and Minority Issues in Europe*, Lidija Hristova, Democratic Consolidation of Divided Societies – The Macedonian Case, *New Balkan Politics*, vol.9 2005, Skopje; Jenny Engstrom, Multi-Ethnicity of Bi-nationalism? The Framework Agreement and the Future of the Macedonian State, in *Journal of Ethnopolitics and Minority Issues in Europe*, 2002.

<sup>149</sup> The Constitutional amendments resulted after a resolution of a conflict that had ethnic bases and therefore all the political efforts in the reforming policies were based on the ethnic principle.

on labour relations. The aim of this chapter, as mentioned, is to analyse the Macedonian legal framework under the gender lens, by examining the Constitution and the national laws, as well as considering the International Conventions that are related to the issue of gender equality and are ratified by the Macedonian parliament and therefore are part of the internal legal system. The analysis of the legal framework, however, is referring to the period previously to the adoption of some strategies of gender mainstreaming initiated from the year 2000 onwards, which will be though treated separately in the fourth chapter. The intention is to investigate whether, and to what extent the disregard of the issue of gender equality and/or its treatment in androgynous equality terms (which may be though highly patriarchal) or its incorporation within other identitarian community based rights and policies produces gender inequalities among citizens in the entitlement and fulfilment of their rights.

### II.I. Internal legal framework

The internal legal system is formed of the Constitution, its relative amendments and the national laws and regulations. The Constitution is structured in two parts, the preamble and the normative part which itself is divided in nine sections: basic provisions, fundamental rights and freedoms of individual and citizen, organisation of the state, constitutional court, local self-government, international relations, defence and state of war and emergency, changes in the constitution and final clauses. The interest here is directed to the conceptualisation of the citizenship rights and freedoms, as well as their obligations. As already mentioned, the Macedonian Constitution grants individual as well as collective rights to communities, organised on ethnic principle. While this duality was affirmed within the preamble and in certain articles of the 1991 Constitution, the amendments of 2001 have reinforced the ethnic component in the conceptualisation of collective rights. The term nationalities has been substituted with communities, further guarantees were directed constitutionally to communities (ethnic, linguistic and cultural ones) and protective mechanisms in the voting procedures and measures for proportional and equitable representation of communities within public offices have been asserted with the constitutional amendments. No gender provisions were considered individually or were specified or elaborated within the guarantees decreed for the communities. Within the list of the basic provisions and fundamental rights (from art.1 to art.60), the Constitution defines individual rights and freedoms granted to citizens, although there are provisions within articles 8, 19 and 48 that state further guarantees to communities. In the definition and the outlining of the basic civil political, and social rights to citizens within the Constitution, an androgynous term citizen has been used which may be intended as referring to men

and women equally, although the concrete reference has been used in masculine form, which is presumed as neutral and therefore universalising one.

Gender and sexual identity are specifically mentioned only within two articles of the Constitution, article 9 and article 54, related to the guarantee of individual rights and freedoms and their limitations, while articles 40, 41 and 42 treat issues that are connected and result from gender relations. Article 9 affirms the equality of rights and freedoms of citizens individually, specifying that the latter are guaranteed “irrespective of their sex, race, skin colour, national and social origin, political and religious beliefs, social or property status”. These rights and freedoms can be restricted, according to article 54, only in cases determined by the Constitution and these “restrictions cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status”. Articles 40 and 41 state the special attention that the Republic confers to the family and it defines as “basic human right for a person to freely decide on procreation and on having children”. Article 42, though, states that the Republic protects motherhood, children and minors and confers special protection at work to mothers and minors.

Other fundamental rights and freedoms are stated in the androgynous or genderless form, i.e. granted to the citizen as individual. Life and freedom of a person are considered as inviolable and irrevocable constitutional values. Article 11 states the inviolability of the physical and moral integrity and it “prohibits any kind of torture, inhuman or humiliating behaviour or punishment”. Sexual harassment or rape may be considered as implied (implicit) within article 11 but are not directly specified. The Constitution affirms to citizens the freedom of conviction, thoughts and free expression, public speech (art. 16), the freedom of association in the exercise of their political, economic, social, cultural and other rights, as well as the freedom to form civil associations and political parties (art. 20). The Constitution grants the right to vote and to be elected to every citizen over 18 years of age and to participate in the exercise of public functions (art 23 and 24). Every citizen has the right to free movement within the territory of the Republic, to freely choose its place of residence and to leave the state on a proper will (art.27). The Constitution affirms the inviolability of the home and the respect and the privacy of the personal and private life. Social and economic rights are constitutionally guaranteed in terms of rights to possess private property and to inherit, to have equal access in education, to work and have equal opportunities in obtaining jobs and adequate salaries, to be entitled to social security and protection, to health insurance (art.30-50). Collective rights on the other hand are included in the basic provisions and fundamental rights and freedoms. Within the basic constitutional values, besides the guarantee for the expression of national identity a provision stating for

“proportional and adequate representation of citizens belonging to all communities within public institutions” was inserted (art 8.2.) with the Constitutional amendments of 2001. Moreover, other religions and religious institutions of the communities, besides the Christian orthodox and the Muslim, have been constitutionally recognised. (art.19) In addition, the Constitution guarantees protection and free expression of identity of all communities, ethnic, religious and linguistic. The latter have the right to freely form cultural, educational and art institutions through which develop and express their identity. (art.48)

Although recognising the primacy of the ethnic component, the Constitution affirms basic and general provisions that state the equality among citizens, i.e. between men and women, which are further elaborated within the legal texts concerning the field of political, civil, economic and social rights. The analysis of the national legal framework related to the issue of gender equality is therefore organised around issues such as education, family, labour relations, political representation and participation, civil activity, regulation of criminal behaviour.

### II.II. Political rights

Entitlement to political rights and participation in the political life of the country through political parties and non governmental organisations is the field that has undergone important legal changes during the first fifteen years of transition. Political pluralism was firstly introduced in 1990 and the normative asset of the country was completely re-elaborated and approved by the newly elected institutions, in response to the enlargement of citizens political rights and liberties to form and choose political parties and non governmental organisations. Besides the Constitution that defined the main political rights to citizens, further laws, such as the Law on the Election of Members of Parliament, the Law on the Election of Local Representatives, Law on the Elections, Law on Political Parties and Law on Civil Associations of Citizens have been submitted to revision and change since 1990 due to the political endeavours within the country. The latter, actually, have produced several positive effects in terms of guarantee of gender equality although were not originally gender based.

#### *a. Formal politics (electoral rules, party organisations and public administration)*

The Law on the Elections of the Members of Parliament, in consistency with the Constitution, grants to every citizen over the age of 18 and capable of working, the right to vote and to be elected. This right is equal to all citizens and is exercised through free elections and anonymous cast of votes. According to paragraph 2 of the same article, “nobody can reclaim responsibility toward a citizen for his voting, nor can ask from the latter information for whom he/she has voted and why it has no voted”.<sup>150</sup> Any

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<sup>150</sup>Clen 3.2., *Zakon za Izbor na Pratenici vo Sobranieto na Republika Makedonija*, Sluzben Vesnik na RM, br. 24/98.

violation of the electoral right, violation of voters' liberty of choice, the secrecy of voting etc. are sanctionable and regulated by the Criminal Code. All citizens of the state are entitled to equal rights to run at parliamentary, presidential and local elections. The only restraint to the exercise of this right is the obligation imposed to male citizens at the age between 17 and 55 and female citizens who voluntarily apply for joining the army, to serve the military service. Candidates for the elections are proposed by political parties or a group of citizens.<sup>151</sup> Candidates are elected on general, direct and free elections with secret voting (art.2), through electoral models that have been subject to change within the electoral laws.<sup>152</sup> While the Law on the elections of the members of parliament from 1990 foresaw the nomination of the candidates according to the majority rule based formula, the revised laws from 1998 and 2002 introduced a mixed model (majority rule and proportional one) in the first case and a proportional model with the law from 2002. Same changes were introduced in the legislation for local elections, where the law from 1996 introduced the mixed model and the 2004 law for local elections the proportional one. The reforms introduced within the electoral laws were significant in terms of proposals of candidates or candidates lists, whereas from the majority rule formula, according to which political parties and group of citizens could propose one candidate for a single member district (out of 120 electoral districts), it was passed to a mixed model where 84 candidates are elected through a single member district and 35 from a list of candidates in a single nationwide constituency with an electoral threshold of 5% (art.2.2). With the adoption of the pure proportional system through the law on the election from 2002, candidates were proposed in closed list in a multi-election districts and the electoral threshold was eliminated. The changes in the electoral laws produced several positive effects, as mentioned, in terms of gender equality, since researches<sup>153</sup> indicate that besides socio-economic and cultural factors, political structures and voting rules play significant role in creating imbalances in parliamentary and local institutions recruitment. Equitable representation in formal institutions is important since the political power in democracies resides in these institutions. Moreover, in countries in transition, such as Macedonia, parliaments have served as the central sites for the resolution of major national issues and have been the focus of popular expectations for democratisation.<sup>154</sup> Political

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<sup>151</sup>The procedures for proposing candidates as parliamentary, presidential and local elections are alike. See art. 32, 33 *Law for the Elections of Members of Parliament*, Sluzben Vesnik na Republika Makedonija, br.24/98; art.6-10 *Law for the Election of the President of the Republic*, Sluzben Vesnik na Republika Makedonija, br. 20/94; art. 15-24 *Law on Local Elections*, Sluzben Vesnik na Republika Makedonija br. 46/96.

<sup>152</sup>For further information regarding the reforms in the electoral system, see *Il Sistema Elettorale e le sue Implicazioni in Politica e Istituzioni Democratiche in Macedonia (1990-2000)*, Dominika Stojanoska, B.A. graduation thesis (unpublished).

<sup>153</sup>See Richard Matland, Kathleen Montgomery, *Women's Access to Political Power in Post-Communist Europe*, Oxford University Press, New York, 2003; Rose R. (Edited by), *The International Encyclopaedia of Elections*, CQ Press, Washington DC, 2000, Joni Lovenduski and Pippa Norris, *Gender and Party Politics*, Sage Publications, London 1993.

<sup>154</sup>Richard Matland, Kathleen Montgomery, *Ibidem*, pg.4-5.



scholars and feminists have emphasized the effect that electoral systems have on women's and men's representation.<sup>155</sup> The latter consider, in fact, the proportionate electoral system as more friendly to female candidates than the majority rule electoral system<sup>156</sup> because of the higher district magnitudes, closed party lists and high electoral thresholds.<sup>157</sup> With higher district magnitude, the possibility for winning seats is major and therefore parties may be willing to propose female candidates. Closed party lists on the other hand leave the choice to the party in ordering the candidates, guaranteeing in that way that women names are not struck off and demoted. Finally, high electoral thresholds, according to political scholars, discourage the creation and running on election of smaller parties, which may give precedence to male candidates. Besides the effect of the electoral system, the adoption of affirmative actions or special temporary measures are considered by political scholars<sup>158</sup> and feminists as useful instruments for generating more equality in representation. Within Macedonian legislation, no gender based affirmative actions or special measures were introduced in the electoral laws or in the law on political parties until the reforms introduced in 2002 (which will be treated in Chapter 4) aiming at guaranteeing more equal representation of male and female candidates.

Political parties are the main filters through which citizens can participate in the creation and the development of the politics of the state. Their organisation, their internal policy and criteria for choosing the proper candidates, therefore, exercise certain impact on the gender equality in representation of citizens within state institutions. Political parties, according to the Law on Political Parties, represent organised groups of citizens that are committed to participate in the governance of the state (art.2). Member of a political party can be every citizen of the state, man and woman, over the age of 18 that has Macedonian citizenship and has willingly joined the political party (art. 3 and 7). Citizens form political parties with the aim to affect the political, economic, social and cultural development of the country, as well as to become representatives of the parliaments or local institutions

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<sup>155</sup> It is necessary to precise here that the changes towards proportionate model of representation in Macedonia were not originated and approved in order to guarantee more equitable gender representation within state institutions, but the one of the ethnic communities. The causes for these reforms resided though in the political events of the country that concerned broadly the issues of representation and participation of ethnic communities within state institutions.

<sup>156</sup> For further information, see Richard Matland, Kathleen Montgomery, *Ibidem*; Council of Europe, *Group of Specialists on Equality and Democracy*, Council of Europe Publishing, Strasbourg, 1996; Norris Pippa., "Women's Representation and electoral systems", in *The International Encyclopaedia of Elections*, Rose R. (Edited by), CQ Press, Washington DC, 2000.

<sup>157</sup> *Ibidem*.

<sup>158</sup> Norris and Lovenduski for example have indicated a threefold strategy to change the gender based inequalities and to increase the share of women involvement in formal politics through the meritocratic, affirmative actions and radical models. Meritocratic model offers a narrow technical equal opportunities approach comprising improved training programmes for female candidates and help with personal campaign expenses. The affirmative actions model include targets and quotas for women representation, while the radical mode involves reforms of electoral system and of parliamentary institutions and culture. See, Pippa Norris, Joni Lovenduski, *Political Recruitment: Gender, Race and Class in the British Parliament*, Cambridge University Press, 1995 and Ruth Lister, *Citizenship – Feminist Perspectives*, New York University Press, 2003.

(art.3). According to article 4 of the law, “the programme, the statute and the action of the political parties cannot be directed towards the violation of the constitutional order of the state, the appeal or provocation for a military aggression and the generating of national, religious or racial hatred or intolerance”.<sup>159</sup> Intolerance or discrimination on gender bases is not explicitly forbidden by this law. Other affirmative norms aiming at guaranteeing increased participation and engagement of women and/or men in the process of decision making within political parties are absent. Furthermore, within the law on political parties there are no provisions banning the existence and the use of gender based discriminating customary traditional and cultural stereotypes that may discourage in particular female citizens in exercising their political rights.

Finally, the Constitution guarantees in an androgynous form the right to every citizen to hold offices in the public sector and to perform public functions at all government levels (art.23). There are no provisions ensuring proportional representation for men and women in the government and public administration offices and no sanctions are explicitly indicated for gender based discrimination.

#### *b. Informal politics*

Besides organising in political parties, citizens have the right, guaranteed by the Constitution (art.20), to form civil associations and non governmental organisations. This right is further elaborated within the Law on Associations and Foundation of Citizens, which states that every citizen is free to form associations for the realisation and the protection of his economic, social, cultural, educational, humanitarian and other rights. The associations are not allowed to exercise political activities, defined in terms of participating at elections, financing of fund raising for electoral campaign of political parties or engaging directly in parties campaigns (art.3.1.and 3.2).<sup>160</sup> The fulfilment of these rights and the acting of the associations have to be in compliance with the Constitution and the law and must not generate national, religious or racial hatred or to appeal to military aggression. Intolerance on the gender bases is not openly recorded neither in this law.

### II.I.II Civil rights

Within the field of civil rights are intended all those rights related to citizens individual liberties, i.e. personal freedoms, freedom of speech, thought and faith, right to properties, entitlement to stipulates contracts, right to marriage and entering in familial relations etc. Within the Macedonian legal system, civil rights are not regulated by a separated civil code but through individual laws such as the Property

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<sup>159</sup> Clen 4, *Zakon za Politicki Partii*, Sluzben Vesnik na Republika Makedonija, br.41/94.

<sup>160</sup> *Zakon za Zdruzenijata na Gragjanite i Fondaciite*, Sluzben Vesnik na Republika Makedonija, br.31/98.

law, Inheritance law, Family law, Law on Obligations.<sup>161</sup> In this paragraph for the interest of a gender based analysis, the norms regulating the family and property relations between conjugal partners are examined, as well as laws concerning inheritance, the law on proper name and citizenship.

### *III. Individual rights within family*

Relations within the family have been regulated through the Law on Family Relations that has been discussed and approved in 1992. The legal basis for the conceptualisation of the normative regulation of family relations are posed by the articles 40, 41 and 42 of the Constitution of Republic of Macedonia and the previous existing laws on marriage, relations between parents and children, adoption, child custody and legal acts in case of family contentions. All these four fields regulating the family legislation in the previous system were, in fact, integrated in a single law, a new law on family relations. The intention of the legislators was to create a law that would have regulated all relations within the family, i.e. it would have comprised the complex social relations that are generated in the marriage and the family. What is though noticeable within the Law on Family Relations from 1992 as in the general constitutional principles is the reinstatement of the special care and protection conferred to the family as a unit and a lack of provisions that treat individually its members. Before going into details with the analysis of the law, it is important to mention the definition that has been given legally to the family. The family in the terms of the Macedonian law is a “community of parents, children and other relatives that live in common dwelling”.<sup>162</sup> Therefore, according to the article 2 of the law, “a family is created with the birth of children and with adoption”.<sup>163</sup> The option for the definition and treatment of the family as nuclear or larger unit in Macedonia since independence was highly debated among Macedonian legislators. In fact, according to prof. Spirovik-Trpenovska, “the debate was centred on the question whether the Macedonian society was considered as a proper environment for the definition and the existence of a nuclear family”.<sup>164</sup> According to her, all analysis and researches “have demonstrated a negative attitude towards the concept of the nuclear family, because with the acceptance of the latter within the legislation, elder parents and relatives would have been treated unjustly mainly for three reasons: in first place, elders are traditionally considered as a part of a larger family and therefore are related and dependent to their grown up children, secondly, in the conditions

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<sup>161</sup>The Macedonian civil law is constructed on the basis of the previous Yugoslav civil code, that belonged to the Germanic family of the continental law. The Macedonian civil law adopted as its structural basis the German *pandekten* division in: (i) General part of civil law, (ii) Property law, (iii) Law of obligations, (iv) Law of succession (inheritance), and (v) Family law, although the latter has been treated separately. See Stefan Georgievski, *Pravci na Razvitokot na Graganskoto Pravo na Republika Makedonija*, Univerzitet Sv. Kiril i Metodij, Praven Fakultet Skopje, 1999.

<sup>162</sup> Article 2.1 Law on Family, *Zakon za Semejstvo*, Sluzben vesnik na RM br. 80/92, 22 dekemvri 1992.

<sup>163</sup> Article 2.2, *Ibidem*.

<sup>164</sup> Prof. Liljana Spirovik – Trpenovska, “Dali Noviot Zakon za Semejstvoto na Republika Makedonija Odgovori na Postavenite Zadaci I Potrebi” in *Godisnik na Pravniot Fakultet vo Skopje*, br. 35, 1992/93, pg. 119-131

of economic under development of the Macedonian society, the perspective of well organised institutions for elders in substitution of the family was still very distant from reality and third, the citizen's have the duty to take care for their older parents, as stated in the Macedonian constitution".<sup>165</sup> While the reference to the Macedonian traditional society served the legislators to discharge to families certain duties that the state might have had the responsibility to perform or to delegate to appropriate civil associations, the division of the tasks within the family is never mentioned nor discussed further. If the traditionalist patterns of the Macedonian society, as described in chapter 1, are taken into consideration, it can be supposed that legislators have indirectly challenged the presumed equality of rights and duties between men and women in the family as stated in the law, since the latter are those who usually perform the domestic and care activities. Article 6 of the Law on Family, in fact, defines the relations between marital partners as based on their equality, mutual respect and joint support. Article 3 affirms under the same terms the equality in the relations within the family. Besides these declarative intentions codified in the articles there are no further provisions or additional measures within the law that treat and regulate the disrespect of the uppermentioned principles. Furthermore, the Law on Family demonstrates the clear intention of the legislators to pose the relations between genders in the context of the family.<sup>166</sup> Prior importance is given to the respect of the privacy and the unity of the family while individual relations within the latter are not considered, besides the presumed equality, mutual respect and support in relation to the care towards their children and the regulation of marital property. Article 8 states that both parents have equal rights and duties towards their children and article 45 precise subsequently that parental right belong to mother and father equally that they exercise, according to article 76, commonly and on the base of mutual agreement. In case of separation of the parents article 78 foresees that "the child stays with one of her/his parents as they commonly agreed or in case an agreement is impossible to reach or it does not correspond to the interest of the child, than is the centre for social work that decide". The Law nevertheless does not consider any special provisions and/or protections for single parent families. Within the section of rights and obligations of marital partners only, the law furnishes just few equality provisions that concern their freedom of choice of surname (article 31), of selection of profession and work. Article 32 states that marital partners decide in agreement about their place of common residence and the management of the dwelling, contributing to the needs of the family accordingly to their possibilities (article 33). Within

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<sup>165</sup>Prof. Liljana Spirovik – Trpenovska, "Dali Noviot Zakon za Semejstvoto na Republika Makedonija Odgovori na Postavenite Zadaci I Potrebi" in *Godisnik na Pravniot Fakultet vo Skopje*, br. 35, 1992/93, pg. 119-131.

<sup>166</sup> Mirjana Najcevska, Teuta Arifi, Natasa Gaber, *Ucestvoto na Zenite vo Sovremenite Trendovi vo Republika Makedonija*, Fondacija "Friedrich Ebert", Skopje, 1997, pg. 10.

the basic provisions, the law regulates also the relations between a man and a woman united in extra conjugal community by equalising the latter with a conjugal relation in terms of rights and duties in issues regarding alimony and common property gained during at least one year of cohabitation, which is the period of time considered necessary so that the law is applied (article 13).

The law, though, does not foresees nor sanctions any condition of voluntary restriction of freedoms granted to partners (conjugal or extra conjugal). Moreover, it does not contemplate gender based inequalities or situations of coerced agreement concerning the issues normatively regulated and exercised on behalf of one partner towards the another. For what concerns property acquired during marriage or in the period of extra conjugal cohabitation, the Law on Family Relations treat the issue more thoroughly.<sup>167</sup> Marital property is classified as individual and common, in the first case it considers property belonging to one partner, gained previously to the marriage or as obtained as proper inheritance or present. All other property that is acquired during marriage is considered as common and neither of partners is free to dispose of it at proper commodity without having the consent of the other. The law furnishes further specifications concerning the common property, by stating that in official registers the names of both partners are written as owners, and states that in case only one name is written it is though considered as properties of both spouses.<sup>168</sup> The latter, according to article 208, can agree on delegating one of the conjugal partners in the management and the disposal of the common property, or of part of it.

The Law on Family Relations does offers special protection and care for motherhood, children and minors, children without parents and children lacking parent care. But, the law does not contain provisions that take into consideration discrimination, harassment and violence within the family and the latter are not even explicitly enlisted as possible causes for the dissolution of the marriage.<sup>169</sup> Divorce is legal according to the law on family and it can occur on request of the conjugal partners or of the public attorney. Article 40 affirms that marriage may be dissolved on request of one of the spouses in case conjugal relations are deteriorating at point that common life became unbearable. Marriage can be dissolved also in other circumstances, i.e. if one of the partners has not the legal age for marriage, in case of mental illness, constriction or delusion. Violent relations, harassment (physical and psychological) and discrimination are, though, not explicitly indicated as causes for the dissolution

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<sup>167</sup> The chapter regulating property relations between conjugal was subsequently removed from the Law on Family Relations and integrated within a new Law on Property Relations approved in 2001.

<sup>168</sup> The only exception is when spouses are already registered as co-owners; in that case the common property, or part of it, is considered as divided among partners. Article 206.3, Law on Family, *Zakon za Semejstvo*, Sluzben vesnik na RM br. 80/92, 22 dekemvri 1992.

<sup>169</sup> Mirjana Najcevska, Teuta Arifi, Natasa Gaber, *Ibidem*.

of marriage. Discrimination in fundamental rights and freedoms of a person on basis of gender, as well as violence within the family are regulated up to certain extent by the Criminal Code from 1996. According to article 137, Chapter 15 of the Criminal Code, “whosoever, on the basis of sex, race, skin colour, ethnic or social origin, political or regional beliefs, wealth or social position, language or other personal attributes or circumstances, takes away or limits person’s rights as determined by the Constitution, by the law or by a ratified international treaty, or whosoever, grants privileges on the basis of these differences, shall be punished by three months to three years of imprisonment”.<sup>170</sup> Discrimination within the family is not specified and is questionable whether it can be sanctioned by the uppermentioned provision of the Criminal law, since the Law on Family does not defines spouses first and foremost as equal citizens who are entitled to rights and freedoms and as such are protected equally by the state and its internal legislation.

The Criminal Code, in the Chapters 19 and 20, sanctions criminal acts against the sexual freedom and sexual morality<sup>171</sup> and against marriage, family and juveniles. For what concerns the regulation of the sexual freedom and sexual morality, acts as sexual abuse and prostitution are sanctioned. Rape is dealt under the article 186 of the Penal Code stating that “whosoever by the use of force or direct threat upon the life or limb of a person or upon the life or limb of another close to that person forces him/her to have intercourse shall be punished by imprisonment of one to ten years” (paragraph 1). Paragraph 2 of the same article, foresees at least three years of imprisonment in case if the crime results in severe body injury or death, or from six months to five years if a person had sexual intercourse under serious threat, which would harm his/her honour or reputation or cause other serious damage (paragraph 3). If a person commits, under the circumstances described in paragraphs 1-3, other sexual act, he/she will be punished by imprisonment from six months to five years, from one to ten years and from three months to three years respectively (paragraph 4). What is noticeable within this article is that rape is regulated with concrete punitive measures only when third person attempts, threats or makes a sexual abuse against an individual, while similar courses are not explicitly codified in case of rape within the family. Paragraph 5 of the article 186, in fact, states that “if the crime indicated in paragraphs 1, 3 and 4 is committed against a person with whom the offender lives in marital or permanent partnership, prosecution is undertaken upon a private suit”.<sup>172</sup> With this provision actually the legislators have discriminated the freedoms and rights of individuals within the family in favour of the family as a community and institution itself. While in case of sexual abuse on behalf of a third party the public

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<sup>170</sup>*Krivicen zakonik na Republika Makedonija*, Sluzben Vesnik br.37/96.

<sup>171</sup>The translation is literal, within the law it is referred as sexual and non gender freedom and morality.

<sup>172</sup>Glava 19, Clen 186, *Krivicen Zakonik*, Sluzben Vesnik na Republika Makedonija, br 37/96, 29.07.1996.

attorney is entitled to start a case, this is not the case of abuses within the private, familial sphere, where the victim is supposed to initiate the indictment by herself/himself. By extrapolating the cases of abuses committed within the family from the public prosecution, these abuses are risking to be considered as private or family matter. The same situation occurs in cases of crimes committed against a person resulting with mental illness, mental disorder, helplessness, retarded mental development or other physical and physiological states of being. When this crimes are committed from a third party, precise punitive measures are envisaged in terms of imprisonment, while when carried out “against a person with whom the offender lives in a marital or permanent partnership, prosecution is undertaken upon a private suit”.<sup>173</sup> The Criminal Code foresees prosecutions *ex officio* (with punishments by imprisonment from three months to three years), of criminal acts carried out within the family only in case when “a person has intercourse with a blood relative of the first line, or with a brother or sister”. As Arifi, Gaber and Najcevska state, “it seems that the institution of marriage, i.e. the family is so important that it can’t be disturbed from within (meaning that many violent acts occurring in the family may remain unpunished), except in cases that threaten to destroy the basic postulates of the family, such as the crime of incest, which the state undertakes the responsibility to regulate”.<sup>174</sup> Within the chapter regarding sexual freedom and morality, prostitution is also regulated. Acts of recruiting, instigating and enticement into prostitution are forbidden and punished by the Criminal Code in term of imprisonment (article 191). Sexual harassment, on the other hand, is not defined nor treated within the latter. There are certain provisions on abuse merely of official position, authority or working position, but are vague and have not direct reference to sexual nature of abuses, as it will be seen within the paragraph related to economic and social rights.

Chapter 20 of the Criminal Code is dealing with issues of criminal acts against marriage, family and juveniles. Article 195 forbids polygamy and when treated is considered as felony. Acts of avoiding in paying alimony backed up by court decision (art. 202) and the disrespect of family obligations (art.203) are punishable in terms of fines and imprisonment. Article 203 precise that “whosoever, by violating its family obligations, puts a member of the family in harsh living conditions and he/she is incapable of providing for herself/himself, shall be punished with three months to three years of imprisonment”. In case “the act from paragraph 1 causes deterioration of health conditions or death of the member of the family, the person violating her/his family obligation shall be punished with imprisonment from one to five years”. What can be observed also in this Chapter is that the act of violence (physical and

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<sup>173</sup> Glava 19, Clen 187, *Ibidem*.

<sup>174</sup> Mirjana Najcevska, Teuta Arifi, Natasa Gaber, *Ucestvoto na Zenite vo Sovremenite Trendovi vo Republika Makedonija*, Fondacija “Friedrich Ebert”, Skopje, 1997, pg. 23.

psychological) within the family is not treated as criminal act against marriage and more attention is directed towards the integrity of the family as an institution in itself that the physical and psychological integrity of the single individuals forming it. Concerning the issue of bodily integrity of a person, from a gender perspective what is important in this instance is to examine the legal regulation of women's reproductive function. In Macedonia is in force the Law on the interruption of pregnancy from 1977, adopted during the socialist period. The law has though been re-examined and its continuance confirmed in the legal system of the newly independent Macedonian state. The interruption of the pregnancy has been considered in this law as "special medical intervention for which a pregnant woman decides freely". The interruption of the pregnancy is allowed until the tenth week of the conception (art.2.1); the latter is not realisable in case the health of the pregnant woman is endangered (art.2.2) or in case the request for interruption is made in less than a year of the last abortion (art.2.3.). The interruption of the pregnancy is allowed also after the 10<sup>th</sup> week of the conception and in a period less than a year after the last abortion on request of a pregnant woman and in cases if "on the basis of medical indications it has been asserted that the pregnancy represents a danger upon the life or the health of a woman during pregnancy, in giving birth and after; when there are medical indications that the child might have severe mental and corporal irregularities, when the conception is made upon violent act and when there are affirmations that a woman during her pregnancy, giving birth or after, might be brought in difficult personal, familial, material and other circumstances that could affect her health".<sup>175</sup> Illegal termination of pregnancy is punishable in terms of imprisonment from three months up to three years according to the Criminal Code. Moreover, criminal liability is incurred when pregnancy is terminated without the consent of the pregnant woman. In case the illegal termination of pregnancy is effectuated without the consent of the woman and has inflicted to her serious health problems or has caused even death, the punishment is at least one year of imprisonment, leaving to the judge the discretion of decision concerning the maximum number of years of incarceration.<sup>176</sup> While the law on the interruption of pregnancy does not treat the issue of the medical expenses, the law on health protection from 1991 foresees that the costs for abortion requested on behalf of pregnant woman are free of charge only after the birth of the third child. As article 32 paragraph 3 of the Law on Health Protection states, "the interruption of pregnancy precedent to the birth of the third child, if not

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<sup>175</sup> As harsh personal, familial, material and other circumstances are considered: difficult marital relations, the existence of asocial relations within the family, difficult lodging conditions, lack of financial security, worsened health conditions of members of the family, the number of children. Article 3, Law on interruption of pregnancy – *Clen 3, Zakon za prekinuvanje na bremenosta (precisten tekst)*, Sluzben Vesnik na SR Makedonija, br.19, 13.05.1977.

<sup>176</sup> Chapter 14, Art.129, Criminal Code – *Glava 14, Clen 129, Krivicen Zakonik*, Sluzben Vesnik na Republika Makedonija, br. 37/96.



medically indicated, is realisable upon payment of medical expenses for the intervention by proper means".<sup>177</sup> What is noticeable analysing the laws regulating the right for the abortion is that while on one hand it guarantees to women their personal right to freely decide upon their health and bodily integrity, on the other hand it limits this right by restricting it to the more wealthier and by adopting it as a response to a possible state demographic policy (referring to the provision for free of charge abortion after the birth of the third child). The reason for the introduction of the personal charge for the medical intervention for the abortion made by the Macedonian legislators could have been the one directed to avoid the use of the latter as a mean of contraception, as indicated in the governmental report<sup>178</sup>, and it would have been appreciable if counterbalanced by national campaigns for the enhancement of the use of conventional contraceptive means with consequent alleviation of costs of their treatment as free-of-charge medicaments. But, the allowances for prescription and use of contraceptive means are not indicated within the list of basic services, which are free of charge, guaranteed and covered by the national health insurance.

#### *IV. Individual rights concerning inheritance, citizenship*

Further laws treat the individual rights of men and women, such as the law on inheritance, the law on proper name, the law on citizenship etc. According to the Law on inheritance, all citizens are equal in issues related to inheritance (art.3). The Law acknowledges as legal heirs from first order the conjugal partner and the children as equals. In cases when the family is without children than the heirs are the conjugal partner and parents or other relatives (brother, sisters).<sup>179</sup> Equality in rights between men and women are stated also in the Law on personal name, where the personal name is codified as personal right of the citizen (art. 1), which they can change on their free will (art. 5). The decision for the name of a child is taken between its parents and its surname can legally be chosen between the name of the father or of the mother, or of both parents (art.3).<sup>180</sup> The Law on Citizenship in conformity with the Constitution grants equal rights to men and women in obtaining, changing and retaining their citizenship.<sup>181</sup> The equality of rights is guaranteed not by specifically considering the citizens according to their gender based identities but under the terms of citizen, foreigner, and immigrant. The Law

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<sup>177</sup> *Clen 32, Zakon za zdravstvena zastita (precisten tekst)*, Sluzben Vesnik na Republika Makedonija, br. 38/91.

<sup>178</sup> *Oddelenie za promoviranje na ednakvosta na polovite, Inicijalen i vtor zaednicki periodicen izvestaj na Republika Makedonija po Konvencijata na Obedinetite Nacii za Eliminiranje na Site Formi na Diskriminacija kon Zenata*, Ministerstvo za Trud i Socijalna Politika, Skopje, dekemvri 2003.

<sup>179</sup> *Law on inheritance – Zakon za Nasleduvanje*, Sluzben Vesnik na Republika Makedonija, br.47/96.

<sup>180</sup> *Law on personal name – Zakon za Licnoto Ime*, Sluzben Vesnik na Republika Makedonija, br. 8/95.

<sup>181</sup> See, *Law on Citizenship – Zakon za Drzavjanstvo na Republika Makedonija*, Sluzben Vesnik, br. 67/92 and Macedonia in *Rule of law in the Countries of the Former SFRY and Albania Between Theory and Praxis*, Shpend Imeri (Edited by), Institute for Democratic Initiatives, Gostivar, 2006, pg.193-242.

allows to the citizen of the Republic of Macedonia to acquire the citizenship of another state and to have a dual citizenship (art.2). The main criteria for obtaining citizenship are based on origin, birth on the territory of the country and naturalisation (art.3). The law does not foresee changes in the citizenship of the individual in cases of a marriage with a foreigner or when changes in the citizenship of the conjugal partner occur during marriage. Moreover, it consents to the foreigner, married to a Macedonian citizen to obtain Macedonian citizenship through naturalisation but it poses certain conditions such as “to be in marital relationship for at least three years and to have resided continuously for at least one year on the territory of the Macedonian state”, or “at least eight years if resident in a proper or a foreign country different from Macedonia”.<sup>182</sup> Any person of age, regardless of gender, is entitled to obtain not only a passport but also any identification document without the consent of the husband, of the wife or any other person.<sup>183</sup> For what concerns the citizenship of the children the Law guarantees equal rights to both parents (man and woman) to decide on the citizenship of the latter (art.4, 5,6 12).

### I.III Economic and Social rights

The gender based analysis of the normative framework related to economic and social rights is concerned with the examination of the national laws on labour relations, on education and on social protection in order to evaluate whether there are direct or indirect provisions that may favour or discriminate female and male citizens. The legislative framework concerning economic and social rights is the one that was submitted to serious revisions due to the change of the system of self-managed socialism to the one of market oriented economy. While in the previous system the policy of employment and the administration of labour relations were the main means employed by the state for the realisation of the social policy, with the passage towards pluralistic democracy and market oriented economy the regulation of the labour relations had to be adapted to the new economic policy. Under the new circumstances, the policy of management of the employment could no longer be managed by the state and the working conditions had to be adapted to the new property of the mean of production and the productivity based inputs. From gender perspective, what it reveals to be important is to evaluate

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<sup>182</sup> The second clause referring to the conditions for gaining citizenship for foreign citizen married to a Macedonian citizen but resident in a foreign country has been added with the changes made within the law in 2004. See *Zakon za Drzavjanstvo – Precisten tekst*, Sluzben Vesnik na Republika Makedonija, br.45/04.

<sup>183</sup> Association for Emancipation, Solidarity and Equality (ESE) of Women of Republic of Macedonia, *Shadow Report on the Implementation of the CEDAW*, Skopje 2005, pg. 47.

whether the new legislative framework has directly generated inequalities among men and women or indirectly allowed the latter in the field of employment and labour relations.

*a. Employment*

The new Law on Labour Relations was approved in Macedonia in 1993, following the revision of the normative regulations contained within the previous Law on Basic Rights deriving from Labour Relations and the Law on Labour Relations from 1989 and 1990 respectively. Additional Law on Employment and Insurance in Case of Unemployment was deliberated in 1997. These laws are based on the principles of the Constitution, according to which everyone has the right to employment, to freely choose a job, to protection at work and to material support during temporary unemployment. The Law on Labour Relations regulates the rights, the duties and the responsibilities of the employee and the employer within a labour relation (art.1). Within its basic provisions, the law defines the labour relation as “relation funded on the basis of agreement between the employee and the employer for the realisation (fulfilment) of certain tasks and the establishment of the rights and obligations linked with this relation” (art.1.2). The labour relation is established, according to art.14, “with the signing of a contract between the employer and the employee submitted in a written form”. According to prof. Kartalov, “with the introduction of the individual conception of labour relations, the previous mechanism for the establishment of these relations managed by the state and the party, has been abandoned”.<sup>184</sup> Within the chapter of the Law dedicated to the establishment of the working relation, it is stated that everyone can enact a contract regulating labour relations if it fulfils the conditions foreseen by the law and the collective agreement, as for example good health. It is admitted that individuals over 15 years can work except in case they perform hard work such as mining, than 18 years of age and good health conditions are required. The procedure for the selection of candidates is performed through public announcement of the vacancy, followed by the procedure of selection of winning candidates (art.9), leaving the possibility for not selected applicants to make an appeal (art.12). Within the procedures for the selections of candidates, though, there is not any provision that explicitly bans discriminatory requirements, based on gender, but also on age, ethnicity, residence, religiosity etc. Moreover, the principle of equality in access to work, i.e. equality in opportunities to apply for working positions among all citizens indifferently of their sex, age, ethnicity, place of residence, religious and political orientation etc, is not stated within the criteria indicated for the establishment of labour relation. For what concerns gender equality in the access to employment, special provision that

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<sup>184</sup> Prof. Hristo Kartalov, *Promenite vo Rabotnoto Zakonodavstvo i Socijalnata Politika vo Republika Makedonija, Dijalog – Spisanie za opstestvena teorija i kritika*, Skopje, 1994, pg. 91-110.

prohibits the inquiries of marital or family status of women on behalf of the employer, which might bring a person that is seeking employment in an unequal position, is not envisaged. Within the chapter dedicated to the rights of the workers, the law states in gender neutral terms, the maximum working hours per week, the situations when these can be extended and under what conditions, the full-time and part-time work, as well as paid leaves for holidays, health problems and other causes. What is important to appoint in a gender based analysis of the rights of the labourers is the indirect inequality that is imposed by the law between men and women in terms of guarantees for the return on the same employment positions after certain extent of time of paid and unpaid leave of the worker from her/his working place. In fact, while articles 52, 53 and 54 state that after a temporary suspension of a contract for employees performing military service, working abroad in diplomatic or consular institutions, or attending specialisation courses, accompanying proper conjugal partner working in a foreign country, or performing state/public functions, the employee can return to her/his work “*and undertake activities suitable to her/his degree of preparation*”, the same clause has not been considered for women on pregnancy leave.<sup>185</sup> Other important aspects of the law on labour relations are related to the protective measures that are indicated for workers. According to art. 56, the employer has the obligation to inform the employee about the dangers to which the latter may be exposed during his/her work, as well as to notify him/her with the corresponding rights and duties related to the working conditions and to the protection at work. From this article it may be deduced that the protective measures could be referring also to women in their reproductive age, but there are not explicit indications on the obligation of the employer to inform the latter about possible dangers or risks towards their reproductive health. The law, furthermore, recognise the right to the employee to refuse to work if there is any danger upon his/her life and health, caused by non adequate implementation of safety procedures and protection at work. Special section of the law is, though, treating the specific protective measures addressing female workers, minors and invalids (workers with disabilities). Before going into details analysing the norms, it is necessary to make a brief observation of how through this separate section, female workers are regrouped in the same category with minors and persons that have physical disabilities and in this way are posed in an unequal position with male workers, or to express it more correctly are considered as second class workers.<sup>186</sup> The provisions indicated in the special section concerning women are referring mainly to their reproductive function and the regulation of the latter with the working status of female labourers. According to the law on labour relations, women in Macedonia have the right to paid

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<sup>185</sup> Clen, 52, 53, 54 *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na Republika Makedonija, br.80/93.

<sup>186</sup> For what concerns this point, I agree fully with Gaber's, Najcevska's and Arifi's opinion expressed in their work *Ucestvoto na Zenite vo Sovremenite Trendovi vo Republika Makedonija*, Fondacija “Friedrich Ebert”, Skopje, 1997.

maternity leave for the duration of nine consecutive months and of one year in the case of birth of more than one child (twins, triplets etc.). Maternity leave can be taken by choice 45 days before giving birth and obligatory 28 days before giving birth. Employed women who have adopted a child that has less than nine months, enjoy the same rights to maternity leave. In case of adoption of a child of age between nine months and five years, the duration of maternity leave is reduced to three months (art.58). The law also foresees that in case the child is still-born or dies before the expiry of the maternity leave, the female worker is entitled to extended leave for as long as the doctor considers it necessary for her to recover, which is at least 45 days. The maternity leave benefits are guaranteed also throughout the extension (art. 60). The law allows for working at home if the type of work is permitting it and if it is agreed with the employer (art.28). No specifications are given in relation to home based work during pregnancy leave, allowing to female workers to use this right and under well determined rules before the expiry of the leave. Furthermore, article 61 states that a female worker during the period of pregnancy or having a child that has less than two years of age can not work more than the full-time job, nor perform night shifts. If the female worker has a child that is older than one year that she is entitled to the right to decide whether to work in a night shift. While this protective measure may be well accepted for what concerns pregnant women, whose ability to perform their working duties may be affected for the particular physical and health conditions in which they are, for women-parents can be disputable. In first place, although the law does not state it explicitly, it may be assumed that the function of child care is legally addressed in a manner that it gives the perception that is conceived as primary duty of the mother within the family. The reasons for this perception may be outlined in relation to the strict rules of prohibition of extended working hours or night shifts for women with a child that has less than a year. During the nineties, when this law was approved in Macedonia, there were physical and actual conditions<sup>187</sup> for raising a child without constant and continuous presence of his/her mother. Moreover, this protective clause for young mothers may indirectly affect their progressing in the career, since employers may opt on promoting male workers that have no limits in occasional performing of extra hours of work when needed. In addition, the home based work for female workers with a child that has less than one year of age, although foreseen by the law, is not contemplated as an option within article 61. In order to guarantee equal opportunities for men and women in their working careers, a choice to the latter has to be given to decide whether to work more hours (in office or from home if the kind of work permits it) or in night shifts in case they have a child

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<sup>187</sup>With this terms I am referring to existence of alternative food that free the mother from her exclusive and indispensable role of nurturer.

younger than one year of age. This possibility of choosing whether to work more or during night shifts is though given to a “single parent that has a child younger than seven years of age or a child that has physical disabilities”.<sup>188</sup> This clause contributes in reinforcing the perception that the Macedonian legislators gave to women the primary role of child carer within a family. The role of the father, in fact, in caring for the child during the eventual extra-hours or night working of the mother has been completely neglected by the law. Parental leave, though, was not permitted by the 1993 Law on Labour Relations. Article 59 states, in fact, that “the father of the child can use the right to paid leave in the event of death of the mother, if the mother abandons the child or if there are justifiable reasons that prevent her from exercising these rights”. The law does not specify what these justifiable reasons are. In addition, further provisions enlisted within the special section can be outlined as discriminatory towards female workers and containing certain inaccuracies. Article 63 forbids to minors or to women to perform “working duties that comprise hard physical work, or work underground or under water or other, which bring major risks in affecting their health and life”. For what concerns the discriminatory principles, it has to be said that women can not be equalised with minors, because in the latter case these workers have still not completed their legal age to bring their own decisions, so the law could be strict on forbidding the exercise of these tasks. In the case of women (the adult ones) such provisions need not to be so rigid, but must leave to them the choice to decide whether to exercise these working tasks or not. The inaccuracies within this norm consist in the fact that is not précised whether it refers to all women or women in their reproductive age. It may be supposed that it refers to their reproductive function, since it does not mention any consequence for men’s health, and if such was the case than it had to be specified. There may be women that do not intend to have any more children or not to have them at all, so it is unjust to limit their right to perform duties that they me perfectly capable of doing. Last but not least, such strict norms may put women in unequal position with men in their search for employment, since they are excluding the former from the application for any similar working position. Finally, in case this provision was intended to protect women (in particular in their reproductive age) from constrictions inflicted by their employers to temporarily perform these duties or to be transferred from previous positions to others that require hard work or work under water etc., than specified protective measures had to be envisaged within the law, avoiding to violate the basic right and freedom of female workers to choose. Similar observations may be made also in reference to article 65, which states that a “female worker employed in the field of industry and construction can not be assigned to

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<sup>188</sup>Art.61, Law on Labour Relations – Clen 61, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na Republika Makedonija br.80/93.

work during the night, if the work in this period unable her to have a rest for at least seven hours between 22:00 p.m. and 5:00 a.m.” There are few exceptions enlisted when this provision is not applied, i.e. in cases when the female worker has special responsibilities within her work, if she is performing functions related to the health and social protection of the employees or if there are serious economic, social or other circumstances that request additional work. In case this occurs, than the female worker has to be entitled to meals, organised transport, presence of specialised workers etc., as indicated in the collective agreement.<sup>189</sup>

In first place, it is not specified within the clause whether this protective measures are addressed to women that have children and families. If this was the alleged reason for the protective measures for female employees, than the legislators have implicitly conferred principally to women the responsibility of performing the domestic and care activities, which on their side may require the presence of the latter in the house during the indicated time frame. Moreover, this article limits women’s freedom to decide whether to apply for employment positions that may imply (entail, require) working in night shifts. In addition, the special conditions that are imposed to the employer and are linked to the performance of this work may classify female employees as expensive workers and therefore favour male applicants in the process of selection of candidates. Finally, the special provisions enlisted for women concerning the obligation for at least seven hours of rest, on one side, and for what regards the particular conditions that may be fulfilled by the employer on the other side, may act discriminatory also in confront of male workers, since neither the seven hours rest nor the special provisions are specified for them. Within the section related to the conditions for payment of wages, there are certain clauses guaranteeing the right to receive continued pay in case of leave from work, among other occurrences, for pregnancy, childbirth, and care for children (art.72). The Law does not foresee, though, the right to pregnant workers to temporary absence from work for prenatal examinations without loss of pay, in case such examinations must occur during working hours. Always in relation to the payment of wages, according to the labour relations law, the amount of the pay can not be below the one arranged by the collective agreement (art.70). Nevertheless, the law does not state explicitly the guarantee for equal pay for equal work among all employees, independently of their sex, marital status, ethnicity, residence etc. The law regulates the conditions under which the working contract can be interrupted or the employee dismissed from its proper working position. Art. 113, however, prohibits the dismissal of the worker under certain circumstances, among which the removal from office of female employee during her maternity leave. Within the 1993 Law on Labour Relations

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<sup>189</sup>Clen 20, *Opst Kolektivnen Dogovor za Stopanstvoto na Republika Makedonija*, Sluzben Vesnik na RM, br. 29/1994.

no provisions are inserted concerning acts of direct discrimination or harassment on the basis of gender, nor are further specifications related to indirect discrimination among employees on the same basis. The Criminal code treats certain cases of ill-treatments in the exercise of the employment position, such as article 143, which states that “anyone who during the performance of the proper work ill-treats, upsets or offends another or behave towards another person in a manner that denigrates human dignity and person will be punished from six months to five years of imprisonment”. This provision may be considered as referring to male and female workers equally but, however, it is not clear whether ill-treatment, upsetting or offence made on sexual grounds can be treated equally under this norm. Article 189 deals with issues of sexual acts against persons’ liberty and moral, committed as a result of an abuse of the working position. According to this article, “those who by abuse of the proper position lead into sexual intercourse or other sexual activities persons who are subordinate or dependent on them, shall be punished by imprisonment in the duration from three months to three years”. No measures are envisaged in case of acts of harassment, intimidation or verbal offences on gender bases. The Law on Labour Relations has been revised with additional provisions in 1995, 1997, 1998, 2000, 2001 and 2005. Within the 2005 revisions, as mentioned, specific gender based reforms have been introduced as part of the state gender mainstreaming strategy and in alignment with international conventions and European directives. The 1995, 2000 and 2001 revisions of the law were related to the state policy of the liberalisation of the working relations and consequently main changes were envisaged within the conditions regulating the interruption of the labour contract. The revisions made in 1997 contained more specified indications concerning the process of the selection of candidates. Concrete criteria that had to be specified within the vacancy notices were enlisted but none of these suggested the banning of gender based discriminatory announcements favouring certain workers instead of others. The changes approved in 1998 concerned in one part directly female employees. An additional provision has been added to the article 58 regulating the maternity leave, which stated that “the female worker that is on maternity leave can return to work before the expiry of the duration of the leave. In this case, besides the right to wage, the latter has the right also to 50% of the amount of the social benefit granted for the maternity leave”.<sup>190</sup> This new provision brought undoubtedly some positive improvements for women employees because it reduced up to certain point the potential gender discrimination in terms of career progressing that the employer might exercise among workers. In other words, it permitted to female employees to return to work before the expiry of the maternal

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<sup>190</sup>Clen 58-a, *Zakon za Izmenuvanje I Dopolnuvanje na Zakonot za Rabotnite Odnosi*, Sluzben Vesnik na Republika Makedonija, br. 21/98.



leave and in this way enabled them to retake their previous working responsibilities, although a legal guarantee that obliges the employer to reinsert the latter at the equivalent position covered before the leave, was not added within the 1998 revision. The possibility to receive 50% of the welfare benefit for the remnant period of the maternity leave could be considered as an additional stimulation for women to return to work before, since this new financial entrance could cover the supplementary expenses for the care of the child during parents working hours. Nevertheless, it is up to women employees to decide whether to use this possibility or not and it is up to employers to decide whether to make gender based preferences in career promotions, due to the reproductive function and care activities for the children. The introduction of the paternal leave, though, might represent an additional instrument that could contribute in eliminating potential discrimination between men and women at the working place. If choice is left to families, maybe women would be willing to leave their child with the father and return earlier at work and the father on his side might take the advantage of the paternity leave to spend more time with his child. But, as it was mentioned, this choice between the parents was not legally admitted in Macedonia, at least until the changes made in the Law in mid 2005. Besides this provision, further gender based changes within the Law on Labour Relations were introduced in 2005, in accordance with the National Action Plan for Gender Equality and the International Conventions and European Directives ratified by the Macedonian Parliament. These changes, however, are treated further on and precisely in Chapter 4, which is dedicated to the study of the gender mainstreaming policy.

Besides the Law on Labour Relations, the Law on Employment and Insurance in case of Unemployment regulates the rights and duties of the employers, their relations with the state agency for employment and defines the criteria for the social protection of citizens in case of unemployment. The law refers to workers in universalising masculine form, considered as gender neutral and it does not contain special provisions related to women as was the case with the Law on Labour Relations. Moreover, although the law does not provide any specific and declared gender based egalitarian principles, it does guarantee equality of rights and duties between all citizens in the intermediation for their employment by the state agency<sup>191</sup> and in providing the insurance in case of unemployment. For what concerns the latter, the insurance comprise financial contributions, assistance in search for employment (formation and specialisation), health insurance, right to insurance related to retirement and invalidity, right of persons with physical disabilities for their employment under favourable conditions (art.63). According to article 62 all workers have to be insured in case of unemployment and

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<sup>191</sup>Article 35 enlists the criteria by which the candidates are pre-selected for certain working positions and suggested to the employer for further selections. Clen 35, *Zakon za Vrabotuvanje i Osiguruvanje pri Nevrabotenost*, Sluzben Vesnik na Republika Makedonija, br. 37/97.

the type of insurance, its amount and duration are defined according to the length of previous employments and other criteria stated in articles 68 and 71. There are no gender based differences in the latter. The one specific reference to female workers is stated in article 72 that allows for the extension of the insurance in case of woman benefiting of financial contribution during the period of pregnancy and delivery.

*b. Education*

Fundamental to citizens fulfilment of their economic rights and to their application for employment and career progress is however their educational profile and consequently their access to primary, secondary and higher education. The legislation concerning education is regulated by the Laws on Elementary, Secondary and Higher Education and contains no discriminatory norms on gender bases. The right to equal access to education derives from the Constitution, which guarantees “accessibility to everyone under equal conditions” (article 44). Primary education is compulsory and free for all children aged from seven to fifteen years irrespective of sex. According to article 43, in first grade are enrolled all children that by the end of the year will reach the age of seven; children with six years of age can be entitled to enrol in first grade, under the condition that admission tests demonstrate that they are mature intellectually, emotionally and socially to start school.<sup>192</sup> Within the section dedicated to the content and the organisation of the educational activity, it is specified that it is regulated through didactic programmes, defined by the Bureau for the development of education and approved by competent ministry. The law does not provide any specific measure that requires the examination and banning of gender based roles, stereotypes, images or myths, in case these are contained within the didactic programmes or within the educational material. The parents of the child are considered as responsible for his/her enrolment in school and punitive measures are foreseen by the law in case the child is not attending regularly the school. There are no specific treatments or discriminations towards male and female students, neither within the accessibility to education nor within the punitive measures in case of dropouts or non regular attendance of school classes. For what concerns the latter, it may be added that the disciplinary measures that are envisaged by the law, i.e. payment of fines by the parents (art.112), may not be adequate to resolve the problem in case the dropouts are a result of limited financial capacities of the family to provide for their children education, especially if their living conditions are signed by relative or absolute level of poverty. There are no provisions within the law that impose remedial courses or special programmes for children that are not attending regularly school

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<sup>192</sup> Law on Elementary Education – *Zakon za Osnovnoto Obrazovanie*, Sluzben Vesnik na Republika Makedonija, br. 44/95, br.52/2002.

classes. Adult education is though regulated by the Law on Elementary Education, which states that it may be organised within elementary schools or institutions for adult education and is carried out through separate curricula and syllabi approved by the competent ministry. The Law foresees also the education of children with special educational needs (impediments in their development) according to specific programmes within special schools or separate classes in regular schools and no distinction is made between male and female pupils (art.5). Secondary education is regulated by the respective Law and is not compulsory. According to the article 3 everyone is entitled to equal access to secondary education and “discrimination on the basis of sex, race, colour of the skin, national and social origin, political and religious belief, property and social position is prohibited”. Besides this specified principle of non-discrimination, the law treats students in gender neutral terms and the legal determination against any type of unequal treatment on gender grounds in education is explicit and unambiguous. The educational system comprises public and private schools, where in the first case the Macedonian language or the language of the ethnic nationalities is used, while in the second case, the formation can be carried out also in foreign languages. The law considers two types of students within the secondary schools, regular and irregular where the second carry out their formation by self-education and through final examination performed by the school. Within the category of irregular students, the law considers a person older than 17 years of age, person that is absent from school due to prolonged sickness, person that is working, as well as other circumstances envisaged by the school statute (art.41). The case of pregnancy and giving birth is not enlisted by the law as motive for female students to enrol as irregular students. Article 53 though is stating the possibility “for students that for justifiable reasons have been absent from school for more than 200 hours from those foreseen by the didactic programme to pass the year only after passing the final exam referring to the year programme”. The reasons that may be acceptable for the student absence are defined by the school board. In this case, absence for giving birth on behalf of female students may be presumed as justifiable motive for the latter, although it is not directly specified. Finally, while the discrimination is prohibited by the law, the latter does not provide any sanction against non compliance. The Law on Higher Education states to all citizens the right to education within the institutions for higher education under equal conditions (art.6).<sup>193</sup> This opportunity is opened also to foreign citizens and to stateless persons, under circumstances defined by the law and ratified by international acts (art. 6.2, 6.3, 6.4.). Following this article it may be assumed that any discrimination (direct or indirect) in the access to higher education is prohibited, but though, the latter is neither explicitly stated nor defined in the law. The law

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<sup>193</sup> Law on Higher Education – *Zakon za Visokoto Obrazovanie*, Sluzben Vesnik na Republika Makedonija, br. 64/2000.

guarantees the autonomy of the institutions of the higher education and the latter cannot be threatened “by activities that might violate the rights of the academic community and are intended to discriminate the men and the citizen in relation to his sex, race, colour of the skin, national and ethnic belonging, social origin, political and religious beliefs, property and social position and by political and religious organisation and acting, except for the activities that are realised through forums at which ideas and opinions are exchanged” (art.13). The law guarantees equal rights to all students in enrolment in undergraduate and post-graduate studies and certain categories of students, such as “undergraduate, PhD students and on students on specialisation courses, such as those without parents, or certain disabilities (blind, deaf, invalids from first and second group), mothers with children up to their sixth year of age and those under medical care in hospitals have the right to special treatment defined by the statute of the institute for higher education” (art. 157). Differently from the law on secondary education, the law on higher education explicitly considers the case of female students with children and regulates it consequently. For what concerns the teaching staff, all three laws guarantee the equality of all citizens to perform teaching activities, in case their curricula fulfil the professional criteria requested for the latter by the laws and defined by the educational institutions and the relevant ministry.

#### *d. Social welfare*

Within the field of economic and social rights, besides the legislation concerning employment and education, what remains to be analysed under gender perspective is the equality in the entitlement to health insurance and social care and welfare. The guarantee of the welfare of all citizens has been posed as one of the basic constitutional principles, since the Macedonian state has been defined as sovereign, independent, democratic and social state. Humanism, social justice and solidarity have been affirmed among the fundamental values of the constitutional order of the state. The basis for the social care and welfare of the citizens have been posed within the Constitution and further elaborated within the Law on Social Welfare, the Law on Health Insurance and the Law on Child Welfare. The system of social welfare in Macedonia, in accordance with article 34 of the Constitution, distinguishes between social welfare (or security) and social insurance. As Donevska states, “the social welfare of the population is strictly related to the meaning of social care. Social care is connected to the organised activity of the state in impeding and overcoming of the basic social risks that individuals, families and groups face in their life. Social insurance is different and it guarantees the rights to the individual for compensations in case social risks emerge. Health insurance is related to social welfare system, but is

though separated and organised through proper functions and institutions”.<sup>194</sup> The basis for the social welfare system in Macedonia reside in the article 35 of the Constitution which states that “the Republic provides for the social welfare and social security of citizens in accordance with the principle of social justice”. Moreover it guarantees the right to assistance to citizens who are infirm and unfit for work (art.35.2) and pledge for special assistance to persons with physical disabilities and their involvement within the life of the society (art.35.3). Besides social protection, the Constitution guarantees to every citizen also the right to health care (art. 39). The uppermentioned articles are indicative of the fact that the guarantee of the social welfare on behalf of the state should offer the possibility to every citizen to fulfil its proper needs and capabilities. The concrete message for social justice shows that these principles do not have to be considered as moral values but as substantial means for the interpretation of the legal obligations and norms. The Constitution, although it gives the primacy to the state in the guarantee of the social welfare, it does assure the right to other non governmental organisations (the religious institutions such as the church and the Islamic community – art. 19.3 and the NGO’s, art.20) to create and run social and charity institutions. The laws regulating the social welfare of the citizens are the Law on Social Welfare approved in 1997 after the revision of the previous law from 1978 and 1991 and the Law on Child Welfare approved on 2002 (subsequently reformed in 2003, 2004 and 2005) following the review of the previous Law on the social protection of children and the Law on pre-school and primary school education. According to the Law on Social Welfare, the State exerts the primary role in the guarantee of social welfare of the citizens, mainly through the activities of prevention and overcoming of the basic social risks, to which a citizen, a family or certain groups are exposed in the course of life. Within the category of social risks the Law identifies: risks for the health, risks related to old age, those concerning motherhood and the family, unemployment and professional inadaptability, risks of inadaptability towards the social surroundings (art.4). All citizens of the state or foreigners that have regular residence permit in the country are identified as eligible beneficiaries of the social welfare. This clause of universality of entitlement to services of social welfare to all citizens is interpretable as referring equally to men and women, but none anti-discriminatory provision is specified that can further guarantee this basic equality to social rights. One positive aspect of the Law on Social Welfare is that it does not considers only families as basic units entitled to social care, but it takes into account also individuals as single beneficiaries, especially for what concerns the social assistance. The Law individuates four schemes of social welfare, i.e. social prevention, institutional

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<sup>194</sup> Quotation of Marija Donevska in Gabriel Amitsis, *Sistemot na Socijalna Zastita vo Republika Makedonija*, Ministerstvo za trud i socijalna politika, Koma lab, Skopje, 2004.

care, non-institutional care and social assistance for the beneficiaries of social welfare. Within the social prevention, as the word explains, all measures are undertaken to prevent the emerging of social risks among individuals, families or groups of people; it is realised through two types of services, i.e. the identification of problems and individuation of possible means for their solution on one side, and counselling and direction towards relevant institutions that offer adequate care if the problems require further solutions. The institutional care is carried out for persons/individuals that face serious social and physical problems through the guarantee of sheltering or housing services, which includes also the providing of health care, food, clothing and counselling (art.18). The sheltering services comprise the placement of persons that have not adequate living conditions within their families and are evaluated as eligible within special institutes for social welfare. The law states the following categories of persons as eligible: children without parents, children with socio-educational problems, women at last month of pregnancy and single parent with a child up to three years old, persons with severe or profound intellectual or physical disabilities, older persons or invalids that are not capable of taking care for themselves and because of the housing or familial unavailability there is no other way to be cared for (art.19). What is interesting is that within the category of persons entitled to placement in institutes for social welfare, victims of family violence or those of sexual trafficking and inducement to prostitution are not included. There is not even an apposite article within the law that treats such cases. Another assumption that may be drawn by reading individually the single articles of the Law on social welfare and in particular those related to institutional care (as art.19) is that, despite the fact that the state has the declared primacy in the procurement of social welfare it may be assumed that the latter comes always after the family. The family is the basic institution that, as stated within the Law on family relations, has the primary and fundamental role in the care for children and elder people. The state exercise this role only when there are potentials for persons to be exposed to social risks and concrete measures such as placing and care in social institutes are realised only when they are unable to care for themselves or there are not adequate living conditions within the family or there are *no other ways available to guarantee to them the social welfare*. The Macedonian legislator has been vague in the definition of the *inadequate living conditions within the family* and this last criterion, since there may be different interpretation of the significance of the *inadequacy* and of the expression *other ways available*. This annotation is important for a gender based analysis of the social rights, since the term *other ways* for procurement of care for elders may be easily interpreted as the one procured by the family, bearing in mind the legal conception of the family in Macedonia as extended unit. Moreover, the lack of precise enlistment of the criteria that can define the adequacy of the living conditions within

the family, may generate differences in the conception/understanding of the latter between the state and the family itself. This conception/understanding may have significant gender consequences since it is highly probable that by assigning to the family the primal role in the social welfare for its members, women would be those who will bear the burden of the care for the elder people due to the traditional role that has been assigned to them in this field. Non-institutional care provided by the state addresses basically to families.<sup>195</sup> According to Amitsis, the non-institutional scheme is the result of the combination of the pure social practices and the usual family protective actions”.<sup>196</sup> The scheme for non-institutional care comprises counselling services for families and individuals in case of marital problems, daily care for children and elders in terms of nutrition, health care, cultural activities, placing of children with social problems, disabilities and elder people in other families (art. 12-16). Finally the scheme for social assistance comprises continuous financial help for people incapable for working and socially unsecured (non provided); social financial assistance for persons capable of working but socially unsecured, financial contributing for assistance and care, right to health care, wage contribution in case of part-time work due to care for a handicapped child, one-term financial assistance, right to a housing (art.20). The right to social assistance is granted mainly to the same category of persons enlisted within the scheme of institutional social welfare, which are specifically positioned within the criteria indicated in article 20. What is particularly disturbing from a gender based analysis is the fact that the category of non married woman during her last month of pregnancy and the one of single parent with a child up to three years of age are placed within the group of people incapable of working and socially unsecured to which a continuous financial assistance is granted (art.22). While on one side, it is notable/appreciable that they are entitled to this kind of assistance, on the other side, their classification as persons incapable of working, together with persons with severe and profound intellectual disabilities, those with harsh invalidities because of which are incapable of working, children up to 15 years of age and to 26 years if enrolled in regular schooling and persons older than 65 years is up to certain extent discriminatory towards them. In case of motherhood or single parent care, persons capability to work is only temporary inhibited and the legislator would have been more just in defining them as temporary impeded in their capability to work. Moreover, the definition of incapable to work may act as stimulator in persons passivity in the future research of employment and their continuous avail on social assistance. For the Macedonian legislator the best restrain to citizens from continuous living on social assistance is the small amount of the latter, which is up to

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<sup>195</sup> Gabriel Amitsis, *Sistemot na Socijalna Zastita vo Republika Makedonija*, Ministerstvo za trud i socijalna politika, Koma lab, Skopje, 2004, pg.76.

<sup>196</sup> Gabriel Amitsis, *Ibidem*.

20% of the average wage in the country if the beneficiary is single, 28% if are two persons and 40% if there are more persons that should benefit from it (art.25). More substantial social assistance by the state for single parents (who can not be considered as incapable of working) in more limited time might offer them better opportunities to sustain all the expenses related to mothering/fathering and to search for an employment earlier and cease to depend on social assistance for extended period.-

The supervision of the implementation of the law and its violation is performed by the Ministry of Labour and Social Policies and the Law foresees penal provisions that envisage sanctions for violation on the part of any social welfare institution or another legal entity that fails to provide social protection to individuals, families or groups at social risk. Besides the law on social welfare, the Macedonian legislation envisages also the social welfare of the children through a specific law. According to the Law on Child Welfare, the state provides for certain services offered to all children, i.e. persons under 18 years of age and persons under 26 years of age with difficulties in their physical and psychological growth. The children welfare is organised through the provision of allowances, of special allowances, of equipment for the first newborn child on one side, and by the means of non-institutional care, i.e. kindergartens, post-school activities, structures for holidays and recreation of children. For what concerns the allowances granted to families, the clauses contained in the Law of child welfare have been subjected to various changes in the period from 2003 to 2005, in particular regarding the criteria establishing the entitlement to this right. According to article 15 the allowances are intended as assistance offered by the state in financial terms for the coverage of the expenses needed for the development and education of the child. While in the previous law for social protection of children this allowance was limited up to the third child, this condition has been removed with the Law on child welfare approved in 2000. The calculation for the child allowance is made, according to the new law, on the basis of the age of the child and the financial well-being of the family (art.18). With the revision of the law, however the criteria for being entitled to child allowances have been rendered more strict<sup>197</sup> and the amount of the latter has been reduced for some percentage<sup>198</sup>. The law explicitly prohibits any kind of psychological and physical ill-treatment and abuse on children, but it does not specify the banning of any kind of discrimination on grounds of sex, religion, national or ethnic identity, colour of the skin etc. Moreover, although it may be understood in the right manner, the law does not state

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<sup>197</sup> See article 3, Law for the Revision of the Law on Child Welfare – *Clen 3, Zakon za Izmenuvanje I Dopolnuvanje na Zakonot za Zastita na Decata*, Sluzben Vesnik na Republika Makedonija, br.17/2003.

<sup>198</sup> Within the Law on Child Welfare from 2000 the amount for child allowance up to age of the child of 15 years was 5.50% of the average wage in the state and 8.50% for a child from 15 to 18 years of age that is regularly enrolled in secondary school. With the changes approved within the law of 2003, the amount of 5.50% has been reduced to 4.60% and the one of 8.50% to 7.30%. See Law on Child Welfare and Law for the Revision of the Law on Child Welfare.



openly the need for equal treatment to all children irrespective of these differences. No provision affirms the need to sanction any use of gender based stereotyped images on behalf of the personnel, nor it envisages the necessity for the introduction of programmes and initiatives aiming at positive representation of the gender based differences among children and their equal status in the society. Initial acting in this direction may be very important for the future development of the children and the society as a whole, but it needs a specific agenda, trained personnel and strict control over the latter in verifying their compliance with the agenda. The costs for the services offered for child welfare are covered basically by the state budget and through individual payment on behalf of the parents; further contributions may derive also from donations, sponsorships or financial aids of the structures of the local self-government.<sup>199</sup> As mentioned, the Law has been revised from 2003 to 2005, following the changes in the legislation deriving from the Ohrid Framework Agreement and the subsequent constitutional amendments. Consequently, the competencies of the structures for child welfare have been decentralised from the central organs to local institutions (municipalities). Part of these structures remained under direct responsibilities of the competent ministry and part under the municipalities, for what concerns their organisation and funding. Within the Law on child welfare from 2000, the amount of the expenses for the services was estimated by the competent Ministry and it could be deduced from the latter that there were no different levels on prices estimated on the basis of parents monthly incomes. It may be annotated that with unique tariffs for the services offered at the kindergartens, disparities may occur in the enrolment of children since there are factual differences in the economic well-being of the population. The inaccessibility of these services for many families, might represents a deterrent in parents working engagements and the extent of their working time and it may affect disproportionately mothers instead of fathers, for the responsibilities that have traditionally and legally been assigned to the former. With the subsequent revisions, the Law envisages tariffs defined on the basis of the services offered by the structures, which may give an opportunity for everyone to have accessibility to basic kindergarten services. The supervision of the work of the structures for child welfare, as well as for social welfare, has been initially conferred exclusively to state organs, i.e. to the

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<sup>199</sup>Article 110-112 Law on Child Welfare – *Clen 110 – 112, Zakon za Zastita na Decata*, Sluzben Vesnik na Republika Makedonija, br. 98/2000.

competent ministry.<sup>200</sup> With the legislative reforms, a principle of shared responsibility with municipalities was introduced.<sup>201</sup>

The system of health welfare and insurance is organised, as already mentioned, in a separate manner and regulated by the Law on Health Care and the Law on Health Insurance. While initially, issues concerning the health sector were regulated by the sole Law on Health Care, successfully the system was dually organised, by separating both spheres, the health care and the health insurance. The legal sources for the normative rules within the sector of health care and insurance derive from the Constitution, which guarantees to all citizens the right to basic health care in the public sector. The Law on Health Care is conceptualised as to adopt policies for the safeguard of the health of citizens and to envisage measures for the prevention of illnesses and early heal of the latter (art.2). Within this law the term everyone is used to refer to all persons that are entitled to health welfare. Services in prevention and cure of illnesses provided by structures in the public sector are guaranteed through the policy of health insurance. Considering that the aim of the law on health care is in the work of prevention and early cure of illnesses, for what concerns gender aspects of the latter it confers special care for pregnancy and birth.<sup>202</sup> Special programmes are foreseen, among other, for what concerns the welfare of pregnant birth giving women and newborn children, as well as regarding HIV protection, but nothing on the prevention of other diseases transmitted sexually and on family planning (art.33). The law, moreover, does not envisage special provisions in term of sexual education and sexual health i.e. in the prevention of and protection from diseases transmitted sexually and in avoiding unnecessary pregnancies. The Law on Health Insurance regulates the rights and duties of all citizens in health insurance and the accessibility of the latter within the public services for health cure and protection on the basis of equality and solidarity. In overall the law entitles everyone to health insurance, although it specifies within article 5 the categories of persons which may benefit of it (employed, unemployed, students, retired, members of family, foreigners with regular stay in the country etc.).<sup>203</sup> Health care for women during pregnancy and motherhood is considered within the basic services offered with primary health insurance. Employed persons have the right according to articles 12 and 13 to paid leave in case of pregnancy, birth and motherhood, as well as because of temporary impediments to perform working

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<sup>200</sup> Articles 117-122, *Ibidem* and Article 17.23 Law on Local Self-Government – *Clen 17.23 Zakon za Lokalna Samouprava*, Sluzben Vesnik na Republika Makedonija, br. 52/95.

<sup>201</sup> Law for the revision of the Law on Child Welfare – *Zakon za Izmenuvanje i Dopolnuvanje na Zakonot za Zastita na Decata*, Sluzben Vesnik, br. 69/04 i br 113/05 and Article 22, Law on Local Self-Government – *Clen 22, Zakon za Lokalnata Samouprava*, Sluzben Vesnik na Republika Makedonija, br.5/2002.

<sup>202</sup> Law on Health Care – *Zakon za Zdravstvena Zastita*, Sluzben Vesnik na Republika Makedonija, 55/95 i precisten tekst 17/97.

<sup>203</sup> Law on Health Insurance – *Zakon za Zdravstveno Osiguruvanje*, Sluzben Vesnik na Republika Makedonija, br. 96/2000.

duties due to illness. Within the category of impediments for illness, article 13 indicates specific situations, such as illness of close relative or of a child, blood donations, medical examinations etc. In order to be entitled to paid leave for the reasons specified above, the law determines at least six months of paid contribution on behalf of the insured person (beneficiary), except in case of injuries at work (art.15.1) and if the contributions are regularly paid by employers, with maximum delay of 60 days. The State Fund for Health Insurance monitors the regular payments of contributions (art.49) and fines are foreseen for employers in case of non payment of the latter<sup>204</sup>. According to the Law and relative revisions a 20% of individual financial participation is requested to all citizens beneficiaries of health insurance for the services offered to them by the public health sector. From the payment of this quota are exempted all citizens, irrespective of their gender, for medical visits at their doctors and for first aid, than the beneficiaries of social aid and of social institutional care, mentally ill or retired persons, those that during one year have paid for medical services (except for medicines) for an amount up to 70% of the average pay in the country and those whose monthly incomes of the whole family is lower than the monthly average pay. Besides the free visits at the proper gynaecologist, further specialised medical visits for pregnant women are not exempted from payment of the 20% quota. Moreover, there are no legal provisions providing for adequate nutrition during pregnancy/breastfeeding.

Finally, one last segment concerning the entitlement to social rights is the gender based analysis of the legal entitlements to pensions. As for the health care, the right to pension is guaranteed through the payment of contribution during working age. The system of this type of social insurance is public and only recently there have been some modest developments towards the creation of private funds. The normative basis for the regulation of the retirement is laid in the Law on Pension and Disability Insurance from 1993. According to the latter, the criteria for the determination of the pension are the same for men and women, i.e. a pension beneficiary can be every citizen that is a tax payer and the amount of the pension depends on the numbers of years insured.<sup>205</sup> The only difference in the entitlement is that it distinguishes between men and women about the age of the retirement and the years of working experience. While for men the minimum age for retirement is 65 years and 20 years of working experience for women is 63 years and 15 years of working experience, during which the

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<sup>204</sup> The amount of the fines has been increased with the later revision of the law. While within the Law for Health Insurance from 2000, for example, the fine amounted from 10.000 to 100.000 denars (from 164 to 1.640 euros) for employers that do not pay the contributions, with the changes in the law realised in 2005 the same fine increased to 200.000 to 300.000 denars (from 3.279 to 4.918 euros). See Art. 86, Law on Health Insurance – *Clen 86, Zakon za Zdravstveno Osiguruvanje*, Sluzben Vesnik na Republika Makedonija br.96/2000 and Art.88, Law on Health Insurance – *Clen 88, Zakon za Zdravstveno Osiguruvanje*, Sluzben Vesnik na Republika Makedonija, br. 119/2005.

<sup>205</sup> Sluzben Vesnik na Republika Makedonija, *Zakon za penzisko i invalidsko osiguruvanje*, Sl. Vesnik n.80/93.

insurance has been regularly paid.<sup>206</sup> Further provisions within the law that contain differentiation on gender basis are those related to the entitlement to family pension. According to the law, members of the family, such as conjugal partner, children (proper and adopted), parents or other relatives, persons that took care of the diseased beneficiary, have the right to his/her pension. There are differences in the case of the conjugal partner, if it is a woman than to obtain the right to her husband pension after his death she must fulfil certain criteria: *at the moment of the death she has at least 45 years of age, until the death of the husband she was considered as incapable for work or in case this incapacity occurred at latest one year after the decease, if they have one or more children and she performs the parental duties toward the latter and in case if she had 40 years of age at the moment of the decease of the partner and until her 45 year of age remain incapable of work, she can have the right to the husbands pension only when fulfilled the age criteria.*<sup>207</sup> For a man the criteria are almost the same, besides the age criteria, according to which to be entitled to his wife pension he must have 55 years of age.<sup>208</sup> This gender differentiation, which in this case is more discriminatory towards men, derives from the conception within the law for the different age for retirement of men and women and consequently for the presumed age until when men and women are able to work actively. No gender differences exist in the case of entitlement to pensions due to invalidity (art. 34-70).

## II.II International norms (agreements, conventions) – an integrative part of the national legislative system

The Macedonian legal system, as already mentioned, belong to the category of states where the continental law is applied and where the main sources of law are the Constitution, the national laws and the international agreements. International law, according to Vienna Convention on the Law of Treaties from 1969, has in principle its priority with respect to national laws and is based on the fundamental principles of international law stated in article 26 (*Pacta sunt servanda*), according to which “*every treaty in force is binding upon the parties to it and must be performed by them in good faith*” and article 27 that “*excludes the invocation of provision of internal law as justification for a failure to perform a treaty*” of the Convention.<sup>209</sup> Treaties and Conventions, as pacts, covenants, are documents

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<sup>206</sup> Article 17, Law on Pension and Disability Insurance – *Clen 17, Zakon za Penzisko I Invalidsko Osiguruvanje*, Sluzben Vesnik na Republika Makedonija, br. 80/93.

<sup>207</sup> Article 72, Law on Pension and Disability Insurance – *Clen 72, Zakon za Penzisko I Invalidsko Osiguruvanje*, Sluzben Vesnik na Republika Makedonija, br. 80/93.

<sup>208</sup> Article 73, *Ibidem* and Article 5, Law for the revision of the Law on Pension and Disability Insurance – *Clen 5, Zakon za Izmenuvanje I Dopolnuvanje na Zakonot za Penzisko I Invalidsko Osiguruvanje*, Sluzben Vesnik na Republika Makedonija, br. 14/95.

<sup>209</sup> *Vienna Convention on the Law of Treaties, 1969*, [www.un.org](http://www.un.org).

governed by international law through which states are legally bind. The Macedonian State as member of the United Nations and of the Council of Europe has ratified numerous international agreements and committed itself through the proper Constitution to conform to the principles stated in these agreements. The respect for the generally accepted norms of international law is stated as one of the fundamental principles of the constitutional order (art.8) and the international agreements that are ratified in conformity with the Constitution are integral part of the internal legal order and cannot be changed by law (art.118). International treaties and Conventions are concluded by the President of the Republic and in cases determined by the law also by the government, and are ratified by the National Assembly (art.119). Although not specified in the Constitution, the generally accepted norms are the Charter of the United Nations and the Statute of the International Court of Justice, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights as well as the one on Civil and Political Rights, the European Convention for Human Rights etc. International conventions and agreements have precedence with respect to national laws and in case of inconsistencies between the former and the latter the state is obliged to conform with international commitments. States, however, have the liberty to decide how these commitments will be integrated in the national legal system.<sup>210</sup> The interest towards international conventions and agreements in this paragraph is directed towards those that refer to issues related to gender equality. The Macedonian Republic has ratified several international conventions and agreements in this field, where certain were inherited from the Yugoslav period and other were adopted after state independence. For the broader clarity and better organisation of the work in this paragraph, the international conventions and agreements that are part of the Macedonian internal legal system have been organised in two broader categories, on one side there are those issued by international organisations, such as United Nations, the International Labour Organisation etc. and on the other those approved by regional structures, such as the European Union and the Council of Europe.

#### II.II.I. International Organisations Conventions

International documents that are dealing indirectly of directly with gender issues and that have been ratified by the Macedonian parliament are the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol, International Conventions for the Suppression of the Traffic of Women and Children and Exploitation

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<sup>210</sup> Dr. Fidanco Stoev, *Megjunarodno i Vnatresno Pravo*, Strucno spisanje Pravnika – Glasilo na Zdruzenie na Pravnici od Stopanstvoto na Republika Makedonija, mart 2004.

and Prostitution, those referring to political rights of women and to equality in education, the rights related to marriage and nationality as well as the International Labour Organisation Conventions 100, 103, 111, 156. Among these, the Universal Declaration of Human Rights<sup>211</sup> and the Convention on the Elimination of All Forms of Discrimination against Women with the Optional Protocol are those who gain major importance in a gender based analysis since the first lay the basic assumption that women rights are also human rights and the second (referred also as the Women Bill of Rights) is a wide-ranging (all-embracing) international agreement intended to improve the status of women and to guarantee gender equality.

The Universal Declaration of Human Rights is the basic document defining the fundamental political, civil, and social rights of a person as universal principles and standards. Considering the fact that gender based rights are human rights than it is important to state in this occasion some of the basic principles of the Declaration referring to basic freedoms and equality of all human beings (art.1). According to the Declaration “*everyone is entitled to all the rights and freedoms...., without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*” (art.2). The equality of all human beings is guaranteed in the equal treatment before the law, in their rights to education, employment, in freedom of movement, in marriage, in their entitlement to social rights, in their engagement in political activity, their right in peaceful assembly and association. The Declaration explicitly prohibits any discrimination in equal protection of every person by the law and in the protection of their rights guaranteed by the latter, as well as, any discrimination of the right to equal pay to every person. Reading under gender lens, however, the Universal Declaration of Human Rights is conceptualised in male terms, since according to article 2, all person in their freedom should interact among them in the spirit of *brotherhood*. Moreover, in guaranteeing the right to just and favourable remuneration to a worker, it refers exclusively to a man, “*in ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection*”. The Universal Declaration of Human Rights poses the fundamental principles and guarantees for the respect of freedom and rights to all human beings, which are further on elaborated within specific Conventions. In this sense, of fundamental importance for gender based analysis are the Conventions that the Macedonian state has inherited or ratified after independence that are concerning directly issues of equality and ban of discrimination between men and women in their exercise of political, civil and social rights. Among the

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<sup>211</sup> It is important to precise here that the UDHR is a Declaration and not a legally binding treaty but over time it had become an extension of the UN Charter, which is though binding for all member states.

Conventions that were already adopted by the Yugoslav Federation and that Macedonia newly ratified them as a successor state are the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the International Convention for the Suppression of the Traffic in Women and Children and the Convention for the Suppression of the Traffic in Persons of the Exploitation of the Prostitution of Others, the International Labour Organisation (ILO) Conventions 100 on equal remuneration, Convention 111 concerning discrimination in respect of employment and occupation, Convention 103 on maternity protection and Convention 156 concerning equal opportunities and treatment for workers (men and women) with family responsibilities. The Convention for Elimination of All Discrimination against Women has been ratified by the Macedonian Parliament as a successor state, while the Optional Protocol as an independent state. Before analysing the content of the latter which treats in complexity issues related to women status and rights that have been in part faced by the other Conventions, I will though, make a brief overview of the latter. The Convention on Political Rights states, on the basis of the principle of equality between men and women declared in the UN Charter, the rights to women to vote and to be elected, as well as to hold public office and exercise public functions on equal footing with men and prohibits any kind of discrimination exercised within these field.<sup>212</sup> The Convention on the Nationality of Married Women protects married women and their nationality from direct consequences that may be applied to them in case of change of nationality or loss of the latter on behalf of their husbands.<sup>213</sup> The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages further elaborates the principle of free and equal consent of conjugal partners to enter marriage as stated in the Universal Declaration for Human Rights.<sup>214</sup> The Conventions on suppression of traffic in women and children and of exploitation and prostitution state all the actions (enticement, mediation and management of traffic, exploitation and prostitution) that are punishable by international law and require the revision of domestic laws for the repeal, abolishment of the latter and the regulation of administrative procedures in accordance with the Conventions.<sup>215</sup>

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<sup>212</sup> Office of the High Commissioner for Human Rights, *Convention on the Political Rights of Women, 1953*, ratified by the Socialist Federative Republic of Yugoslavia on 1955, accession by the Republic of Macedonia on 1994.

<sup>213</sup> Office of the High Commissioner for Human Rights, *Convention on the Nationality of Married Women, 1957*, ratified by the Socialist Federative Republic of Yugoslavia on 1958, accession by the Republic of Macedonia on 1994.

<sup>214</sup> Office of the High Commissioner for Human Rights, *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962*, ratified by the Socialist Federative Republic of Yugoslavia on 1964, accession by Republic of Macedonia on 1994.

<sup>215</sup> Office of the High Commissioner for Human Rights, *International Convention for the Suppression of the Traffic in Women and Children, 1922*, accessed by the Republic of Macedonia on 1994, and *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950*, accessed by the Republic of Macedonia on

The ILO Convention 100 explicitly treats the issue of equal remuneration for men and women workers for work of equal value and bind every member state to ensure the application of the principle and ban any discrimination on the bases of sex.<sup>216</sup> The Convention though leaves the liberty of choice to the states to apply this principle by the means of national laws or regulations, by legally established or recognised machinery for wage determination, by collective agreements between employers and workers or by a combination of the various means (art.2). It requires however that measures are taken for the promotion of an objective appraisal (evaluation) of jobs on the basis of the work to be performed and differential rates determined by such objective appraisal are not considered as contrary to the principle of equal remuneration (art.3). The ILO Convention 111 deals with the issue of equality of rights in terms of employment and occupation. The Convention does not treat exclusively the issue of equality between men and women, but refers to banning of discrimination (distinction, exclusion or preference) made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.<sup>217</sup> This Convention legally binds adhering states (members) to undertake all measures for ensuring equality in employment and occupation, leaving the possibility to the latter to decide in which manner to realise it (art.3). The 103 Convention specifies conditions for the maternity leave recognised to birth giving women and the guarantees in preserving their working position by prohibiting the dismissals during pregnancy leave. The 156 Convention refers to workers (men and women) with family responsibilities and aims at guaranteeing equality of opportunity and treatment of the latter by permitting them to engage in employment without being subject to discrimination and without conflict between their employment and family responsibilities (art.3).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is, as mentioned, a comprehensive international agreement that brings together the provisions of other existing UN instruments and extend them further with the purpose to create a real tool for the elimination of discrimination against women. The CEDAW Convention, actually, brings the female half of humanity into the focus of human rights concerns; it promotes women equal attainment of civil, political, cultural social and economic rights and provides the definition of discrimination on the basis of sex. What is particular of this Convention is that unlike the other international human rights treaties, it treats the issue of human reproduction and it applies to public and private aspects of human life.

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1994, ratified by the Socialist Federative Republic of Yugoslavia on 1951, accession by the Republic of Macedonia on 1994.

<sup>216</sup>Office of the High Commissioner for Human Rights, Convention n.100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951, ratified by SFRJ and by Republic of Macedonia on 1991.

<sup>217</sup>Office of the High Commissioner for Human Rights, Convention 111 concerning Discrimination in respect of Employment and Occupation, 1958, accessed by the Republic of Macedonia on 1991.



Moreover, CEDAW is also concerned with the impact of cultural factors on gender relations and entails the elimination of traditional and stereotyped conceptions of the gender roles. The Convention furnishes a definition of gender based discrimination as *“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women...of human rights and fundamental freedoms in the political, economic, social, civil and any other field”* (art.1). After defining discrimination, the Convention provides measures to undertake in order to ensure the guarantee to women their basic human rights, their full development and advancement. Measures are intended to eliminate any discrimination against women and to guarantee equality within a range of fields, starting from the political rights and equal participation of women in national and international institutions, to education, employment, health care, equality before the law (art.7-16). The Convention foresees the elimination of discrimination in several important fields, such as cultural and social field, where it confers importance in the adoption of measures for the elimination of gender based prejudices and stereotypes, it affirms the social function of maternity and the shared responsibility of men and women in the latter (art.5) and it envisages for the elimination of women trafficking and exploitation of the prostitution of women (art.6). In achieving these goals, the Convention foresees, besides legislative regulation, the adoption of temporary and affirmative measures for the advancement of women that are not considered as discriminatory actions (art.4). States, such as the Macedonian Republic, that have ratified the CEDAW Convention are legally bind to *“adopt all the measures to ensure full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”* (art. 2). Member states of CEDAW are obliged to present regular reports to the Committee for the Elimination of All Discrimination against Women regarding the progress made towards meeting the criteria of the Convention. Nevertheless, the Committee, as body created for the monitoring of an international agreement governed by international law, can’t sanction or give penalties to governments that have acceded to CEDAW but are not fulfilling their obligation. The Committee can only address comments, indicate principle areas of concern and make recommendations to member states. Improvements, however, have been made for the enforcement of the Convention, through the adoption of the Optional Protocol to CEDAW, which the Macedonian Republic ratified on 2003. Unlike the Convention which refers only to states, the Optional Protocol allows individual women or groups of women to submit claims of violations of their rights individually or by NGO’s and other groups directly to the CEDAW Committee. The latter though can refer to the Committee, only when all domestic procedures available at national level to seek protection or justice are exhausted. The

Optional Protocol gives also to the Committee the power of inquiry into situations of grave or systematic violations of women rights, to be exercised only within state parties and with their previous authorisation, which is though limitative.

### II.II.II. European Union Legislation and Conditionality

The Macedonian State signed the Stabilisation and Association Agreement (SAA) with the European Union in 2001, which was ratified by European parliaments in 2004. With the sign of the SAA, the state committed itself in a political engagement to harmonise its legislation with the one of the European Union in perspective of the future adhesion of the country in this regional structure. In this sense the Macedonian government ratified several conventions and EU directives, fact that implied the introduction of numerous reforms in the legislation and the adoption of temporary or special measures. At the end of the year 2005, the Macedonian state gained the status of a candidate country, which implied to the latter the reform of the legal system and the fulfilment of the criteria outlined by the *Acquis Communautaire*.<sup>218</sup> Differently from the legal binding to international conventions and treaties, the European Union is enabled to monitor more closely the accessing countries in their progress within the reforming processes. Since the future adhesion of the candidate countries depends, in part, on fulfilment of the legal measures and the harmonisation of their legal systems with the one of the EU, these countries are linked in a relation of conditionality within the latter. The principle of gender equality has been a fundamental principle of the European Union since its foundation. The principle of equal treatment of women and men is incorporated in the European Community Treaty through article 2 that stipulates the promotion of equality between women and men as responsibility of the EC, article 3.2 that states the need for the elimination of all inequalities and the promotion of equality between men and women in all its activities. Articles 137 and 141 envisage for the equality between men and women in terms of employment and wage remuneration and article 13 states for the adoption of all measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, which are the legal basis for the further development of the EU legislation concerning gender equality.<sup>219</sup> Equality between men and women within the field of labour relations has been incorporated among the basic criteria that the accessing countries must fulfil. Consequently, the Macedonian government set as priority the incorporation within the proper legislation several Directives concerning gender equality mainly in the field of labour relations, such as the Council

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<sup>218</sup> It refers to the entire body of legislation of the European Union. Applicant countries must accept the *acquis* (consisting of 33 chapters) before they can join the EU. For further information, [www.europa.eu.int](http://www.europa.eu.int).

<sup>219</sup> See Legislation and Gender Equality, [http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html).

Directive 75/117/EEC relating to the application of the principle of equal pay for men and women, the Council Directive 76/207/EC on equal treatment in employment and occupation, the Council Directive 97/80/EC on the burden of proof in case of discrimination based on sex and the Council Directive 92/85/EEC on the protection of pregnant workers.<sup>220</sup>

The Directive 75/117/EEC defines the principle of equal pay between men and women as the remuneration attributed for the same work or for work to which equal value is attributed and states for the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration.<sup>221</sup> The Directive compels member states to reform their existing legislation in conformity with it, to eliminate all provisions that may generate inequalities in remunerations between men and women and invites for the adoption of measures in order to ensure the applicability of the principle of equal pay (art.3 and 6). Moreover the Directive requires for the specific formulation of the equal pay principle, the application of the same criteria for men and women in the job classification system, the informing of employees about the provisions of the directive and their enabling to pursue their claims by judicial process in case of discrimination based on sex (art.1.2, 2, 5 and 7). The Council Directive 76/207/EEC and its subsequent amendments (revisions) contained within the Directive 73/2002/EC regulate the principle of equal treatment for men and women regarding access to employment, vocational training and working conditions. The application of this principle means that no discrimination (direct and indirect) whatsoever on grounds of sex can be admitted in the conditions (including selecting criteria) for access to all jobs or posts regardless of the sector or the branch of activity and at all levels of occupational hierarchy, nor to the access of all types of vocational trainings (art.3).<sup>222</sup> The amended Directive incorporates and prohibits besides the notions of direct and indirect discrimination based on sex also the ones of harassment and sexual harassment.<sup>223</sup> The Directive

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<sup>220</sup> Dr. Todor Kalamatiev, Stojan Trajanov, *Usoglasuvanje na Rabotnoto Zakonodavstvo na Republika Makedonija so Regulativite na Evropskata Unija*, Strucno Spisanje Pravnika – Glasilo na Zdruzenie na Pravnici od Stopanstvoto na Republika Makedonija, april 2002.

<sup>221</sup> Article 1, Council Directive 75/117/EC, on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, February, 1975. For further information see, [http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html)

<sup>222</sup> Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions and Directive 73/2002/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC [http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html)

<sup>223</sup> With **direct discrimination** is intended when one person is treated less favourably on grounds of sex than another is, has been or would be treated in comparable situation. **Indirect discrimination** occurs when an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary. **Harassment** means when an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or

implies for legislative reforms, the adoption of measures by member states so that the principle of equal treatment is respected and the abolition of all existing administrative provisions, laws and regulations contrary to the principle. As the Directive 75/117, also the Directive on equal treatment require from member states that its provisions are brought to the attention of the employees and that necessary measures are adopted to protect the employees against dismissal by the employer as a reaction to a complainant or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment (art.7 and 8). It foresees also the creation of a body for the promotion, monitoring and support of the principle of equal treatment and the outlining of sanctions applicable to infringements of the national provisions adopted pursuant to the Directive. Moreover, it requires from member states to ensure that judicial or administrative procedures for the enforcement of obligations under the Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them and that measures are adopted to guarantee real and effective compensation or reparation from the damage sustained by a person injured as a result of discrimination. In addition it requires from member states to allow to associations or other legal entities to engage on behalf of complainants in any judicial or administrative procedure (art.6). The amended Directive specifies moreover that the provisions concerning the protection of women in reference to pregnancy and maternity shall be considered without prejudice. It states also that it regards without prejudice the right to member states to recognise distinct and untransferable rights to paternity and or adoption leave and requires that necessary measures are adopted to protect working men and women against dismissal due to exercise of those rights. The Directive aims at ensuring that a woman on maternity leave or a man on paternity leave are entitled to return to their job or to an equivalent post on terms and conditions which are no less favourable to them.<sup>224</sup> The Council Directive 92/85/EEC applies to pregnant workers, workers who have recently given birth, and workers who are breastfeeding in all fields and occupations, with no exceptions. The Directive deals with provisions that aim at protecting the health of pregnant of breastfeeding women and at preventing their exposures to certain types of duties that may jeopardise their health by inviting the adoption of special measures, such as temporary adjustments of working conditions, provisional movements of workers to another job or granting leaves (art.5). The Directive cites specific conditions such as the night work, the ante-natal examination,

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offensive environment, while **Sexual Harassment** when any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Council Directive 73/2002/EC.

<sup>224</sup> Article 2.7, Directive 73/2002/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC

[http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html).

where in the first case it states that women during their pregnancy or within the period following the child birth are not obliged to perform night work, while in the second that these women are entitled to time off for ante-natal examination without loss of pay (art.7 and 9). It, moreover, provides for a continuous period of maternity leave of at least 14 weeks, with adequate allowances. The Directive prohibits the dismissal of pregnant workers from the beginning to the end of their leave (art.10) and requires from member states to introduce measures that enable workers to pursue their claims related to these provisions in a judicial process (art.12).

The Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex is aimed to ensure that the measures taken by the Member States in implementing the principles of equal treatment are made more effective. In fact, in cases of presumed direct or indirect discrimination, according to this Directive it is employers' responsibility to demonstrate the non-violation of the equal treatment principle.<sup>225</sup> Member states are required in this sense to bring to the attention of employees the principles of the burden of proof outlined in this directive.

The ratification of international treaties and the attainment to the European directives in a process of harmonisation of the legislation with the one of the EU, legally bind the Macedonian state to undertake the necessary provisions in the realisation of the latter. As already analysed, certain principles aimed at guaranteeing the basic human rights and gender equality in the exercise of political, economic, civil and social rights are already envisaged by the Macedonian constitution and the national laws, however there are several issues that needed to be revisioned so that international and European commitments are respected. Within the analysed national laws, there is not a clear definition of the terms discrimination (direct or indirect), harassment and sexual harassment, while there are principles such as the one on equal pay and equal treatment in employment and occupation that are merely declarative or narrowly defined and which though need to be backed up by additional measures. Gender neutral conception of the citizenship rights and freedoms may produce inequalities in opportunities among citizens due to the social construct (meaning) of their sexual difference. As already affirmed in the introduction, the principle of equality in rights does not guarantee *de facto* an equality in their exercise, since there are further economic, cultural, social, but also political aspects that need to be taken into consideration and that are affecting people's lives in a disparate manner. On the other hand, overall protective measures towards citizens of one sex, if not adequately measured, risk on limiting their

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<sup>225</sup> Article 4, Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex, [http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html).

liberties and on exacerbating inequalities instead of guaranteeing equality. The engendering of the citizenship concept through the integration of specific norms and measures and the recognition of difference can represent one important step ahead in guaranteeing equal opportunities to citizens. The next chapter evaluates the need for the engendering of the citizenship concept in Macedonia through the examination of gender inequalities in peoples functionings and their fulfilment of capabilities during the years of transition. The individuation of inequalities among citizens through the capability approach will enable to evaluate whether the legal framework characterised by its prevailing gender neutral provisions is allowing for disparities to emerge and whether further elements (social, cultural, economic) need to be contemplated in order to guarantee equity in people's welfare and development.

### III. Assessment of gender inequalities in Macedonia through the capability approach

In a situation of major political, economic and social change as the one occurred in the former Yugoslav republics at the beginning of the 1990ies, “women are those who bear the major social, psychological and material weight of the everyday life....The political party interested in addressing women as a category should bear in mind their interests, knowing that the economic crisis would strike them for first, since the difficulties of the everyday life fall above all on them”.<sup>226</sup> This is only a small insert of Rada Ivekovic's (one of the most prominent feminist scholars from former Yugoslavia) reflections on the gender effects of the system change in Croatia, one of the former Yugoslav republics. The present chapter aims at evaluating the implications of the transitional policies enacted at the beginning of the 1990ies in Macedonia on the issue of gender equality. The intent, though, is not to mainstream the gender perspective in the analysis of the transitional policies enacted in Macedonia, but to apply an approach capable of assessing the inequalities in gender relations in the public but also in the private sphere, exacerbated by the latter.

The transitional policies signed the change towards a new political system and a new path for the economic development of the country and as such invaded the totality of citizens lives. Citizens were entitled to new rights and liberties, i.e. gained political rights and opportunities to participate in the democratisation processes through political and civil organisations. Moreover, new property and entrepreneurial relations were generated with the state disengagement from the economic sector and its orientation towards capitalist and market oriented economy. Despite the extent of these changes and the consequences they could produce on peoples' lives, however, the state engaged in maintaining its social character by constitutionally committing to guarantee social justice and equity among its citizens. The question, though, that can be posed though is whether the state succeeded in guaranteeing its commitment with respect to gender equality?

The analysis developed in the previous chapter served to understand the main changes that occurred in the citizens entitlement to rights and freedoms and to examine more closely the legal norms that regulated the basic spheres of public and private life of citizens. Although the adopted universalising egalitarian citizenship formula had in principle its ethical justification in guaranteeing the basic equity among citizens, the overall protective measures in determinate fields, such as the one of childcare, and the disregard of certain social and cultural factors affecting differently the lives of the citizens, have been appointed in the previous chapter as potential causes for generating gender inequalities in the

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<sup>226</sup> Ivekovic Rada, *La Balcanizzazione della ragione*, Manifestolibri, Roma, 1995, pg. 108-109.

realisation of the citizens' substantial liberties and for conditioning disproportionately their human development. Despite equal rights and liberties, though, citizens' are diverse in their physical, material, social and cultural traits and consequently have different opportunities to convert their formal rights in substantial freedoms.<sup>227</sup> The objective, though, in this chapter is to assess the gender based differences in the level of citizens' human development, i.e. in their opportunities to extend their freedoms and live the lives they value. These freedoms are measured through the capabilities<sup>228</sup> they possess to achieve certain functionings, i.e. state of beings and doings, such as being sheltered and adequately nourished, being freed from illnesses, being educated, being employed, being active in the political life of the community, enjoying self respect etc. The human development concept, acknowledges the diversity that exist among people in the measurement of their well being but goes further by contemplating other factors than income, such as education, political freedoms, social and cultural factors and refuses to consider the family as a single unit of analysis, preventing in this manner to neglect the intra-household inequalities. The gender sensitive assessment of persons development, in fact, can not be measured only through financial welfare, since there are issues such as reproductive health, bodily integrity, unpaid care work, education, political empowerment that affect greatly her/his ability to achieve certain functionings.

Having in mind these premises, how can the assessment of gender inequalities be carried out and which aspects of the complex concept of human development taken into account? Within the case study that follows in the next pages, in fact, citizens' achieved functioning are pondered by endorsing some basic principles for a gender sensitive analysis, such as contemplating indicators of non strictly economic nature and considering the household as potential grass root for gender inequalities. Moreover, the case study searches for gender disparities that emerged in Macedonia during the transitional period not only between women and men, but also within genders on the basis of ethnic belonging and place of residence. It may be presumed that many of the inequalities encountered among citizens in terms of human development would have never occurred in a context of relative political, institutional and economic stability, but the intention here is to examine precisely whether in a situation of a system change, one segment of the population is supposed to pay the higher price, as prof Ivekovic affirmed, and why. In the assessment of the gender based inequalities an integrative approach<sup>229</sup> is adopted, which uses traditional measures of well being such as income, but includes also variables that are

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<sup>227</sup>Sen Amartya, *La Diseguaglianza: un riesame critico*, Il Mulino, Bologna, 2000.

<sup>228</sup> Capability in Sen's terms is thus "a set of vectors of functions, reflecting the person's freedom to lead one type of life or another...to choose from possible livings", see Sen Amartya, *Ibidem*, pg.64

<sup>229</sup>Sen distinguishes between direct, indirect and integrative approach. See Sen Amartya, *Lo sviluppo è libertà: perché non c'è crescita senza democrazia*, Oscar Mondadori, Milano, 2000 pg. 85-89.



considered as influencing women's and men's opportunities to transform their rights and goods in substantial freedoms. In other words, it considers broader dimensions such as social and economic assets (education and healthcare system), political and civil agency (participation in public discussions and in the processes of decision making), cultural and customary influences that affect behavioural attitudes in the familial and public domain (sexual division of domestic and public labour, childcare).<sup>230</sup> The assessment of gender inequalities in the level of human development of citizens is realised through the selection of nine capabilities, such as longevity, physical health and bodily integrity, education and knowledge, economic independence (engagement in paid employment and possession of property), unpaid domestic and care activities, disposal of free time, participation in formal politics and engagements in civil society, which are directly or indirectly related to persons political, civic, economic and social life. The uppermentioned list contains, in fact, the three basic capabilities individuated by the United Nations Development Programme (to live long and healthy life, to be knowledgeable and to meet decent standard of living) for the measurement of the human development index but extends further encompassing traits from political, civil and familial sphere, which are measured by the means of the existent gender disaggregated statistical data and through the indications obtained from the respondents of the questionnaires, as explained in the introduction. Before proceeding with the assessment of the gender based disparities, however, it is necessary to outline the main political and economic patterns of the transitional processes and its outcomes in terms of social costs for the population.

### **III.I. The impact of the transitional processes on the citizen's human development (political and socio-economic profile of the transition)**

The transition from socialism to democracy was initiated in Macedonia with the introduction of political pluralism and with the abandonment of the principle of self-management in the economic policy of the state through the privatisation of the socially owned enterprises. The enactment of the transition was however signed by an already unfavourable political and economic context that concerned the Yugoslav Federation as a whole. The self-managed economy was no longer able to guarantee the well being and the social security of the population, while the political ideology and unity of the Federation was progressively brought up into question by emerging ethnic forces within the single republics.<sup>231</sup> The introduction of political pluralism and of market based economy, at the

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<sup>230</sup> Sen Amartya, *Ibidem*, Milano, 2000.

<sup>231</sup> The economy in fact was stroked during the eighties, where no growth was registered in the gross domestic product, the republics were indebted with foreign funding institutions and the disparities in the regional development, especially between

beginning of the 1990s was supposed to offer new perspectives for development, since the socialist system of one party rule and self-management could no longer satisfy the emerging political needs of the population and could not generate positive economic effects and overcome the economic stalemate that was enduring in the eighties.

### III.I.I. Political changes

On political field, the Macedonian citizens were enabled for the first time in 1990 to freely decide among different political options and actively engage in politics through the party structures. A unicameral representative system was installed through the constitution of the National Parliament (the previous assemblies of associated labour and of the municipalities were disassembled) and all political and institutional powers centralised in the frame of the central government. For what concerns the party and electoral system, a majoritarian system of civil democracy based on the double majority voting system was adopted. The majority rule, according to the Macedonian political leadership from the beginning of the nineties, would have permitted the formation of a limited number of political parties and the development of a stable political system.<sup>232</sup> The majoritarian system, in fact, was seen at that time as the best political instrument to engage in order to avoid the formation of political parties and coalitions based on the ethno-national principle, to give precedence to the political orientation instead of the ethnic identity and to foster the development of the stable democratic society.<sup>233</sup> But the results were quite opposite to the projected ones. The lack of political and institutional mechanisms for the protection of minorities from the outvoting of the majority and for the articulation of their interests rendered ethnic identity the basic principle for political mobilisation in Macedonia. The political system was becoming progressively unstable signed by continuous fragmentation of the party system and by an underdevelopment of the civil sector.<sup>234</sup> Due to the existence of numerous political parties, not strong enough to obtain the necessary governing majority, the practice of formation of large coalitions was installed where, though, the ethnically based interests dominated the political processes and the governing principles of these coalitions. Following prof. Ivanov statement, “the ethno-national self affirmation and the substitution of the precedent class ideology by ethno-nationally based consensus was in Macedonia the only link between many multi-national coalitions emerged from the

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rural and urban areas, were growing. See United Nations Development Programme, *National Human Development Report 2001, Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>232</sup> Aneta Jovevska, Natasa Gaber, *Dizajniranje Izbornog Sistema na Republika Makedonija*, Friedrich Ebert Stiftung, Skopje, 1997.

<sup>233</sup> Ljubomir Frčkovski, *Izborni model i politička dinamika vo Makedonija*, Forum, Skopje, 1997.

<sup>234</sup> Natalija Nikolovska (Edited by), *Macedonia on Globalisation*, Global Scholarly Publications, New York, 2004

political transition...”.<sup>235</sup> Consequently all political programmes and actions were focused on the ethnic infrastructure of the state institutions instead of the developing civic identity and democratic society.<sup>236</sup> The prevalence of the ethnic principle over all domains in politics and the lack of political consensus over specific issues concerning ethnic minorities culminated with the 2001 war crisis between militant formations of the Albanian ethnic community on one side and the governing structures on the other. The Ohrid Framework Agreement that posed the end to the crisis signed the change toward a consociative system of democracy, it compelled the amending of the 1991 Constitution and the introduction of the principle of power sharing based on the proportional system of representation<sup>237</sup> and the principle of double majority voting (a kind of a veto of the minority) in the Parliament, the delegating of the power from central to local authorities etc.<sup>238</sup> The amount and the complexity of the changes occurred in the political system during the first decade of transition demonstrated its modest stability signed by the prevalence of the ethno-national principle in all spheres of politics, the weak institutional arrangements and the fragmented party system.

### III.I.II. Economic reforms

The performances in the economic field weren't signed by major successes though; the processes of privatisation and economic restructuring reduced progressively the country gross domestic product and led to a decline in the standard of living of the population. While on one side, the reasons for this may be searched in the modest political success of democratic consolidation of the state, on the other, they may be retrieved in the economic policy of the state and in other external political and economic factors. The unfavourable economic situation characterised by prolonged economic stagnation that marked the initiation of the transitional processes in Macedonia was further adversely affected by additional external factors caused by the explosion of ethnic (regional) conflicts in former Yugoslavia.<sup>239</sup> In addition, the structural competitiveness of the Macedonian enterprises was very weak, since on one side they had outdated equipment with low technological profiles, and on the other

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<sup>235</sup> Gorge Ivanov, Globalism and New Tribalism in Natalija Nikolovska (Edited by), *Ibidem*, pg. 58-59.

<sup>236</sup> George Ivanov, *Ibidem*.

<sup>237</sup> The electoral system for the election of the national assembly was amended for the third time since state independence for the following elections in 2002. From double majority voting system, it was changed to a mixed electoral system in 1998 and to a pure proportional system in 2002.

<sup>238</sup> See previous chapter with relative references.

<sup>239</sup> The dissolution of the Yugoslav Federation and the outburst of the wars in Croatia, Bosnia Herzegovina and in Kosovo deprived the Macedonian republic of the traditional market and commercial partners, which had to adapt to a smaller market with a population of 2 million and compete with foreign markets. Moreover the UN embargo against FR Yugoslavia and the unilateral embargo imposed on Macedonia by Greece in 1995 have cost the Macedonian economy, according to economists estimates, up to 4.6 billion US\$ in the first case and 600 million US\$ in the second. See figures in Koyama Yoji, Macedonia: Unprepared Independence and Delayed Transition, in *Macedonia on Globalisation (Op.cit)*.

certain enterprises of large dimensions were already making economic losses, because of the new created situation. As a consequence, in the first years of transition the inflation rate arose significantly (reaching the 1690% in 1992) the real GDP growth rate was showing negative tendencies and the informal (grey) economy started to flourish. In order to reduce the negative trend of the economy and contain its impact on the lives of the citizens, the government adopted a model for economic transition based on privatisation, liberalisation of prices and foreign trade and macroeconomic stabilisation. This model *has been designated as the basic means for incorporating market elements into the Macedonian economy, in order to increase economic motivations, raise competitiveness, give economic subjects greater autonomy and improve economic efficiency.*<sup>240</sup> Macedonian economists were critical on the choice of this economic model since, according to them the neo-classical approach was not adequate for states as the Macedonian one where market economies and parliamentary democracies were not fully established and moreover were lacking of capital sources that would have competed in the processes of privatisation.<sup>241</sup> The effects of this model were devastating for the Macedonian economy and its social costs paid by the population were very high. In first place, the process of privatisation was enacted in a context of underdeveloped competitive market environment, in lack of appropriate economic regulations and deficient institutional framework. In these conditions, an extensive privatisation campaign was activated during which most of the socially-owned enterprises were taken over by their managerial teams and most of them were deprived of the capital accumulated and of the amortisation.<sup>242</sup> To be more precise, the process of privatisation was, in fact, organised in four main phases, where the first one, the so-called *internal privatisation*, was enacted in 1989 and “made the employees shareholders in the social enterprises by the fictive purchase of internal shares, through existing accounting possibilities”.<sup>243</sup> The second phase of the so-called *external privatisation* consisted in the “take over of the social enterprises by the managerial teams, after a previous appraisal of the value of the enterprises social capital by 'expert' teams of evaluators”.<sup>244</sup> The third phase lasted only one year and was characterised by direct buy and sale arrangements, while the final one, initiated in 1999, followed a model of privatisation through public tenders. Even though the process followed this four distinguished phases, however it was almost completed with the second phase in 1998, where around 90% of the socially owned capital was privatised by the managerial teams in a non competitive

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<sup>240</sup> Olga Gradiska Temenugova, *The Transition Paradox – Privatisation without Competition in Macedonia on Globalisation*, Natalija Nikolovska (Edited by), Global Scholarly Publications, New York, 2004, pg. 103-122.

<sup>241</sup> See Ljubica Kostovska, *Macedonian Transition – A Model for Permanent Economic Crisis* pg. 83-102 and Natalija Nikolovska, *Transition toward the Third World* pg.13-40, in *Macedonia on Globalisation*.

<sup>242</sup> For further information about the privatisation process, see Olga Gradiska Temenugova, *Ibidem*.

<sup>243</sup> Olga Gradiska Temenugova, *Ibidem*.

<sup>244</sup> Olga Gradiska Temenugova, *Ibidem*.

market setting.<sup>245</sup> Secondly, with the liberalisation of the trade flows most of the national enterprises could not compete with foreign products which stimulated the increase in importations. The privatisation and liberalisation policy brought up, consequently, to a significant increase in the employee's lay off's. The policy of macroeconomic stabilisation, finally, was intended to reduce the high inflation rate that was generated during the first years of transition and to stabilise the economic system as a whole. For this purpose the exchange rate of the national currency was fixed and, according to economists, overvalued so that it brought up to further repercussions, such as decrease in economic activity, increase in imports, deficit in balance of payments, state indebtedness with foreign creditors, absence of investments, reduction in the real wages and the increase in unemployment.<sup>246</sup> In addition, this policy of macroeconomic stability implied restrictive fiscal and monetary policy that though reduced the inflation, but it imposed also a policy of consumer restriction and reduction of the state expenses in the social sphere. The social implications of this economic policy, on one side, and the effects of the external factors, on the other, were devastating for the population. The real GDP signed significant droppings during the whole transitional period reaching in 2004 only 92.6% of the 1990 level.<sup>247</sup> Some improvements in the GDP growth were registered from 1996 until 2001, when it came to a standstill because of the 2001 internal crisis, and from 2003 onwards. The modest improvements in the level of GDP did not corresponded with the amelioration of the living conditions of a large share of the population. The unemployment increased from 15% in 1989 to 31.9% in 1996 and 2002 and 37.1% in 2004.<sup>248</sup>

### III.I.III. Socio-economic implications of the transitional policies

The economic policy of the state generated a progressive pauperisation of the population and an increase in the social differentiation and polarisation of the citizens between the vast majority of them living in conditions reducible to poverty and a slight minority or well-situated citizens.<sup>249</sup> The drop in

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<sup>245</sup> Olga Gradiska Temenugova, *Ibidem*.

<sup>246</sup> Concerning the Macedonian economic transition, see Pecijarski, Roceska, *Tranzicijata vo Makedonija: megu teorija I praksa*, Metafora, Prilep, 1998; Nikolovska Natalija, *Golemata Iluzija – promeni*, Kultura, Skopje, 2001 and *Macedonia on Globalisation*, Global Scholarly Publications, New York, 2004; Vladimir Gligorov, *Balkan Reconstruction: Economic Aspects*, WIIW, Vienna 2000.

<sup>247</sup> State Statistical Office, *Statistical Yearbook 1994-2006*, Skopje, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>248</sup> State Statistical Office, *Ibidem*.

<sup>249</sup> For more information see: United Nations Development Programme, *National Human Development Report 2001, Social Exclusion and Human Insecurity in FYR Macedonia, Macedonia, Common Country Assessment, Skopje 2003* [www.undp.org.mk](http://www.undp.org.mk), Natalija Nikolovska (Edited by), *Macedonia on Globalisation, Global Scholarly Publications, New York, 2004*; Jorde Jakimovski (Urednik), *Tendenciite na siromastijata i moznostite za nejnino namaluvanje*, Fondacija Friedrich Ebert Stiftung, Skopje, 2001 and *Socijalnata Polozba na naselenieto vo Republika Makedonija: siromastija, ekskluzija i participacija vo socijalniot zivot*, Fondacija Friedrich Ebert Stiftung, 2003; Vesna Dimitrievska, *Pricini i*

GDP and the decrease in the economic activity due to the macroeconomic stability policy generated a significant reduction in the real wages and the purchase power of the population.<sup>250</sup> Moreover, the restrictive policies in the state social function brought about changes in the health sector and the one of the social welfare that caused further blows in people's standard of living. For what concerns the health sector, a principle of co-payment for health services was introduced and the list of subsidized medicaments reduced, while in the field of social welfare, the state budget expenditure for the family support policies was reduced on one hand and on the other a system of individual financial assistance was set up.<sup>251</sup> The introduction of the latter was in fact indicative of the progressive impoverishment of the population that demonstrated upward tendencies during the whole transitional period. The poverty rate increased from 19% in 1997 to 22.3% in 2000 and 30.2% of the households living below the poverty line in 2003.<sup>252</sup> The Macedonian government has adopted the policy of welfare financial aid to face the increasing poverty in the country, by determining the amount of the latter on the basis of the level of relative poverty. The relative poverty line was in fact set at the level of 70 percent of the average annual income of households (70 percent of the median equivalent consumption) and as relatively poor were considered those that were living below this line. The raise in poverty resulted consequently in a progressive increase of the number of beneficiaries of welfare aid, which concerned around 64.000 households in 1998, 78.170 in 2000, 82.670 in 2002.<sup>253</sup> In 2003 the number of beneficiaries decrease bellow the 1998 index concerning 61.707 households, but this reduction, however, was not a result of an improvement in the economic development of the country but of a governmental initiative for the accurate identification of the number of households truly eligible for welfare aid, realised at the end of 2002 and the beginning of 2003.<sup>254</sup> In this context of unequal social

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*Opstestveni Posledici of Siromastijata vo Republika Makedonija* (doktorska disertacija), Filozofski Fakultet, Skopje, 2002, Dimitar Eftimovski, *Merenje na neednakvosta i siromastijata vo Republika Makedonija* in Angel Georgiev, Dimko Kokarovski, Saban Prevala, Metodija Tosevski, Sojuz na Ekonomisti na Makedonija, Skopje, 2004, str. 175-186; Blagica Novkovska, *Pazarot na trudot i siromastijata vo Republika Makedonija*, Ekonomski Razvoj – Spisanie na ekonomiskiot fakultet, god.1, br.3 (1999), str. 113-125.

<sup>250</sup> The average net wage fell in real terms on average by 3.9 percent per year in the first 10 years of transition. Government of the Republic of Macedonia, *Poverty Reduction Strategy Paper*, Skopje, November 2000. Individual (personal) consumption in 1999, for example, has decreased by 1.4 percentage points and was 72.4% of the 1996 level, see United Nations Development Programme, *National Human Development Report 2001, Social Exclusion and Human Insecurity in FYR Macedonia*, pg.23, [www.undp.org.mk](http://www.undp.org.mk).

<sup>251</sup> For further information, see UNDP, *National Human Development Report 2001 and Macedonia, Common Country Assessment*, Skopje 2003, Zdruzenie za Emancipacija, Solidarnost i Ednakovst na Zenite - Makedonija, *CEDAW – Shadow Report*, [www.esem.org.mk](http://www.esem.org.mk).

<sup>252</sup> Government of the Republic of Macedonia, *Report of Macedonia on Millennium Development Goals*, June 2005, pg.25.

<sup>253</sup> Government of the Republic of Macedonia, *Ibidem*.

<sup>254</sup> United Nations Development Programme, *National Human Development Report 2004, FYR Macedonia – Decentralisation for Human Development*, pg. 52, [www.undp.org.mk](http://www.undp.org.mk).

stratification caused by the prolonged unemployment induced citizens to enter the informal economy that flourished during the years of transition. According to estimates presented in 2004, the grey economy in Macedonia accounted up to 42-45% of the state GDP in the first years of transition, decreasing modestly in the later period to 36 -39%.<sup>255</sup> The persistence of the informal sector during the extended period of transition may confirm prof. Pecijarevski affirmation that “the grey economy acts in Macedonia as a “corrector” for inequalities in income distribution, as a “mechanism” to buy “social peace””.<sup>256</sup> The unemployed, or the proportion of the citizens that is involved in the informal sector, are highly susceptible to social insecurity since their access to various services (concerning education, health services, etc.) is limited and are exposed to various social risks, as for example the non protection of the labour rights, lack of representation by trade unions etc.).

The increase in poverty and social inequalities among citizens exacerbated by the transitional policies, were indicative of the progressive emerging of disparities in the level of their human development. The index of poverty measured on the base of the income perceived within the family unit and its expenditures can only represent one aspect, the financial one, of this phenomena. In its wider conceptualisation, however, poverty is understood as deprivation of capabilities, which affects disproportionately the single members of the families and the different fields of their human existence. Poverty, in fact, is a complex and multifaceted phenomena that is indicative about the inequalities that persist among citizens in the opportunities they have to reach their human development, which consists in the fulfilment of certain basic capabilities, such as to leave long and healthy life, to be knowledgeable, to have decent standard of living, but extend further on and includes aspects of citizens political, civil and social rights, i.e. their ability to participate in the political life, to enter the world of employment, to be free from violence and harassment, to be adequately remunerated, to benefit from and afford certain social services etc. Inequalities may be generated directly or indirectly by state political decisions or economic performances and result in the public space of employment or political and civil activity, but can be further exacerbated also in the familial domain. Feminists as well as Amartya Sen, in fact, have been critical about the measurement of the well-being on the basis of the family unit, since the latter may produce further distinctions on gender basis and be inaccurate about the level of development of the single individuals-members of the families. Disparities in the level of human development among individuals within the families are indicative of the fact that further factors,

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<sup>255</sup> Ljupco Pecijarevski, The Social Implications of Political and Economic Changes in Macedonia in *Macedonia on Globalisation*, Natalija Nikolovska (edited by), Global Scholarly Publications, New York, 2004, pg.308, Zdruzenie za emancipacija, solidarnost I ednakvost na zenite – Makedonija I Sekcija na zeni pri Sojuzot na sindikatite na Makedonija, *Perspektivnosta na Zenata na Pazarot na Trudot*, Skopje, 2006, pg.7.

<sup>256</sup> Ljupco Pecijarevski, *Ibidem*.

physical, cultural and social are influencing persons capabilities to freely make choices and exercise the rights to which they are entitled to. In this sense, the evaluation of the well-being of the individual and the assertion of non solely economic indicators affecting persons living possibilities assume great relevance in the assessment of the level of human development in Macedonia. In conditions of state economic recession, progressive impoverishment of the population and raise of the social insecurity, inequalities among citizens based on gender, age, class, ethnicity, living location are likely to emerge. According to the results of the UNDP evaluations of the level of human development, measured on the basis of the indicators concerning life expectancy at birth, literacy and enrolment in all education levels and standard of living, Macedonia is ranked within the countries with medium level of human development with an index of 0.793 (sources from 2002).<sup>257</sup> For what concerns the gender profile of the human development level the indicators show an apparent minimal level of gender based disparities, where the GDI<sup>258</sup> is 0.783. But, as indicated in the Human Development Report, “seen from the individual components, the hypothesis of an almost perfect gender equality in Macedonia is wrong. Inequality between men and women is substantial but asymmetrical; it is most pronounced in the economic sphere – the difference in the revenue indices is 0.113 in favour of men and partially offset by longer life expectancy of women”.<sup>259</sup> These information gained about gender disparities occurred in the fulfilment of the three basic capabilities is indicative of how complex this issue is and how the evaluational space for of analysis need to be extended. For this purpose a set of focal variables, i.e. nine capabilities, have been chosen, as explained in the introduction, because retained relevant for the assessment of gender inequality generated in the years of transition in Macedonia.

### **III. II. Assessing gender inequalities – Case Study**

The guarantee of social justice and equality among citizens irrespective of their gender is one of the basic constitutional principles of the Macedonian state. Besides the change of the system, the basic egalitarian normative principles from the old socialist system were maintained principally for what concerns the sphere of social rights, as analysed in the previous chapter, while new rights and liberties, such as political and civil ones, were introduced with the approbation of new laws. Nevertheless, this formal and legal equality is not an adequate indicator of the level of the human development of the

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<sup>257</sup> United Nations Development Programme, *National Human Development Report 2004, FYR Macedonia – Decentralisation for Human Development*, pg. 52, [www.undp.org.mk](http://www.undp.org.mk), pg. 33-39.

<sup>258</sup> The Gender Development Index (GDI) is measured on the basis of the same indicators as the HDI, meaning life expectancy, adult literacy and enrolment in all levels of education, the standard of living, but disaggregated on the gender based data so as to evaluate the inequalities between men and women in the major human development areas.

<sup>259</sup> National Human Development Report 2004, *Ibidem*, pg.39.



citizens, since disparities occur in the opportunities that the latter dispose of to transform the equality principles in substantial principles. This is especially important in a context of profound political and economic change, as the one examined in this context. Transitional policies, as recalled in the previous pages, affect every aspect of citizen life, either in terms of physical health and bodily integrity, or in personal autonomy and civic engagement to political activity and participation. The measurement of the level of human development and the assessment of inequalities based on gender is though, as already mentioned, a complex process that requires an examination of a plurality of variables that influence the conversion of rights and liberties in individual states of beings and doings. The nine focal variables, intended as capabilities, individuated to measure the state of inequalities among citizens with respect to their gender, but also ethnic affiliation, geographic residence were revealed through official state statistical information, nation wide conducted researches and opinion polls, and an appositely created questionnaire for the purposes of this work. The motivation explaining the reasons for the choice of the set of focal variables has been already exposed in the introduction of this research; what is necessary though to mention here is that although the set of capabilities will be treated separately, a consequential relation between them will be searched to explain several outcomes that may result. The capabilities reveal the opportunities that citizens may have or not have to exercise the rights they are entitled to and therefore are organised within the field of political, civil and social rights. Starting from the latter, the capabilities that are individuated as relevant are longevity, physical health, bodily integrity and education and knowledge.

### III.II.I. Longevity

Longevity is one of the basic variables indicative of persons well being, i.e. in first place of her/his capability to be safely born and adequately nourished and secondly to lead a long life. This capability is measured through the indices of births and of the life expectancy at birth among the population and is though dependent on other factors influencing person's life as adequate nutrition, access to health services, personal security (bodily integrity), education etc. In Macedonia, life expectancy reaches 73 years in average and classifies the state in the group of middle income countries.<sup>260</sup> The incidence of the social and economic consequences of the transitional policies has been rather low on the life expectancy of the population, since no droppings have been registered. In the period from 1993 to 1995, life expectancy was 71.18 years in average, in 1997-1999, 72.49 years and in 2002-2004, 73.39. Differences can be though registered between women and men, where in the case of the former average

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<sup>260</sup> United Nations Development Programme, *National Human Development Report 2001, Social Exclusion and Human Insecurity in FYR Macedonia*, pg.23, [www.undp.org.mk](http://www.undp.org.mk).

life expectancy was 75.75 years in 2003, while for the latter was 71.15 years. This gender divergence in life expectancy has been persistent during the transitional years, as for example, in 1993-1995 for women was 73.26 years for men was 69.16 and in 1997-1999 the relation was 74.54 for women against 70.29 for men. Does this difference in the duration of life indicates that women in Macedonia are better off, i.e. that they have better living conditions and enjoy higher quality of life with respect to men? The response to this inquiry would be no, since it is rather simplistic to make assertions on person's well being on the grounds of one variable as the life expectancy. While longevity do represent one valuable indicator of the person human development, however it is influenced by other variables of economic, social and cultural character, on one side and of biological one, on the other. For what concerns the latter, certain researches suggest that in case of basic equity of rights and treatments, women have a biological advantage in physical resistance with respect to men, which reflects in more extended life expectancy.<sup>261</sup> If we accept this thesis as reliable, than we can affirm that the disparity in life expectancy is not dependent on gender biases<sup>262</sup> or is not a direct consequence of the transitional policies. In order to confirm this first assertion, it is useful to check up whether in Macedonia there are significant differences registered in the level of births and infant mortality between females and males. The extent of live births has recorded a decreasing tendency (from around 35.000 births in 1991 to 27.011 in 2003<sup>263</sup>) and no significant gender differences have been noted in the proportion of the births of female and male children (48% of female births and 51% of male births during the whole transitional period). The share of infant mortality has also been reduced from 30.6 per thousand in 1990 to 16.3 per thousand in 1998 and 11.3 per thousand in 2003 and in the share of mortality registered among children under five years of age as well (from 33.3 per thousand in 1990 to 17.6 in 1998 and 12.6 in 2003). No disparities are registered in these data that may indicate a gender bias, i.e. a preferential treatment in the births and the care for female children instead of male children in their

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<sup>261</sup> Waldron affirms that these advantages emerge already in the phase of gestation (pregnancy) during which the cases of miscarriages of feminine foetuses is lower that of male ones. See in Amartya Sen, *La diseguaglianza: un riesame critico*, Il Mulino, Bologna, 2000.

<sup>262</sup> In certain developing countries the gender bias is the main reason for discriminative practices in treatment of boys and girls that produce an inverse effect in the life expectancy. Unequal treatment in nourishment and the provision of health services to girls generate higher indices of mortality among the latter. In certain countries, such as China and India, the practice of selective abortions (used upon female foetuses) has produced the phenomenon of *missing women* creating a negative proportion of females/males in the population of 0.93 roughly. See Amartya Sen, "Missing Women" in British Medical Journal, 1992 and *Risorse, valori e sviluppo*, Bollati Boringheri, Torino, 1992, Stephan J. Klasen, "Missing Women Reconsidered" in World Development, n. 22, 1994, United Nations Development Programme, *Human Development Report 1995 – The Revolution for Gender Equality*, [www.undp.org](http://www.undp.org).

<sup>263</sup> Republicki zavod za Zdravstvena Zastita, *Zdravstvena karta na Republika Makedonija*, [www.rzzz.gov.mk](http://www.rzzz.gov.mk), State Statistical Office, *Statistical Yearbook of the Republic of Macedonia, editions 1994-2006*; Annex of World Bank Report, *Gender in Transition*, [www.worldbank.org](http://www.worldbank.org)

young age. Inequalities in infant mortality rates can be noticed among children belonging to different ethnic groups and living in rural areas, due principally for economic and social reasons, such as poverty, low education, insufficient accessibility to health services etc. as it will be seen further on. For what concerns the disparity between men and women in longevity, before asserting that the latter is a result of a biological determinants reducible to their sex, further factors from economic, social and cultural nature and indirectly generated by the transitional policies need to be examined. The deteriorating of men's and women's living conditions caused by the transitional policies, as indicated in the previous paragraph, can generate different reactions in terms of mental health, of social relations and individual behaviours and choices. It has been registered an increase in male criminal behaviour, in alcohol consumption and committed suicides that affect men's life expectancy. As it can be asserted from the official statistical data, alcohol consumption has been constantly high (3.5 litre per capita in average during the years of transition) and concerned prevalently male population.<sup>264</sup> Moreover, violent and criminal behaviours have been more common among male population instead of the female one. Men appeared to be the major perpetrators of violent acts but also victims (only in cases of violence resulted in death) of the latter. The official registered cases of deaths in 2002, caused by high risk social behaviour (violent confrontations, accidents provoked by fast driving etc.) are more than double or triple among men than among women in age groups from 15-44 and 45-64.<sup>265</sup> Cases of suicide are also more common among men than among women, the proportion of suicides per 100.000 people in the period of 1996-2000 was 10.4 in the case of the former and 4.3 of the latter. One last correlation that can be made between life expectancy and the incidence of higher portion of earlier deaths among male population is the influence of customary (cultural) conceptions of masculinity and strength that may lead to the undermining of certain symptoms of illnesses and the retirement in their cure. No concrete researches have been made in order to evaluate the incidence of these factors in the men's capabilities to take care of its physical health, although certain data regarding the share of men's and women's use of medical facilities with respect to further factors such as poverty, education, employment, geographical residence can be helpful. The latter are not only relevant for what concerns the life expectancy, but also in relation to person's capability to lead a healthy life, i.e. to her/his physical health.

### III.II.II. Physical health and bodily integrity

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<sup>264</sup> See health profile in United Nations Development Programme, *Human Development Report 2001 – Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk), pg. 161.

<sup>265</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje 2006, pg. 23.

The following capabilities are connected to the one of longevity, since the state of physical health and bodily integrity of one person affects her/his chances to live a healthy and long life. Health is an important segment of person human development, since it reflects her/his physical, mental and social well being and condition its economic and social development, i.e. her/his engagements in the world of paid employment, in the civil and political activity, in the sphere of familial relations. As mentioned, the political and socio-economic transition generated an overall increase in people's relative poverty, as well as progressive social and economic exclusion and marginalisation of a significant segment of the population. Moreover, the political and institutional changes introduced in the health care sector have widened the gap among different social strata of the population (the “haves” and “haves not”) in their capabilities to enjoy good health and obtain medical care, either in prevention or in care of illnesses. During the years of the transition, the Macedonian government adopted certain reforms in the health care sector, by resizing the health protection system, by reducing the state expenditures for the health sector from 36% in 1991 to 22% in 1996 within the share of the state budget for social expenditures<sup>266</sup> and consequently by introducing the principle of co-payment for all citizens<sup>267</sup> that are requiring medical services, facilities or medicaments. The reduction of the public expenditure on the health services and the difficulties that the system faced regarding its financial sustainability in a situation of economic crisis caused by the transitional processes, affected significantly the provision of health care for the citizens, either in terms of deterioration of the quality of the medical services offered or in the accessibility of the citizens to the latter. It may be sustained that citizens bear the major responsibility for their health, through adequate nourishment, healthy lifestyle, the conduction of regular and preventive check ups, but though there may exist further circumstances that are beyond their individual possibilities and limit their capabilities to enjoy good health. As explained in the previous chapter, in Macedonia all citizens are equally entitled to health care and protection, which is provided in all three levels (primary, secondary, tertiary) of institutional health care. Besides this equal entitlement to health protection, different portions of the population are more exposed to illnesses and live in worse health conditions. Low income, low-level of education, unemployment, increased physical violence, physical inaccessibility to medical structures, cultural patterns etc. are some of the many economic, social and cultural factors that may affect persons' physical integrity and their individual capability to provide for the proper health protection and care. This in turn, as mentioned, conditions their engagements in other fields and limits their substantial liberties to conduct the lives they prefer. Up to what extent these

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<sup>266</sup> See World Bank Report n° 19411 – MK, The Former Yugoslav Republic of Macedonia, *Focusing on the Poor - Main Report I and II*, 1999.

<sup>267</sup> Exceptions were foreseen though according to the law on health care, as referred in the previous chapter.

factors may cause the gender disparities in the health condition or harsher them, considering the physical differences that exist between men and women, it what has to be assessed. The indicators that are considered as the most important for this assessment are though the level of morbidity between men and women but also the incidence of maternal death and illnesses caused by the reproductive function. During the initial 10 years of transition, an increased morbidity in cardiovascular diseases and in malignant tissues has been registered, which also represented the most frequent causes of death. Mortality caused by both diseases represented around 65% of cases per 100.000 in 1991 (49% in cardiovascular diseased and 15% in malignant tissues) and 72.5% in 1999 (55.3% vs 17.2%) and 74.6% in 2002 (57.5 % vs 17.15).<sup>268</sup> Disparities in the mortality share was registered among men and women, where cardiovascular diseases were the cause of women's mortality in 62.5% of the cases and 52.5% of male mortality, while 19.7 % of men and 14.6% of women died because of malignant tissues.<sup>269</sup> For what concerns morbidity, the most common illnesses of which the population has been increasingly affected during the years of transition were cardiovascular and respiratory diseases, than those caused by the genital and urinary system and malignant tissues. Most alarming is the growing percentage in cardiovascular morbidity (a rate of 69 per 1.000 in 1993 to 129.6 in 1999 and 147.5 in 2004), diseases from genital and urinary system (18.4 per 1.000 in 1993 to 38.7 in 1999 and 73.8 in 2004) and in malignant tissues that reached 76.3 per 1.000 in 2004.<sup>270</sup> In the period between the years 1990 – 2000 higher morbidity has been registered in the primary health protection among women with 8.507,8 per 10.000 cases with respect to men where the share was 7.427,7 per 10.000.<sup>271</sup> Within the secondary and tertiary health protection and in the structure of the hospitalised morbidities (cases), women prevail with respect to men in proportion of 801.6 per 10.000 women and 767.3 per 10.000 men.<sup>272</sup> Possible differences though may also exist between citizens living in the urban and the rural areas (especially in the hilly villages), since the health structures within the latter are less equipped and less accessible, and among those belonging to different ethnic communities, but no disaggregated data of this kind are available at the moment of the writing of this chapter. Nevertheless, for what concerns the assessment of the inequalities between men and women in the level of health of the citizens, it can not be affirmed that the causes for the latter are gender based. Looking at the statistics made in the last

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<sup>268</sup> Data from National Public Health Institute reported in United Nations Development Programme, *Human Development Report 2001 – Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>269</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2003, pg.14.

<sup>270</sup> Data from National Public Health Institute reported in United Nations Development Programme, *Human Development Report 2001 – Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>271</sup> Data from National Public Health Institute reported in Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org).

<sup>272</sup> *Ibidem*.

years (2003-2005) by the state health care institute it can be seen that ultimately men are more affected than women from cardiovascular diseases, while women exceed in morbidity caused by malignant tissues and illnesses of genital and urinal system.<sup>273</sup> No single reason can be forwarded in order to explain the causality of the increase in morbidity in Macedonia, because further factors of economic, social and institutional nature generated by the transitional policies affect the state of health of the population. Within this multi-causality explanation a close correlation can be made between the worsening of the social and economic conditions of the citizens (lower incomes, increase in unemployment, human insecurity and mental stress), the introduction of the reforms in the health sector (principle of co-payment and reduction of the state budgeting of the health services), which resulted in stagnation and/or decay of the medical care and increase in unequal accessibility to the latter and the deterioration of the citizens' health.<sup>274</sup> According to an opinion poll realised in 2001 by the Macedonian Institute for Social, Political and Legal Studies, 13.76% of the citizens classified the accessibility to medical centres as very accessible, 58.88% appropriately accessible and 27.11% not accessible enough.<sup>275</sup> Differences though can be asserted between the population living in the cities and the one living in the rural areas. While in the first case, 17.33% and 63.98% considered the accessibility to medical centres as very accessible and appropriately accessible, 18.42% regarded as not accessible enough. The picture in the rural areas is quite different, while in the plain villages the classification was expressed as very accessible by 11.34 % of the interviewed, appropriately accessible by 66.57 % and not accessible enough by 22.09%, in the hilly villages none considered as very accessible the reaching of the medical centres, 10.69% as appropriately accessible and 88.55% as not accessible enough.<sup>276</sup> For what concerns citizens opportunities to receive a medical treatment, the proportions are similar. In the cities, 27.01% of the respondents expressed as unable to use the medical services and only 3.27% declared to have the opportunity to have complete access to all medical services needed. In the plain villages 25.37% have no opportunities to use medical services and 2.99% have complete access, while in the hilly villages 58.78% are unable to use medical services, while none have the ability to have complete access to all medical services needed.<sup>277</sup> The difficulties in the accessibility to medical services are more pronounced among the most vulnerable groups that suffer

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<sup>273</sup> Republicki Zavod za Zdravstvena Zastita, *Zdravstvena Karta na Republika Makedonija, 2003, 2004, 2005 godina, 1 del* [www.rzzz.gov.mk](http://www.rzzz.gov.mk)

<sup>274</sup> United Nations Development Programme, *Macedonia, Common Country Assessment*, Skopje 2003, [www.undp.org.mk](http://www.undp.org.mk).

<sup>275</sup> Results reported in United Nations Development Programme, *Human Development Report 2001 – Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>276</sup> United Nations Development Programme, *Human Development Report 2001 – Social Exclusion and Human Insecurity in FYR Macedonia*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>277</sup> *Ibidem*.

from latent unemployment and live on social welfare. According to the results of the uppermentioned Opinion Poll, 38% of the unemployed respondents stated that they have reduced access to health services, which disaggregated by ethnic groups reveals further inequalities, i.e. among the total percentage of the interviewed 30% of the ethnic Macedonians, 14.7% of the Albanians, 44.6% of Turks, 75.4% of the Roma population and 35.2% of Serbs have declared to have limited access to health care. It may be asserted that, even though all citizens are entitled to health insurance, inequalities in providing medical care are emerging because of the reduced purchase capacities of the population, on one side, and the increased impact (share) of the medical related costs on their monthly budgets. In relation to the latter, in fact, people's purchase power has been examined within the questionnaire appositely made for this research. The following question was asked to the respondents: Considering your family monthly income, which of the following expenses can you afford to sustain? The inquiry permitted multiple response and was of semi-closed type with eight predefined responses including food, bills, children activities (kindergarten, sport, language courses etc.), medical expenses, clothes, books, cultural activities, leisure (restaurants, night life) and one open-type response. As reported in the table 1 annex 1, the respondent spend 12.3% of their monthly budget on medical expenses, and 46.8% on food and payment of bills.

Nationality				sex of the interviewed		Total
				male	female	
Macedonian	expenses coverings	food	Count	65	133	198
			% within sex	23,6%	24,4%	
			% of Total	7,9%	16,2%	24,1%
		bills	Count	57	111	168
			% within sex	20,7%	20,3%	
			% of Total	6,9%	13,5%	20,5%
		children activities	Count	16	28	44
			% within sex	5,8%	5,1%	
			% of Total	1,9%	3,4%	5,4%
		Medical expenses	Count	35	69	104
			% within sex	12,7%	12,6%	
			% of Total	4,3%	8,4%	12,7%
			clothings	Count	41	81

			% within sex	14,9%	14,8%	
			% of Total	5,0%	9,9%	14,9%
		books	Count	24	53	77
			% within sex	8,7%	9,7%	
			% of Total	2,9%	6,5%	9,4%
		cultural activities	Count	17	34	51
			% within sex	6,2%	6,2%	
			% of Total	2,1%	4,1%	6,2%
		leisure	Count	19	32	51
			% within sex	6,9%	5,9%	
			% of Total	2,3%	3,9%	6,2%
		other	Count	1	5	6
			% within sex	0,4%	0,9%	
			% of Total	0,1%	0,6%	0,7%
	Total		Count	275	546	821
			% of Total	33,5%	66,5%	100,0%
Albanian	expenses coverings	food	Count	15	19	34
			% within sex	38,5%	26,0%	
			% of Total	13,4%	17,0%	30,4%
		bills	Count	9	20	29
			% within sex	23,1%	27,4%	
			% of Total	8,0%	17,9%	25,9%
		children activities	Count	2	6	8
			% within sex	5,1%	8,2%	
			% of Total	1,8%	5,4%	7,1%
		Medical expenses	Count	2	5	7
			% within sex	5,1%	6,8%	
			% of Total	1,8%	4,5%	6,3%
		clothings	Count	4	6	10
			% within sex	10,3%	8,2%	
			% of Total	3,6%	5,4%	8,9%
		books	Count	1	4	5
			% within sex	2,6%	5,5%	
			% of Total	0,9%	3,6%	4,5%
		cultural activities	Count	1	4	5



			% within sex	2,6%	5,5%	
			% of Total	0,9%	3,6%	4,5%
		leisure	Count	4	7	11
			% within sex	10,3%	9,6%	
			% of Total	3,6%	6,3%	9,8%
		other	Count	1	2	3
			% within sex	2,6%	2,7%	
			% of Total	0,9%	1,8%	2,7%
	Total		Count	39	73	112
			% of Total	34,8%	65,2%	100,0%
Roma	expenses coverings	food	Count	12	10	22
			% within sex	48,0%	66,7%	
			% of Total	30,0%	25,0%	55,0%
		bills	Count	4	0	4
			% within sex	16,0%	0,0%	
			% of Total	10,0%	0,0%	10,0%
		Medical expenses	Count	5	3	8
			% within sex	20,0%	20,0%	
			% of Total	12,5%	7,5%	20,0%
		clothings	Count	4	2	6
			% within sex	16,0%	13,3%	
			% of Total	10,0%	5,0%	15,0%
	Total		Count	25	15	40
			% of Total	62,5%	37,5%	100,0%
Turk	expenses coverings	food	Count	6	3	9
			% within sex	37,5%	27,3%	
			% of Total	22,2%	11,1%	33,3%
		bills	Count	8	5	13
			% within sex	50,0%	45,5%	
			% of Total	29,6%	18,5%	48,1%
		children activities(	Count	0	1	1
			% within sex	0,0%	9,1%	
			% of Total	0,0%	3,7%	3,7%
		Medical expenses	Count	1	0	1
			% within sex	6,3%	0,0%	

			% of Total	3,7%	0,0%	3,7%
		clothings	Count	1	1	2
			% within sex	6,3%	9,1%	
			% of Total	3,7%	3,7%	7,4%
		books	Count	0	1	1
			% within sex	0,0%	9,1%	
			% of Total	0,0%	3,7%	3,7%
	Total		Count	16	11	27
			% of Total	59,3%	40,7%	100,0%
Other	expenses coverings	food	Count	14	15	29
			% within sex	18,9%	22,1%	
			% of Total	9,9%	10,6%	20,4%
		bills	Count	15	13	28
			% within sex	20,3%	19,1%	
			% of Total	10,6%	9,2%	19,7%
		children activities(	Count	5	6	11
			% within sex	6,8%	8,8%	
			% of Total	3,5%	4,2%	7,7%
		Medical expenses	Count	11	10	21
			% within sex	14,9%	14,7%	
			% of Total	7,7%	7,0%	14,8%
		clothings	Count	12	12	24
			% within sex	16,2%	17,6%	
			% of Total	8,5%	8,5%	16,9%
		books	Count	9	6	15
			% within sex	12,2%	8,8%	
			% of Total	6,3%	4,2%	10,6%
		cultural activities	Count	4	3	7
			% within sex	5,4%	4,4%	
			% of Total	2,8%	2,1%	4,9%
		leisure (restaurants	Count	3	3	6
			% within sex	4,1%	4,4%	
			% of Total	2,1%	2,1%	4,2%
		other	Count	1	0	1
			% within sex	1,4%	0,0%	

			% of Total	0,7%	0,0%	0,7%
	Total		Count	74	68	142
			% of Total	52,1%	47,9%	100,0%

While no significant differences are registered on gender basis, divergences though exist between the urban and rural population as well as among different ethnic communities. In relation to the latter, for ethnic Macedonians, medical expenses constitute 12.7% of their monthly expenses, for Albanians 6.3%, for Turks 3.7%, for Roma 20% and for Others (Vlachs, Bosniaks, Torbes) 14.8%. Medical expenses represent 14.4% of the monthly budget of the rural population, while for those from the urban settlements 11.9%. It can not be assumed according to these results that one particular ethnic group from one living area is more exposed to illnesses than others from other living area because the high or low impact of the costs for medical expenses on the monthly budgets of the citizens though depends, on one side, on the height of these budgets (incomes), and on the other, on people's individual choices whether to require medical care or not. From the aspect of persons' capabilities, however, it can be asserted that the high weight of the costs for medical care may limit their access to the medical services and produce further consequences in the fulfilment of other functionings, such as being able to work or search for an employment, engage in other activities, care for the children and elders within the family (since this task is conceptualised in Macedonia as primary responsibility of the family). The deprivation in the achievement of these functionings can concern men and women equally, although the latter are more exposed to the risk to be indirectly affected by cases of illnesses within the family and be burdened with additional tasks, besides those as the care for the children and elders, the domestic work that, as it will be examined further on, are conceived prevalently as their responsibility and are performed by them.

Returning to the issue of physical health, although it can not be asserted that there are significant gender based inequalities in the cases of diffused morbidities, nor that the latter have been provoked by socio-economic and institutional factors that favoured and/or discriminated citizens belonging to different genders, attention has to be still directed towards the issue of bodily integrity and reproductive health since it concerns women to greater extent than men. Starting from the latter, reproductive health refers to maternal health i.e. to pregnancy and child delivery but also to preventive genital health care, sexual education and family planning. Pregnancy and giving birth are two functions that concern exclusively female population and condition heavily their human development in terms of limiting their choices in leading the lives that they value. Indicators that have been considered as revelatory about the state of reproductive health in Macedonia and consequential gender inequalities are the incidences of

maternal deaths, assisted deliveries by specialised personnel, the use of contraceptives and share of abortions, the fertility rate and the percentage of mother's early age deliveries. From the available data it can be assumed that the reforms in the health care system have differently affected women's reproductive health. While there have been some improvements in the services offered in the field of maternity and deliveries, this cannot be asserted for what concerns the preventive care and family planning. The proportion of births attended by skilled health personnel has progressively increased in the course of the transitional period from 88.9% in 1990 to 95% in 1996 and 98.2% in 2002 thanks to the realisation of specific perinatal projects.<sup>278</sup> The outcomes were not so encouraging for what concerns maternal death, since it registered a continuous oscillations during the period of the years 1990 – 2003. In the first years of transition, maternal mortality (per 100.000 births) increased from 11.3 percent in 1990 to 21.8 in 1995, decreased in the successive years reaching 7.3 percent in 1999, but augmented again to 12.8 percent in 2004.<sup>279</sup> Moreover, the number of abortions, although still high, has been reduced from 21.895 in 1990 to 12.058 in 1997 and 8.427 in 2001. It has to be recalled here that the causes for this decrease can not be attributed to a developed policy of sexual education and family planning<sup>280</sup> but to a the legal imposition of the total coverage of the costs for the abortion on behalf of the patients, as described in the previous chapter (the costs for abortion until the 12<sup>th</sup> week of pregnancy are equitable to eight percent of the average monthly pay). Although the decrease in the abortions did not produced an increase in the fertility rate, since the latter has fallen from 2.2 in 1994 to 1.9 in 2000 but most probably contributed to the maintain of the young age in average of women giving birth of their first child, which in 1991 was 23.4 years and in 2002 moved only to 24.6 year.<sup>281</sup> Results in the preventive sexual health care and in the family planning, as mentioned, have not been so encouraging during the period analysed. The visits at the family counselling units registered a significant decrease from 87.037 in 1990 to 33.957 in 1997 and 22.705 in 2001. Regular gynaecological visits also decreased from 524.362 in 1990 to 307.941 in 1997 and 282.786 in 2001.

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<sup>278</sup> Data from State Statistical Office reported in Government of the Republic of Macedonia, *Report on Millennium Development Goals*, June 2005 and [www.undp.org.mk](http://www.undp.org.mk) and World Bank, *Gender in Transition – Annex*, Washington 2002, [www.wb.org](http://www.wb.org).

<sup>279</sup> Data from State Statistical Office, *Statistical Yearbook, 1994-2006*, Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org); Republicki Zavod za Zdravstvena Zastita, *Zdravstvena Karta na Republika Makedonija, 2003, 2004, 2005 godina, 1 del* [www.rzzz.gov.mk](http://www.rzzz.gov.mk) World Bank, *Gender in Transition – Annex*, Washington 2002, [www.wb.org](http://www.wb.org).

<sup>280</sup> There are many lacunes in the functioning of the system of family planning and no programmes have been introduced for what concerns sexual education. For further information, see Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org); Government of the Republic of Macedonia, *Report on Millennium Development Goals*, June 2005, [www.undp.org.mk](http://www.undp.org.mk); Zdruzenie za Emancipacija, Solidarnost i Ednakovst na Zenite - Makedonija, *CEDAW – Shadow Report*, [www.esem.org.mk](http://www.esem.org.mk).

<sup>281</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2003.

The use of contraceptive means has also registered a progressive decrease in the course of the years of transition, while in 1990 32.618 pharmaceuticals were prescribed in 2001 its number diminished to 10.807.<sup>282</sup> It has to be noticed that these data have to be considered with caution because may not be entirely precise, since there have been an increased and unregistered outflow of patients within the private gynaecological organisations on one side, and on the other, oral contraceptives have been released legally without medical prescription during the whole period in question. Nevertheless, if we consider this decreasing trend in preventive gynaecological visits and in the birth control as indicative, we can assume that the situation in reproductive health is quite worrying not only for possible performances of unsafe abortions and for the diffusion of sexually transmitted diseases, which are increasing among women in particular<sup>283</sup>, but also for the impact that the negligence of the reproductive health (birth control, family planning) can exert on persons' life. Child deliveries in young age and plural pregnancies affect women's capabilities to achieve further functionings (such as the ability to receive adequate education, to find a job, to engage in different civil activities, to dispose of free time for the realisation of different interests etc.) that concern them individually and that go beyond their responsibilities within the family as wives and mothers. What can be noticed from the official statistical data, in fact, is the difference that exist between men and women in the age of their first marriage. While in 2002 around 19.8 percent of women in the age from 15 to 18 years got married, only 3.3 percent of men at that age did it. The share of marriage from 20 to 24 years is still higher among women than men (44 against 34 percent) and even though the percentages of marriages in young age have been reduced with respect to 1991<sup>284</sup>, however it still remains high at least for what concerns women in the age between 15 and 19. The marriages in young age in most of the cases than corresponded to early births of the first child, which concerned 10 percent of the women in the age of 15-19 in 1991, 8 percent in 2001 and 7.6 percent in 2003. Most worrying situation is within the Roma communities, where around 40% of the women between 15-19 years of age have already had their first child. The average age of women delivering their first child is, however, low and is around 23.5.<sup>285</sup> As mentioned, the implications of the initiation of early family life with responsibilities towards children can affect women choices for what concerns their individual life, in particular if the latter are burdened with domestic and care activities that have no financial compensation and the state central or regional

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<sup>282</sup> CEDAW- Official Report.

<sup>283</sup> See, Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org); Republicki Zavod za Zdravstvena Zastita, *Zdravstvena Karta na Republika Makedonija, 2003, 2004, 2005 godina, 1 del* [www.rzzz.gov.mk](http://www.rzzz.gov.mk)

<sup>284</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2003, pg.15.

<sup>285</sup> State Statistical Office, *Ibidem*.

structures offer little support in child care services, arguments that will be faced in the following capabilities. For what concerns the issue of the reproductive health, what can be ultimately examined if there are direct or indirect correlations between the tendencies in the latter and the socio economic status of the population, i.e. is depending on economic and social factors. From the results obtained from the questionnaires, 14 percent of the total number of the interviewed are in the age between 18 and 24 years and 3 percent of them are married. Within the age category 18-24, 21 percent result as married and 77 percent as single (table 2).

			marital status					Total	
			married	single	living together	divorced	separated		widow
age of interviewed	18-24	Count	11	40	1	0	0	0	52
		% within age of interviewed	21,2%	76,9%	1,9%	0,0%	0,0%	0,0%	100,0%
		% within marital status	4,2%	53,3%	16,7%	0,0%	0,0%	0,0%	14,6%
		% of Total	3,1%	11,2%	0,3%	0,0%	0,0%	0,0%	14,6%
	25-30	Count	55	26	2	2	2	1	88
		% within age of interviewed	62,5%	29,5%	2,3%	2,3%	2,3%	1,1%	100,0%
		% within marital status	21,2%	34,7%	33,3%	25,0%	66,7%	16,7%	24,6%
		% of Total	15,4%	7,3%	0,6%	0,6%	0,6%	0,3%	24,6%
	31-40	Count	76	6	3	2	1	0	88
		% within age of interviewed	86,4%	6,8%	3,4%	2,3%	1,1%	0,0%	100,0%
		% within marital status	29,3%	8,0%	50,0%	25,0%	33,3%	0,0%	24,6%
		% of Total	21,3%	1,7%	0,8%	0,6%	0,3%	0,0%	24,6%
	41-50	Count	72	3	0	4	0	0	79
		% within age of interviewed	91,1%	3,8%	0,0%	5,1%	0,0%	0,0%	100,0%
		% within marital status	27,8%	4,0%	0,0%	50,0%	0,0%	0,0%	22,1%
		% of Total	20,2%	0,8%	0,0%	1,1%	0,0%	0,0%	22,1%
	51-65	Count	40	0	0	0	0	3	43
		% within age of interviewed	93,0%	0,0%	0,0%	0,0%	0,0%	7,0%	100,0%
		% within marital status	15,4%	0,0%	0,0%	0,0%	0,0%	50,0%	12,0%
		% of Total	11,2%	0,0%	0,0%	0,0%	0,0%	0,8%	12,0%
>65	Count	5	0	0	0	0	2	7	
	% within age of interviewed	71,4%	0,0%	0,0%	0,0%	0,0%	28,6%	100,0%	
	% within marital status	1,9%	0,0%	0,0%	0,0%	0,0%	33,3%	2,0%	
	% of Total	1,4%	0,0%	0,0%	0,0%	0,0%	0,6%	2,0%	
Total		Count	259	75	6	8	3	6	357
		% within age of interviewed	72,5%	21,0%	1,7%	2,2%	0,8%	1,7%	100,0%

	% within marital status	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
	% of Total	72,5%	21,0%	1,7%	2,2%	0,8%	1,7%	100,0%

If we analyse on the basis of gender identity, than within this age category of married person, women prevail with respect to men (73% vs 27%). Moreover, the respondents of the age category 18-24 that have already children are all married, so there are no out-of-wedlock births. Even though within this age group the overall majority of the respondents do not have children, however there are 7.7% that have one child, 5.8% two children and 3.8% that have three and more than three children, composed in their majority by women (table 4).

		number of children					Total	
		none	one	two	three	more than three		
age of interviewed	18-24	Count	43	4	3	1	1	52
		% within age of interviewed	82,7%	7,7%	5,8%	1,9%	1,9%	100,0%
		% of Total	12,0%	1,1%	0,8%	0,3%	0,3%	14,6%
	25-30	Count	42	22	18	3	3	88
		% within age of interviewed	47,7%	25,0%	20,5%	3,4%	3,4%	100,0%
		% of Total	11,8%	6,2%	5,0%	0,8%	0,8%	24,6%
	31-40	Count	15	19	45	4	5	88
		% within age of interviewed	17,0%	21,6%	51,1%	4,5%	5,7%	100,0%
		% of Total	4,2%	5,3%	12,6%	1,1%	1,4%	24,6%
	41-50	Count	7	6	51	11	4	79
		% within age of interviewed	8,9%	7,6%	64,6%	13,9%	5,1%	100,0%
		% of Total	2,0%	1,7%	14,3%	3,1%	1,1%	22,1%
	51-65	Count	1	5	28	8	1	43
		% within age of interviewed	2,3%	11,6%	65,1%	18,6%	2,3%	100,0%
		% of Total	0,3%	1,4%	7,8%	2,2%	0,3%	12,0%
>65	Count	0	0	3	3	1	7	
	% within age of interviewed	0,0%	0,0%	42,9%	42,9%	14,3%	100,0%	
	% of Total	0,0%	0,0%	0,8%	0,8%	0,3%	2,0%	
Total	Count	108	56	148	30	15	357	
	% within age of interviewed	30,3%	15,7%	41,5%	8,4%	4,2%	100,0%	
	% of Total	30,3%	15,7%	41,5%	8,4%	4,2%	100,0%	

What is characteristic is that among the respondents belonging to the age group of 18-24 that are married and have children, the majority has low level of education and has no proper income, i.e. is unemployed, lives on social assistance or belongs to the category of unpaid family worker (table 5 and 6).

Table 5 Respondents educational level									
education level				number of children					Total
				none	one	two	three	more than three	
ISCED 1	age of interviewed	18-24	Count	0		1	1	1	3
			% of Total	0,0%		7,1%	7,1%	7,1%	21,4%
		25-30	Count	0		2	0	3	5
			% of Total	0,0%		14,3%	0,0%	21,4%	35,7%
		31-40	Count	0		0	0	2	2
			% of Total	0,0%		0,0%	0,0%	14,3%	14,3%
		41-50	Count	1		0	1	1	3
			% of Total	7,1%		0,0%	7,1%	7,1%	21,4%
		51-65	Count	0		0	1	0	1
			% of Total	0,0%		0,0%	7,1%	0,0%	7,1%
Total		Count	1		3	3	7	14	
		% of Total	7,1%		21,4%	21,4%	50,0%	100,0%	
ISCED 2	age of interviewed	18-24	Count	0	1	1	0	0	2
			% of Total	0,0%	3,1%	3,1%	0,0%	0,0%	6,3%
		25-30	Count	1	0	6	1	0	8
			% of Total	3,1%	0,0%	18,8%	3,1%	0,0%	25,0%
		31-40	Count	0	0	0	1	2	3
			% of Total	0,0%	0,0%	0,0%	3,1%	6,3%	9,4%
		41-50	Count	1	0	4	2	1	8
			% of Total	3,1%	0,0%	12,5%	6,3%	3,1%	25,0%
		51-65	Count	0	1	6	2	0	9
			% of Total	0,0%	3,1%	18,8%	6,3%	0,0%	28,1%
>65	Count	0	0	0	1	1	2		
	% of Total	0,0%	0,0%	0,0%	3,1%	3,1%	6,3%		
Total		Count	2	2	17	7	4	32	
		% of Total	6,3%	6,3%	53,1%	21,9%	12,5%	100,0%	
ISCED 3 SVE	age of interviewed	18-24	Count	1	0	1	0		2
			% of Total	2,3%	0,0%	2,3%	0,0%		4,7%
		25-30	Count	3	2	2	0		7
			% of Total	7,0%	4,7%	4,7%	0,0%		16,3%
		31-40	Count	2	3	9	1		15
			% of Total	4,7%	7,0%	20,9%	2,3%		34,9%
		41-50	Count	1	4	11	0		16
			% of Total	2,3%	9,3%	25,6%	0,0%		37,2%
		51-65	Count	0	0	1	1		2
			% of Total	0,0%	0,0%	2,3%	2,3%		4,7%



			% of Total	0.0%	0.0%	2.3%	2.3%		4.7%
		>65	Count	0	0	0	1		1
			% of Total	0,0%	0,0%	0,0%	2,3%		2,3%
	Total		Count	7	9	24	3		43
			% of Total	16,3%	20,9%	55,8%	7,0%		100,0%
ISCED 3 SGE	age of interviewe d	18-24	Count	18	1	0	0	0	19
			% of Total	16,8%	0,9%	0,0%	0,0%	0,0%	17,8%
		25-30	Count	11	10	3	1	0	25
			% of Total	10,3%	9,3%	2,8%	0,9%	0,0%	23,4%
		31-40	Count	3	5	21	1	0	30
			% of Total	2,8%	4,7%	19,6%	0,9%	0,0%	28,0%
		41-50	Count	2	2	14	1	1	20
			% of Total	1,9%	1,9%	13,1%	0,9%	0,9%	18,7%
		51-65	Count	1	1	8	1	0	11
			% of Total	0,9%	0,9%	7,5%	0,9%	0,0%	10,3%
		>65	Count	0	0	2	0	0	2
			% of Total	0,0%	0,0%	1,9%	0,0%	0,0%	1,9%
Total		Count	35	19	48	4	1	107	
		% of Total	32,7%	17,8%	44,9%	3,7%	0,9%	100,0%	
ISCED 4c	age of interviewe d	18-24	Count	2	0	0	0	0	2
			% of Total	5,9%	0,0%	0,0%	0,0%	0,0%	5,9%
		25-30	Count	6	1	1	0	0	8
			% of Total	17,6%	2,9%	2,9%	0,0%	0,0%	23,5%
		31-40	Count	1	2	4	1	0	8
			% of Total	2,9%	5,9%	11,8%	2,9%	0,0%	23,5%
		41-50	Count	0	0	8	2	0	10
			% of Total	0,0%	0,0%	23,5%	5,9%	0,0%	29,4%
		51-65	Count	0	0	2	2	1	5
			% of Total	0,0%	0,0%	5,9%	5,9%	2,9%	14,7%
		>65	Count	0	0	0	1	0	1
			% of Total	0,0%	0,0%	0,0%	2,9%	0,0%	2,9%
Total		Count	9	3	15	6	1	34	
		% of Total	26,5%	8,8%	44,1%	17,6%	2,9%	100,0%	
ISCED 5	age of interviewe d	18-24	Count	22	2	0	0	0	24
			% of Total	18,6%	1,7%	0,0%	0,0%	0,0%	20,3%
		25-30	Count	16	9	3	1	0	29
			% of Total	13,6%	7,6%	2,5%	0,8%	0,0%	24,6%
		31-40	Count	9	9	11	0	1	30
			% of Total	7,6%	7,6%	9,3%	0,0%	0,8%	25,4%
		41-50	Count	2	0	11	5	1	19
			% of Total	1,7%	0,0%	9,3%	4,2%	0,8%	16,1%

		51-65	Count	0	3	11	1	0	15
			% of Total	0,0%	2,5%	9,3%	0,8%	0,0%	12,7%
		>65	Count	0	0	1	0	0	1
			% of Total	0,0%	0,0%	0,8%	0,0%	0,0%	0,8%
	Total		Count	49	23	37	7	2	118
			% of Total	41,5%	19,5%	31,4%	5,9%	1,7%	100,0%
ISCED 6 – M.A.	age of interviewed	25-30	Count	3		1			4
			% of Total	42,9%		14,3%			57,1%
	41-50	Count	0		3			3	
		% of Total	0,0%		42,9%			42,9%	
Total	Count	3		4			7		
	% of Total	42,9%		57,1%			100,0%		
ISCED 6 - PhD	age of interviewed	25-30	Count	2					2
			% of Total	100,0%					100,0%
	Total	Count	2					2	
% of Total		100,0%					100,0%		

**Table 6 Respondents Working Status**

working status			number of children					Total	
			none	one	two	three	more than		
employed	age of interviewed	18-24	Count	15	1	1	0	0	17
			% within age of interviewed	88,2%	5,9%	5,9%	0,0%	0,0%	100,0%
			% of Total	6,6%	0,4%	0,4%	0,0%	0,0%	7,4%
		25-30	Count	32	18	10	2	0	62
			% within age of interviewed	51,6%	29,0%	16,1%	3,2%	0,0%	100,0%
			% of Total	14,0%	7,9%	4,4%	0,9%	0,0%	27,1%
		31-40	Count	15	15	36	3	1	70
			% within age of interviewed	21,4%	21,4%	51,4%	4,3%	1,4%	100,0%
			% of Total	6,6%	6,6%	15,7%	1,3%	0,4%	30,6%
		41-50	Count	6	5	36	8	2	57
			% within age of interviewed	10,5%	8,8%	63,2%	14,0%	3,5%	100,0%
			% of Total	2,6%	2,2%	15,7%	3,5%	0,9%	24,9%

		51-65	Count	1	3	12	4	1	21
			% within age of interviewed	4,8%	14,3%	57,1%	19,0%	4,8%	100,0%
			% of Total	0,4%	1,3%	5,2%	1,7%	0,4%	9,2%
		>65	Count	0	0	1	1	0	2
			% within age of interviewed	0,0%	0,0%	50,0%	50,0%	0,0%	100,0%
			% of Total	0,0%	0,0%	0,4%	0,4%	0,0%	0,9%
	Total		Count	69	42	96	18	4	229
			% within age of interviewed	30,1%	18,3%	41,9%	7,9%	1,7%	100,0%
			% of Total	30,1%	18,3%	41,9%	7,9%	1,7%	100,0%
farmer	age of interviewed	18-24	Count	2	1	0	0	0	3
			% within age of interviewed	66,7%	33,3%	0,0%	0,0%	0,0%	100,0%
			% of Total	20,0%	10,0%	0,0%	0,0%	0,0%	30,0%
		25-30	Count	0	0	1	0	0	1
			% within age of interviewed	0,0%	0,0%	100,0%	0,0%	0,0%	100,0%
			% of Total	0,0%	0,0%	10,0%	0,0%	0,0%	10,0%
		31-40	Count	0	0	1	0	1	2
			% within age of interviewed	0,0%	0,0%	50,0%	0,0%	50,0%	100,0%
			% of Total	0,0%	0,0%	10,0%	0,0%	10,0%	20,0%
		41-50	Count	0	0	2	0	0	2
			% within age of interviewed	0,0%	0,0%	100,0%	0,0%	0,0%	100,0%
			% of Total	0,0%	0,0%	20,0%	0,0%	0,0%	20,0%
		51-65	Count	0	0	1	1	0	2
			% within age of interviewed	0,0%	0,0%	50,0%	50,0%	0,0%	100,0%
			% of Total	0,0%	0,0%	10,0%	10,0%	0,0%	20,0%
	Total		Count	2	1	5	1	1	10
			% within age of interviewed	20,0%	10,0%	50,0%	10,0%	10,0%	100,0%
			% of Total	20,0%	10,0%	50,0%	10,0%	10,0%	100,0%
unemployed	age of interviewed	18-24	Count	16	1	1	1	1	20
			% within age of interviewed	80,0%	5,0%	5,0%	5,0%	5,0%	100,0%

			% of Total	23,2%	1,4%	1,4%	1,4%	1,4%	29,0%		
		25-30	Count	8	2	6	1	3	20		
			% within age of interviewed	40,0%	10,0%	30,0%	5,0%	15,0%	100,0%		
			% of Total	11,6%	2,9%	8,7%	1,4%	4,3%	29,0%		
		31-40	Count	0	3	3	1	2	9		
			% within age of interviewed	0,0%	33,3%	33,3%	11,1%	22,2%	100,0%		
			% of Total	0,0%	4,3%	4,3%	1,4%	2,9%	13,0%		
		41-50	Count	1	1	8	2	2	14		
			% within age of interviewed	7,1%	7,1%	57,1%	14,3%	14,3%	100,0%		
			% of Total	1,4%	1,4%	11,6%	2,9%	2,9%	20,3%		
		51-65	Count	0	0	5	1	0	6		
			% within age of interviewed	0,0%	0,0%	83,3%	16,7%	0,0%	100,0%		
			% of Total	0,0%	0,0%	7,2%	1,4%	0,0%	8,7%		
	Total		Count	25	7	23	6	8	69		
			% within age of interviewed	36,2%	10,1%	33,3%	8,7%	11,6%	100,0%		
			% of Total	36,2%	10,1%	33,3%	8,7%	11,6%	100,0%		
income support	age of interviewed	18-24	Count	2	0	0			2		
			% within age of interviewed	100,0%	0,0%	0,0%			100,0%		
			% of Total	33,3%	0,0%	0,0%			33,3%		
				25-30	Count	0	1	0			1
					% within age of interviewed	0,0%	100,0%	0,0%			100,0%
					% of Total	0,0%	16,7%	0,0%			16,7%
				31-40	Count	0	1	0			1
					% within age of interviewed	0,0%	100,0%	0,0%			100,0%
					% of Total	0,0%	16,7%	0,0%			16,7%
				51-65	Count	0	1	1			2
					% within age of interviewed	0,0%	50,0%	50,0%			100,0%
					% of Total	0,0%	16,7%	16,7%			33,3%
			Total		Count	2	3	1			6
					% within age of interviewed	33,3%	50,0%	16,7%			100,0%
					% of Total	33,3%	50,0%	16,7%			100,0%

unpaid family worker	age of interviewed	18-24	Count		0	1	0	0	1
			% within age of interviewed		0,0%	100,0%	0,0%	0,0%	100,0%
			% of Total		0,0%	6,3%	0,0%	0,0%	6,3%
		25-30	Count		1	1	0	0	2
			% within age of interviewed		50,0%	50,0%	0,0%	0,0%	100,0%
			% of Total		6,3%	6,3%	0,0%	0,0%	12,5%
		31-40	Count		0	4	0	1	5
			% within age of interviewed		0,0%	80,0%	0,0%	20,0%	100,0%
			% of Total		0,0%	25,0%	0,0%	6,3%	31,3%
		41-50	Count		0	5	1	0	6
			% within age of interviewed		0,0%	83,3%	16,7%	0,0%	100,0%
			% of Total		0,0%	31,3%	6,3%	0,0%	37,5%
		51-65	Count		0	1	1	0	2
			% within age of interviewed		0,0%	50,0%	50,0%	0,0%	100,0%
			% of Total		0,0%	6,3%	6,3%	0,0%	12,5%
		Total	Count		1	12	2	1	16
			% within age of interviewed		6,3%	75,0%	12,5%	6,3%	100,0%
			% of Total		6,3%	75,0%	12,5%	6,3%	100,0%
retired	age of interviewed	18-24	Count	1	0	0	0	0	1
			% within age of interviewed	100,0%	0,0%	0,0%	0,0%	0,0%	100,0%
			% of Total	6,3%	0,0%	0,0%	0,0%	0,0%	6,3%
		51-65	Count	0	1	8	1	0	10
			% within age of interviewed	0,0%	10,0%	80,0%	10,0%	0,0%	100,0%
			% of Total	0,0%	6,3%	50,0%	6,3%	0,0%	62,5%
		>65	Count	0	0	2	2	1	5
			% within age of interviewed	0,0%	0,0%	40,0%	40,0%	20,0%	100,0%
			% of Total	0,0%	0,0%	12,5%	12,5%	6,3%	31,3%
		Total	Count	1	1	10	3	1	16

			% within age of interviewed	6,3%	6,3%	62,5%	18,8%	6,3%	100,0%
			% of Total	6,3%	6,3%	62,5%	18,8%	6,3%	100,0%
other	age of interviewed	18-24	Count	7	1	0			8
			% within age of interviewed	87,5%	12,5%	0,0%			100,0%
			% of Total	63,6%	9,1%	0,0%			72,7%
		25-30	Count	2	0	0			2
			% within age of interviewed	100,0%	0,0%	0,0%			100,0%
			% of Total	18,2%	0,0%	0,0%			18,2%
		31-40	Count	0	0	1			1
			% within age of interviewed	0,0%	0,0%	100,0%			100,0%
			% of Total	0,0%	0,0%	9,1%			9,1%
	Total		Count	9	1	1			11
			% within age of interviewed	81,8%	9,1%	9,1%			100,0%
		% of Total	81,8%	9,1%	9,1%			100,0%	

This state of being may render them vulnerable also to physical violence that can jeopardise their bodily integrity and condition their human development. In fact one final issue to be considered within the capability of bodily integrity, besides the reproductive health, is the one of violence performed in the familial sphere. In Macedonia the issue of domestic violence, either psychological, sexual or physical one, has not been sufficiently affronted since it did not exist, i.e. was not recognised legally as criminal offence. The lack of consideration (legal and institutional) for this problem has its origin in the clear division of the public and private sphere of interests, whereas in the latter the state was reluctant to intervene, except for certain issues reported in the previous chapter. Only the sexual violence, i.e. rape within the family received some attention thanks to the changes in the criminal code (see previous chapter), while psychological and physical violence within the family were not considered. Consequently, there is general lack of data reflecting the proportion and the diffusion of this phenomena in the country, either because the problem of domestic violence “does not exist”, or because there are no structures and trained personnel that can face the latter. This issue has been somewhat affronted and discussed by certain women associations and non-governmental organisations since 1994. At the moment of the writing of this chapter there is one survey on domestic violence

realised by the Association for Emancipation, Solidarity and Equality of Women, which results will be used in order to obtain some indicative picture of the existence of this problem in Macedonia, although it can not be generalised due to the lack of further data.<sup>286</sup> According to the data reported out of 850 women interviewed, around 70 percent of them answered to have been victim of psychological violence perpetrated by their husbands/partners.<sup>287</sup> Under the terms psychological violence it was intended all kinds of possessiveness, control and forced isolation of the wife, verbal accuses and offences. One quarter of the respondents, moreover, indicated to be victim of physical violence and 5 percent of sexual violence exerted prevalently by their husbands/partners and rarely reported to the police (only 20 percent of the respondents have reported). In the first case, the category of women that has been more exposed to physical violence were those between 30 and 44 years of age, with low or none income and with low level of education.<sup>288</sup>

As it was mentioned previously, the low level of education can be considered as one of the factors causing early marriages and childbirths because of limited sexual education and cure about reproductive health, but also can be one correlating factor in the suffering of domestic violence. Education, though, is one of the basic components of persons human development, since is one of the key prerequisites for improving proper living conditions and expanding proper liberties to lead the life a person values.

### III.II.III. Education and knowledge

The capability referring to education and knowledge is among the basic ones that conditions persons' achievements in all other fields (employment, political activity, familial and civic life etc.) and may represent the major opening gate or barrier to person's sustainable human development. The educational system in Macedonia is organised, as already described in the previous chapter, in four major sectors, the pre-school education, primary, secondary and higher education (university education and post-lauream). The accessibility to these four sectors is differently organised and has different costs, where the services of the pre-school care are reachable upon payment of monthly fees, the primary and secondary education are free of charge, while the university education requires in determinate cases a financial participation of students in the payment of quotas.<sup>289</sup> Changes have been

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<sup>286</sup> Violeta Caceva, *Semejnoto nasilstvo vo Makedonija*, Zdruzenie za Emancipacija, Solidarnost i Ednakvost na Zenata vo Makedonija, Skopje, 2000, [www.esem.org.mk](http://www.esem.org.mk).

<sup>287</sup> Violeta Caceva, *Ibidem*

<sup>288</sup> Violeta Caceva, *Semejnoto nasilstvo vo Makedonija*, Zdruzenie za Emancipacija, Solidarnost i Ednakvost na Zenata vo Makedonija, Skopje, 2000, [www.esem.org.mk](http://www.esem.org.mk).

<sup>289</sup> For further information, see Government of the Republic of Macedonia, *Report on the Millennium Development Goals*, Skopje, June 2005, Ministry of Education and Science, *Education development – National Report of the Republic of Macedonia*, Skopje, 2001 and *Education Development Strategy 2001 – 2010*.

registered though within the different educational sectors during the transitional period, due to the increase of the real direct costs for obtaining education, on one side, and the reduction of the living standards and consumption power of the different strata of the population, on the other. Coherently with the aims of this research, the interest is directed in particular towards the assessment of gender inequalities within the three educational sectors generated during the years of transition. The indicators that are retained as relevant in the evaluation of the gender disparities and the individuation of the causal and consequential relation of the latter are the accessibility and the enrollment in all three levels of education, as well as the existence of gender based fields of education and career development determined by social norms and customary traditions. Before examining these indicators, one important and basic information needs to be mentioned in relation to the level of literacy of the population. Even though during the previous socialist system much has been invested in the overall education of the population, at the beginning of the transitional period a certain degree of illiteracy with elevate gender component was still present within the Macedonian society. According to the official statistical data, the adult illiteracy in 1994 concerned 87.749 citizens - 5.96 percent of the total population, which, ought to be said, declined<sup>290</sup> during the successive years to 63.562 citizens – 3.75 percent in 2002.<sup>291</sup> Disparities are though registered on ethnic and gender basis, whereas according to the last Census the percentage of the non educated among the ethnic Macedonians was 2.33 percent, 4.80 percent among the Albanians, 7.34 among the Turks and 20.63 percent among the Roma population. The gender unbalance in the level of illiteracy is even more impressive with an extremely high portion of illiterate women of 76.41 percent.<sup>292</sup> The distribution of women illiteracy among different ethnic groups is also unequal and among female Macedonian citizens is at 3.62 percent, among female Albanians 7.54 percent, 10.66 percent among Turkish women and 28.55 percent among Roma women.<sup>293</sup> The worrying aspect of these data is not only about the consequences that the illiteracy entails on person's human development and in its further achievements, but also about the causes generating this phenomena, since enrollment in primary education is compulsory for all children in the age between seven and fourteen years in Macedonia. Among the reasons that can be individuated are the socio-economic and cultural factors on one side and the institutional lacunes in facing this problem on the other, which generally refer to the educational sector as a whole. For what concerns the first group of

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<sup>290</sup> The data indicating the decline in illiteracy rate has to be considered with certain caution. While on one side it may be a result of the governmental policy of building mechanisms for the total inclusion of the population in the primary education, on the other it can be a direct effect of the progressive emigration trend of the population in foreign countries.

<sup>291</sup> State Statistical Office, *Census of Population, Households and Dwellings in the Republic of Macedonia, 1994 and 2002* – Book XIII, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>292</sup> State Statistical Office, *Ibidem*.

<sup>293</sup> State Statistical Office, *Statistical Yearbook 2004*.



factors, the increasing level of poverty and social exclusion of certain segments of the population can be advanced, as well as the surrounding conditions, such as the educational level of the parents and close relatives and the prevailing cultural patterns responsible for the neglect of the female literacy. The institutional responsibility for the illiteracy, on the other hand, lies in the weak and uncoordinated control of the children enrollment in primary education and in the lack of concrete measures facing the problem through recovery programmes, eradication of discrimination practices by school institutions and change of inadequate punitive measures for the disrespect of the obligatory first level of education for all children.<sup>294</sup> The upper mentioned causes have been also responsible for the registered trends of increased drop-outs within the primary, secondary and tertiary level of education in Macedonia occurred during the transitional period. According to the last population Census from 2002 the educational attainment of the population over 15 years of age was rather low since around 53 percent of the latter have primary education or less (4.2 percent illiterate, 13.8 percent with unfinished primary education, 35.1 percent with primary education), 40 percent have secondary education or lower grade of university education (36.9 percent in the first case and 3.2 percent in the second), and only 6.8 percent have higher education (including post-lauream).<sup>295</sup> The enrollment rate in primary education is relatively high and reached an average of 97 percent of inclusion in 2003 (99.8 percent in 1991, 98.4 percent in 1996 and 95.6 percent). Nevertheless, as mentioned, there is registered and progressive trend of incomplete enrolment and drop outs during schooling, mainly in the primary and secondary education. According to the data revealed from a survey realised in 2001/2002 on the vertical progressing in education of a single generation, only 95.52 percent of the students finishes the fourth grade and enrolls in the fifth grade, while 88.32 percent of them succeed in completing the primary education and only 77.35 percent of them enrol in the secondary education. The share of those finishing the secondary education decreases subsequently to 69.32 percent.<sup>296</sup> This gap between school enrolment and completion of studies concerns students in rather disparate way. Gender based inequalities, but also diversities on the ground of ethnic groups and living area are registered

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<sup>294</sup> Roma population, especially women, are particularly affected by the problem of illiteracy and are facing all of the socio-economic and institutional problems indicated. For further information, see Networks Women Program, Shadow Report on the Situation of Romani Women in Republic of Macedonia, October-November 2005, [www.osi.org](http://www.osi.org); Lakinska Divna, Durmis Zaklina, Memedova Azbija and Demir Ljativ. *Needs assessment for the Roma Education Fund, Macedonia*. Skopje, November 2004, [http://lnweb18.worldbank.org/ECA/ECSHD.nsf/ECA/DocByUnid/08D46484E7EE2BF1C1256F80003CB3BD/\\$FILE/NAReportFinal%201129%20Macedonia.pdf](http://lnweb18.worldbank.org/ECA/ECSHD.nsf/ECA/DocByUnid/08D46484E7EE2BF1C1256F80003CB3BD/$FILE/NAReportFinal%201129%20Macedonia.pdf); Najcevska Mirjana, Violeta Petrovska-Beska, and Aloui Lazhar. *Situation Analysis of Romani Women and Children in the Former Yugoslav Republic of Macedonia*. UNICEF, March 1997.

<sup>295</sup> State Statistical Office, *Census of Population, Households and Dwellings in the Republic of Macedonia, 2002 – Book XIII*, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>296</sup> Government of the Republic of Macedonia, *Report on the Millennium Development Goals*, Skopje, June 2005, pg. 31-32.

prevalently in secondary and tertiary education. Within the primary level schools, where attendance is compulsory for all children, there is slight difference in enrolment on gender basis where the presence of female students is around 48 percent within all ethnic groups (among ethnic Macedonian and Albanian girls is 48 percent, while among Roma girls and those of Turk nationality around 47 percent). More significant differences on the basis of gender but also on ethnicity and living area are registered in the upper secondary and tertiary education. Among ethnic Macedonians the share of female students is equal to that of male students (51 percent in 1999 and 50.7 percent in 2002), while within other nationalities there are noticeable disparities. The proportion of female students in the upper secondary schools among ethnic Albanians is around 43 percent (41 percent in 1999, 43.8 percent in 2002), while among Turk 42 percent (36.8 in 1999, 42.3 in 2002) and Roma 37 percent (39.8 percent in 1999 and 37.4 in 2002).<sup>297</sup> The more worrying aspect for what concerns the presence of female students in the upper secondary schools is the progressive drop outs registered in the lower classes with respect to the upper classes during the ultimate years of the transitional period. In fact, during the school year 2002/2003 while the share of female students in the fourth year of study was around 52 percent, within the third and second year it decreased to 47 percent, reaching 45 percent in the first year of study.<sup>298</sup> Considering that no significant changes have occurred in these years in the proportion of young women within the total population<sup>299</sup>, it can be assumed that there is a progressive trend among certain number of female students in interrupting their education between the primary and secondary school, on one side and those who drop out secondary school classes without terminating the studies. Within higher education the share of female enrollment follows the path of the one of secondary education. While among ethnic Macedonians the share of female students exceeds the one of males and reaches 63 percent in 2002, among ethnic Albanians female students are 47 percent, among Turk and Roma, 50 percent and only 25 percent respectively.<sup>300</sup> One further characteristics related to the field of secondary and higher education particularly interesting for this analysis is the gender "segregated" fields of education within both sectors. According to the official statistical data, in fact, within secondary and upper secondary schools there are fields which are prevalently female, i.e. where the majority of the enrolled students are women and viceversa. While within general secondary education the share of male and female students is similar (58.27 percent women; 41.73 percent men), within the vocational

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<sup>297</sup> State Statistical Office, *Statistical Yearbook 2001, 2003*.

<sup>298</sup> United Nations Development Programme, *National Human Development Report 2004 – Decentralisation for Human Development*, [www.undp.org.mk](http://www.undp.org.mk), pg.67 and State Statistical Office, *Educational Statistics*, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>299</sup> See State Statistical Office, *Census of Population, Households and Dwellings in the Republic of Macedonia, 1994 and 2002 – Book XIII*, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>300</sup> State Statistical Office, *Statistical Yearbook 2004*, [www.stat.gov.mk](http://www.stat.gov.mk).

education the latter prevail in the fields like philology (87 percent), secretarial and office work (79 percent), health (77 percent), geology (76 percent), law (68 percent), textile processing (67 percent). Male students on the other hand are the majority of the students within fields such as electrical and mechanical engineering (around 94 percent), wood processing (80 percent), architecture (76 percent), agriculture (66 percent) etc.<sup>301</sup> This gender based division of educational fields is confirmed also at the level of university education, where women students prevail in social, medical and natural sciences and mathematics, while male students in technical and technological studies.<sup>302</sup> It is necessary to precise however that these gender based differences do not generate inequalities by themselves within the educational sector. However it is difficult to accept that these differences are a simple reflection of free choice on behalf of female and male students and therefore it can be affirmed that they are also a result of a traditionally gendered social and cultural norms rooted in the society. But, gender based professions could be responsible for generating further inequalities in the fulfilment of certain capabilities, i.e. for the creation of gender specific working sectors and contribute in producing disparities in the amount of wages, issues that will be valued and examined in the analysis of the next capability. Finally, disparities in enrolment within schools and in education level are registered, as mentioned, on the basis of urban/rural divide. Population from rural municipalities register not only lower level of adult literacy, but also lower school attendance. The adult literacy rate in the rural areas is around 90.63 percent<sup>303</sup>, which signals a worrying 9.37 percent of inhabitants of the latter that lack the basic knowledge of reading and writing, i.e. are with an educational “handicap” and therefore more exposed to risk of poverty and social exclusion. The enrolment rate for all three education levels in the rural areas reaches 62 percent, while in the urban areas is around 78 percent.

As it can be seen from the data reported above, the educational sector suffered certain downfalls either in the enrolment or in the continuity of the educational curricula on behalf of the students. Moreover, this trend assumed a differential character, striking disproportionately certain strata (segments) of the population instead of others. In this context, gender has been the steady element reflecting disparities in the access and the attainment of adequate education within the different ethnic communities and in the rural areas. The causes for this state of things reside, as mentioned, in two groups of factors, socio-economic and cultural on one side, and institutional on the other side. Both groups of factors are, though, correlated and affect altogether persons educational opportunities and her/his human

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<sup>301</sup> The nomination of the educational fields have been taken from the official statistical data. See State Statistical Office, *Women and Men in the Republic of Macedonia*, Skopje, 2003.

<sup>302</sup> *Ibidem*.

<sup>303</sup> Data from 2002, State Statistical Office, *Ibidem*.

development as a whole. The analysis of the institutional factors affecting the occurrences in the educational sector refers to the political will and capacity of the state and its institutions to guarantee one of the basic social rights constitutionally guaranteed, such as the equal access to education to all citizens, and to offer a good quality education conformable to the political and economic changes occurring within the state at the beginning of the nineties of the twentieth century. Even though the state political agenda regarding the educational sector is not an issue of analysis in this context, it is however important to outline certain elements of the latter that have directly or indirectly affected citizens economic and social stability and contributed in generating the downward trends in the field of education. Despite the declared social character of the state, however, the public budgeting for the educational sector was progressively reduced during the years of transition. In the period between 1996 and 2003 the public funds allocated for this sector decreased from 4.5 percent (as a share of GDP) in 1996, to 3.84 percent in 1999 and 3.49 percent in 2003. What is more significant in relation to the latter is not the amount of the state budget for the educational sector but its inner distribution. The funds were prevalently programmed for the payment of the salaries (about 80 percent of the total amount) and were allocated mainly for the primary education sector (59.15 percent of the 2003 budget; in 1996 was 51.5 percent for primary while for secondary and tertiary level 25 and 23 respectively).<sup>304</sup> This public budgeting had in effect low efficiency and was not investment oriented, leaving the schools, in particular, the secondary ones without means for the procurement of further materials or equipment necessary for the good quality educational achievements. Insignificant improvements, in fact, were made in the quality of the education, i.e. in rendering the school curriculum adequate to the needs of the market, creating in this was a diffuse opinion among young people about the irrelevance of the education for the proper development and in the realisation of their personal achievements (finding an employment, engaging in political activities etc.).<sup>305</sup> The IT literacy is still limited among the students, since not all schools possess computers and restricted number of families can afford to provide ones. Besides the inefficient allocation of the state funds, the educational sector suffered also from the overall centralisation of the state institutions, which were incapable to respond to the new emerging and different problems and needs of the population. Increased unemployment and poverty, as well as progressive social exclusion and insecurity were the basic problems that different strata of the population suffered during the transitional years and that can be forwarded as the basic socio-economic

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<sup>304</sup> For further information, see Government of the Republic of Macedonia, Report on Millennium Development Goals, Common Country Assessment, Kamberski K., Velkovski Z., Popovski K., Gerovska L., Damovska L., Kosev G., *Pre-primary and Primary Education in Macedonia : Development, Conditions and Perspectives*, Skopje, 2000

<sup>305</sup> European Training Foundation, *Labour Market Review of Former Yugoslav Republic of Macedonia*, Working Paper, ETF, 2005.

factors that caused the main inequalities in the educational sector. The level of both unemployment and poverty have risen continually during those years, reducing significantly the real consumption power of the population. Although the level of inflation was kept steady and the country boasted certain macroeconomic stability, however the reduction of the household incomes and the increase of the direct costs of obtaining education and knowledge induced citizens to make forced choices in the procurement of certain basic needs and services, such as those related to health and education. According to the answers obtained in the questionnaire, in fact, the majority of the interviewed stated that spend their monthly income principally on food and than on the coverage of further expenses such as bills, medical expenses and clothing's. The correlation between reduced income and drop outs in primary and secondary education can though be questioned because in Macedonia these two levels of education are free of charge for all citizens. But, if we look beneath the surface, there are further factors and circumstances related directly to the economic power of the population that condition the educational attainment of the latter. It can be said that only the primary education in Macedonia is conceived as "poor oriented", since it envisages not only the compulsory and free of charge enrolment, but also because efforts have been made by the state to overcome certain difficulties related mainly to the physical accessibility of schools on behalf of certain strata of the population. In this context, funds have been allocated for the procurement of free and organised transport for children living in distant hilly rural villages to the nearest schools, otherwise difficult to reach. Moreover, the proportion of schools and teachers per student is relatively high for what concerns primary education, that on the whole guarantees an overall enrolment in the primary schools. Consequently, the share of inclusion of the children in the first four years of primary education is relatively high, although it does not reach the hundred percent as it should. There persist, in fact, certain strata of the population, considered as the more vulnerable ones and socially marginalised that can not afford to cover the expenses for acquiring the required school materials (books and other related supplies). Drop outs are documented, as it was seen, in the upper classes, where families are supposed to cover the expenses for the school material, for transportation to schools and other services, where the share of schools and students are more unfavourable<sup>306</sup> and where students included in the classes are at the age legally authorised to work (enter the world of employment). At this level, disparities are more pronounced on the basis of gender in general and within the ethnic groups and in the rural areas. Similar output has been revealed also in the elaboration of the data gained by the questionnaire, where as it can be seen in the Table 7.

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<sup>306</sup> For example, demographic changes associated with the rural exodus to urban areas have "de facto" brought many village schools to the threshold of viability where number of schools have closed down.

<b>Table 7: education level * sex of the interviewed Crosstabulation</b>					
			sex of the interviewed		Total
			male	female	
education level	ISCED1	Count	1	13	14
		% within education level	7,1%	92,9%	100,0%
		% within sex of the interviewed	0,7%	5,9%	3,9%
		% of Total	0,3%	3,6%	3,9%
	ISCED2	Count	15	17	32
		% within education level	46,9%	53,1%	100,0%
		% within sex of the interviewed	11,0%	7,7%	8,9%
		% of Total	4,2%	4,7%	8,9%
	ISCED3-SVE	Count	19	24	43
		% within education level	44,2%	55,8%	100,0%
		% within sex of the interviewed	14,0%	10,8%	12,0%
		% of Total	5,3%	6,7%	12,0%
	ISCED3-SGE	Count	47	61	108
		% within education level	43,5%	56,5%	100,0%
		% within sex of the interviewed	34,6%	27,5%	30,2%
		% of Total	13,1%	17,0%	30,2%
	ISCED4c	Count	16	18	34
		% within education level	47,1%	52,9%	100,0%
		% within sex of the interviewed	11,8%	8,1%	9,5%
		% of Total	4,5%	5,0%	9,5%
	ISCED5	Count	36	82	118
		% within education level	30,5%	69,5%	100,0%
		% within sex of the interviewed	26,5%	36,9%	33,0%
		% of Total	10,1%	22,9%	33,0%
	ISCED6-M.A.	Count	1	6	7
		% within education level	14,3%	85,7%	100,0%
		% within sex of the interviewed	0,7%	2,7%	2,0%
		% of Total	0,3%	1,7%	2,0%
ISCED6-Phd	Count	1	1	2	
	% within education level	50,0%	50,0%	100,0%	
	% within sex of the interviewed	0,7%	0,5%	0,6%	
	% of Total	0,3%	0,3%	0,6%	
Total	Count	136	222	358	
	% within education level	38,0%	62,0%	100,0%	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,0%	62,0%	100,0%	

The educational attainment of the interviewed appear slightly higher than the national average level where 33 percent of them are with university education and 51.7 percent with secondary and upper secondary education, although the share of those with only primary education is however relevant and is 12.8 percent. In overall there are minor gender differences in the educational level, where there are more female respondents with primary education than men (especially those with only 4 years of

primary education completed) and also among the graduate ones, while the share of those with secondary education is greater among men. Significant gender differences, though can be noticed on the basis of the living area as well as on the grounds of ethnic identity (belonging). According to the data revealed in table 8, respondents from the rural areas have lower level of education than those of urban areas, where the 25.3 percent of the former have only primary education.

<b>Table 8: education level * place of residence Crosstabulation</b>					
			place of residence		Total
			countryside	town	
education level	ISCED1	Count	4	10	14
		% within place of residence	6,3%	3,4%	3,9%
		% of Total	1,1%	2,8%	3,9%
	ISCED2	Count	12	20	32
		% within place of residence	19,0%	6,8%	8,9%
		% of Total	3,4%	5,6%	8,9%
	ISCED3-SVE	Count	7	36	43
		% within place of residence	11,1%	12,2%	12,0%
		% of Total	2,0%	10,1%	12,0%
	ISCED3-SGE	Count	18	90	108
		% within place of residence	28,6%	30,5%	30,2%
		% of Total	5,0%	25,1%	30,2%
	ISCED4	Count	4	30	34
		% within place of residence	6,3%	10,2%	9,5%
		% of Total	1,1%	8,4%	9,5%
	ISCED5	Count	16	102	118
		% within place of residence	25,4%	34,6%	33,0%
		% of Total	4,5%	28,5%	33,0%
ISCED6-M.A.	Count	1	6	7	
	% within place of residence	1,6%	2,0%	2,0%	
	% of Total	0,3%	1,7%	2,0%	
ISCED6-Phd	Count	1	1	2	
	% within place of residence	1,6%	0,3%	0,6%	
	% of Total	0,3%	0,3%	0,6%	
Total		Count	63	295	358
		% within place of residence	100,0%	100,0%	100,0%
		% of Total	17,6%	82,4%	100,0%

When considered on the basis of gender it results, that among the male respondents living in the rural areas, around 15 percent have primary education, 45 percent secondary and upper secondary, 33 percent higher education and 6 percent post/lauream. Among females from the rural areas the picture is rather different, where more than 36 percent of the interviewed have primary education, 46.7 percent secondary and upper secondary education and 16.7 higher education. In the urban areas, while the share

of women and men with only primary education is almost identical, men exceed with respect to women in the secondary and upper education and women in higher education (See table 9).

**Table 9: sex of the interviewed \* education level \* place of residence Crosstabulation**

place of residence	sex of the interviewed		education level								Total	
			ISCED1	ISCED2	ISCED3-SVE	ISCED3-SGE	ISCED4	ISCED5	ISCED6-M.A.	ISCED6-Phd		
countryside	male	Count	0	5	4	7	4	11	1	1	33	
		% within sex of the interviewed	0,0%	15,2%	12,1%	21,2%	12,1%	33,3%	3,0%	3,0%	100,0%	
		% of Total	0,0%	7,9%	6,3%	11,1%	6,3%	17,5%	1,6%	1,6%	52,4%	
	female	Count	4	7	3	11	0	5	0	0	30	
		% within sex of the interviewed	13,3%	23,3%	10,0%	36,7%	0,0%	16,7%	0,0%	0,0%	100,0%	
		% of Total	6,3%	11,1%	4,8%	17,5%	0,0%	7,9%	0,0%	0,0%	47,6%	
	Total		Count	4	12	7	18	4	16	1	1	63
			% within sex of the interviewed	6,3%	19,0%	11,1%	28,6%	6,3%	25,4%	1,6%	1,6%	100,0%
			% of Total	6,3%	19,0%	11,1%	28,6%	6,3%	25,4%	1,6%	1,6%	100,0%
town	male	Count	1	10	15	40	12	25	0	0	103	
		% within sex of the interviewed	1,0%	9,7%	14,6%	38,8%	11,7%	24,3%	0,0%	0,0%	100,0%	
		% of Total	0,3%	3,4%	5,1%	13,6%	4,1%	8,5%	0,0%	0,0%	34,9%	
	female	Count	9	10	21	50	18	77	6	1	192	
		% within sex of the interviewed	4,7%	5,2%	10,9%	26,0%	9,4%	40,1%	3,1%	0,5%	100,0%	
		% of Total	3,1%	3,4%	7,1%	16,9%	6,1%	26,1%	2,0%	0,3%	65,1%	
	Total		Count	10	20	36	90	30	102	6	1	295
			% within sex of the interviewed	3,4%	6,8%	12,2%	30,5%	10,2%	34,6%	2,0%	0,3%	100,0%
			% of Total	3,4%	6,8%	12,2%	30,5%	10,2%	34,6%	2,0%	0,3%	100,0%

When considered on ethnic basis, the inequalities in the educational attainment among the interviewed are even sharper. While among ethnic Macedonians, those with primary education are only 3.2 percent, among ethnic Albanians and Turks the percentage is of 10.5 and 16.7 respectively, while among the Roma population it reaches 81,8 percent (See table 10) .

**Table 10: education level \* nationality Crosstabulation**

		nationality					Total	
		macedonian	albanian	roma	turk	other		
education level	ISCED1	Count	0	2	9	1	2	14
		% within nationality	0,0%	3,0%	40,9%	5,6%	6,5%	3,9%
		% of Total	0,0%	0,6%	2,5%	0,3%	0,6%	3,9%
	ISCED2	Count	7	5	9	2	9	32



		% within nationality	3,2%	7,5%	40,9%	11,1%	29,0%	8,9%
		% of Total	2,0%	1,4%	2,5%	0,6%	2,5%	8,9%
ISCED3-SVE		Count	36	2	2	1	2	43
		% within nationality	16,4%	3,0%	9,1%	5,6%	6,5%	12,0%
		% of Total	10,1%	0,6%	0,6%	0,3%	0,6%	12,0%
ISCED3-SGE		Count	79	14	2	5	8	108
		% within nationality	35,9%	20,9%	9,1%	27,8%	25,8%	30,2%
		% of Total	22,1%	3,9%	0,6%	1,4%	2,2%	30,2%
ISCED4		Count	24	4	0	2	4	34
		% within nationality	10,9%	6,0%	0,0%	11,1%	12,9%	9,5%
		% of Total	6,7%	1,1%	0,0%	0,6%	1,1%	9,5%
ISCED5		Count	71	36	0	5	6	118
		% within nationality	32,3%	53,7%	0,0%	27,8%	19,4%	33,0%
		% of Total	19,8%	10,1%	0,0%	1,4%	1,7%	33,0%
ISCED6-M.A.		Count	3	3	0	1	0	7
		% within nationality	1,4%	4,5%	0,0%	5,6%	0,0%	2,0%
		% of Total	0,8%	0,8%	0,0%	0,3%	0,0%	2,0%
ISCED6-Phd		Count	0	1	0	1	0	2
		% within nationality	0,0%	1,5%	0,0%	5,6%	0,0%	0,6%
		% of Total	0,0%	0,3%	0,0%	0,3%	0,0%	0,6%
Total		Count	220	67	22	18	31	358
		% within nationality	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
		% of Total	61,5%	18,7%	6,1%	5,0%	8,7%	100,0%

Further disparities can be registered on gender basis within the ethnic communities, where Roma women are those who lag behind in their education, with 80 percent of them having completed only four years of primary school (See table 11).

nationality	sex of the interviewed			education level						Total		
				ISCED1	ISCED2	ISCED3-SVE	ISCED3-SGE	ISCED4	ISCED5		ISCED6-M.A.	ISCED6-Phd
macedonian	sex of the interviewed	male	Count		2	12	32	9	17	0	72	
			% within sex of the interviewed		2,8%	16,7%	44,4%	12,5%	23,6%	0,0%	100,0%	
			% of Total		0,9%	5,5%	14,5%	4,1%	7,7%	0,0%	32,7%	
		female	Count		5	24	47	15	54	3	148	
			% within sex of the interviewed		3,4%	16,2%	31,8%	10,1%	36,5%	2,0%	100,0%	
			% of Total		2,3%	10,9%	21,4%	6,8%	24,5%	1,4%	67,3%	
	Total	Count		7	36	79	24	71	3	220		
		% within sex of the interviewed		3,2%	16,4%	35,9%	10,9%	32,3%	1,4%	100,0%		
		% of Total		3,2%	16,4%	35,9%	10,9%	32,3%	1,4%	100,0%		
albanian	sex of the	male	Count	0	2	2	8	2	11	1	0	26

			% within sex of the interviewed	0,0%	7,7%	7,7%	30,8%	7,7%	42,3%	3,8%	0,0%	100,0%
			% of Total	0,0%	3,0%	3,0%	11,9%	3,0%	16,4%	1,5%	0,0%	38,8%
		female	Count	2	3	0	6	2	25	2	1	41
			% within sex of the interviewed	4,9%	7,3%	0,0%	14,6%	4,9%	61,0%	4,9%	2,4%	100,0%
			% of Total	3,0%	4,5%	0,0%	9,0%	3,0%	37,3%	3,0%	1,5%	61,2%
		Total	Count	2	5	2	14	4	36	3	1	67
			% within sex of the interviewed	3,0%	7,5%	3,0%	20,9%	6,0%	53,7%	4,5%	1,5%	100,0%
			% of Total	3,0%	7,5%	3,0%	20,9%	6,0%	53,7%	4,5%	1,5%	100,0%
roma	sex of the interviewed	male	Count	1	7	2	2					12
			% within sex of the interviewed	8,3%	58,3%	16,7%	16,7%					100,0%
			% of Total	4,5%	31,8%	9,1%	9,1%					54,5%
		female	Count	8	2	0	0					10
			% within sex of the interviewed	80,0%	20,0%	0,0%	0,0%					100,0%
			% of Total	36,4%	9,1%	0,0%	0,0%					45,5%
		Total	Count	9	9	2	2					22
			% within sex of the interviewed	40,9%	40,9%	9,1%	9,1%					100,0%
			% of Total	40,9%	40,9%	9,1%	9,1%					100,0%
turk	sex of the interviewed	male	Count	0	2	1	1	2	3	0	1	10
			% within sex of the interviewed	0,0%	20,0%	10,0%	10,0%	20,0%	30,0%	0,0%	10,0%	100,0%
			% of Total	0,0%	11,1%	5,6%	5,6%	11,1%	16,7%	0,0%	5,6%	55,6%
		female	Count	1	0	0	4	0	2	1	0	8
			% within sex of the interviewed	12,5%	0,0%	0,0%	50,0%	0,0%	25,0%	12,5%	0,0%	100,0%
			% of Total	5,6%	0,0%	0,0%	22,2%	0,0%	11,1%	5,6%	0,0%	44,4%
		Total	Count	1	2	1	5	2	5	1	1	18
			% within sex of the interviewed	5,6%	11,1%	5,6%	27,8%	11,1%	27,8%	5,6%	5,6%	100,0%
			% of Total	5,6%	11,1%	5,6%	27,8%	11,1%	27,8%	5,6%	5,6%	100,0%
other	sex of the interviewed	male	Count	0	2	2	4	3	5			16
			% within sex of the interviewed	0,0%	12,5%	12,5%	25,0%	18,8%	31,3%			100,0%
			% of Total	0,0%	6,5%	6,5%	12,9%	9,7%	16,1%			51,6%
		female	Count	2	7	0	4	1	1			15
			% within sex of the interviewed	13,3%	46,7%	0,0%	26,7%	6,7%	6,7%			100,0%
			% of Total	6,5%	22,6%	0,0%	12,9%	3,2%	3,2%			48,4%

Total	Count	2	9	2	8	4	6			31
	% within sex of the interviewed	6,5%	29,0%	6,5%	25,8%	12,9%	19,4%			100,0%
	% of Total	6,5%	29,0%	6,5%	25,8%	12,9%	19,4%			100,0%

It is important to precise here that in the research for the causes of gender inequalities, despite socio economic factors, cultural factors need to be considered also. In the case of women from rural areas and certain ethnic communities, such as Roma, the practices of early age marriages for girls are more diffused and are prevalent for the continuation of their education. Moreover, the physical distances of certain schools, i.e. the non availability of certain vocational or general high schools in the living area of one person may require his/her movement in other cities or villages and this could act as impediment equally for young men and women due to increased economic costs (in particular this represent a problem in the rural areas) that need to be sustained. In addition, in situation like the one mentioned above, young women face additional impediments due to cultural and traditional beliefs influencing familial behaviours and decisions. The latter, finally affect not only persons achievements in the level of education, but also her/his liberty in the choice of the educational field because of the existence and proliferation of social and cultural norms defining gender adequate professions, i.e. those suitable for men and women, which in their turn may act as disincentive in the continuation of the educational career of certain segments of the population. In fact, in the attempt to retrieve a causal relation for the inequalities that have been registered in the educational attainment among the respondents, the correlation was examined between the level and the field of education, on one side, and the certain socio-economic and cultural factors on the other side. Two questions have been posed to the interviewed, the first one states as follows: Does your level of education was a result of a proper choice? Reviewing the answers obtained, it results that the prevalent majority of the respondents had decided freely about their educational level (89 percent of the men interviewed and 79.3 percent of women). Nevertheless, if the remaining part is examined, i.e. those whose level of education was not a result of a proper choice, the reasons that have been indicated as explicative of the latter are of economic, cultural and social reasons (Table 12).

<b>Table 12: education level proper choice? * sex of the interviewed Crosstabulation</b>					
		sex of the interviewed		Total	
		male	female		
education level proper choice?	yes	Count	121	176	297
		% within sex of the interviewed	89,0%	79,3%	83,0%
		% of Total	33,8%	49,2%	83,0%

	drop-out for economic reasons	Count	9	24	33
		% within sex of the interviewed	6,6%	10,8%	9,2%
		% of Total	2,5%	6,7%	9,2%
	no parents permission	Count	0	3	3
		% within sex of the interviewed	0,0%	1,4%	0,8%
		% of Total	0,0%	0,8%	0,8%
	drop-out for marriage	Count	4	16	20
		% within sex of the interviewed	2,9%	7,2%	5,6%
		% of Total	1,1%	4,5%	5,6%
	no, for other reasons	Count	2	3	5
		% within sex of the interviewed	1,5%	1,4%	1,4%
		% of Total	0,6%	0,8%	1,4%
Total	Count	136	222	358	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,0%	62,0%	100,0%	

Among male respondents, 6.6 percent of them have not been able to continue their studies because of lack of financial means and 2.9 percent for marriage. Among female respondents, 10.8 percent had to drop-out their studies for economic reasons, 7.2 percent for marriage and 1.4 percent because of lack of parents permission. Among both female and male respondents, 1.5 percent respectively indicated other reasons and some of them specified the low and/or degrading quality of the educational system as the cause for their interruption of studies.<sup>307</sup> Within the ethnic communities, the upper mentioned gender disparities in the causes for the drop-outs are similar to those on the average level; what can be noticed however that the lack of parents permission to continue studies emerge only in the cases of the female students (Table 13).

nationality	sex of the interviewed		education level proper choice?					Total
			yes	drop-out for economic reasons	no parents permission	drop-out for marriage	no, for other reasons	
macedonian	male	Count	67	3	0	0	2	72
		% within sex of the interviewed	93,1%	4,2%	0,0%	0,0%	2,8%	100,0%
		% of Total	30,5%	1,4%	0,0%	0,0%	0,9%	32,7%
	female	Count	121	13	1	11	2	148
		% within sex of the interviewed						
		% of Total						

<sup>307</sup> It refers to corruptive practices, respondents indicate that they have been asked to pay bribe in order to pass an exam at the university or were disappointed of the state of corruption of the professors.

			% within sex of the interviewed	81,8%	8,8%	0,7%	7,4%	1,4%	100,0%	
			% of Total	55,0%	5,9%	0,5%	5,0%	0,9%	67,3%	
	Total		Count	188	16	1	11	4	220	
			% within sex of the interviewed	85,5%	7,3%	0,5%	5,0%	1,8%	100,0%	
			% of Total	85,5%	7,3%	0,5%	5,0%	1,8%	100,0%	
albanian	sex of the interviewed	male	Count	24	1	0	1		26	
			% within sex of the interviewed	92,3%	3,8%	0,0%	3,8%		100,0%	
			% of Total	35,8%	1,5%	0,0%	1,5%		38,8%	
		female	Count	37	3	1	0		41	
	% within sex of the interviewed		90,2%	7,3%	2,4%	0,0%		100,0%		
	% of Total		55,2%	4,5%	1,5%	0,0%		61,2%		
		Total		Count	61	4	1	1		67
			% within sex of the interviewed	91,0%	6,0%	1,5%	1,5%		100,0%	
			% of Total	91,0%	6,0%	1,5%	1,5%		100,0%	
roma	sex of the interviewed	male	Count	8	2		2	0	12	
			% within sex of the interviewed	66,7%	16,7%		16,7%	0,0%	100,0%	
			% of Total	36,4%	9,1%		9,1%	0,0%	54,5%	
		female	Count	6	0		3	1	10	
	% within sex of the interviewed		60,0%	0,0%		30,0%	10,0%	100,0%		
	% of Total		27,3%	0,0%		13,6%	4,5%	45,5%		
		Total		Count	14	2		5	1	22
			% within sex of the interviewed	63,6%	9,1%		22,7%	4,5%	100,0%	
			% of Total	63,6%	9,1%		22,7%	4,5%	100,0%	
turk	sex of the interviewed	male	Count	8	1		1		10	
			% within sex of the interviewed	80,0%	10,0%		10,0%		100,0%	
			% of Total	44,4%	5,6%		5,6%		55,6%	
		female	Count	5	2		1		8	
	% within sex of the interviewed		62,5%	25,0%		12,5%		100,0%		
	% of Total		27,8%	11,1%		5,6%		44,4%		
		Total		Count	13	3		2		18
			% within sex of the interviewed	72,2%	16,7%		11,1%		100,0%	
			% of Total	72,2%	16,7%		11,1%		100,0%	
other	sex of the interviewed	male	Count	14	2	0	0		16	
			% within sex of the interviewed	87,5%	12,5%	0,0%	0,0%		100,0%	
			% of Total	45,2%	6,5%	0,0%	0,0%		51,6%	

	female	Count	7	6	1	1		15
		% within sex of the interviewed	46,7%	40,0%	6,7%	6,7%		100,0%
		% of Total	22,6%	19,4%	3,2%	3,2%		48,4%
	Total	Count	21	8	1	1		31
		% within sex of the interviewed	67,7%	25,8%	3,2%	3,2%		100,0%
		% of Total	67,7%	25,8%	3,2%	3,2%		100,0%

Gender inequalities in the achievement of the educational level are however most evident with respect to the living area, affecting in particular women from the rural municipalities. As indicated in Table 14, among female residents of the rural municipalities, only 46,7 percent had the opportunity to decide about the proper level of education, while 36.7 percent had to leave the studies for economic and financial reasons, 10 percent for marriage and 3.3 percent as a consequence of parents decision.

Table 14: sex of the interviewed * education level proper choice? * place of residence Crosstabulation									
place of residence	sex of the interviewed		education level proper choice?					Total	
			yes	drop-out for economic reasons	no parents permission	drop-out for marriage	no, for other reasons		
countryside	sex of the interviewed	male	Count	29	2	0	2	0	33
			% within sex of the interviewed	87,9%	6,1%	0,0%	6,1%	0,0%	100,0%
			% of Total	46,0%	3,2%	0,0%	3,2%	0,0%	52,4%
		female	Count	14	11	1	3	1	30
			% within sex of the interviewed	46,7%	36,7%	3,3%	10,0%	3,3%	100,0%
			% of Total	22,2%	17,5%	1,6%	4,8%	1,6%	47,6%
	Total	Count	43	13	1	5	1	63	
		% within sex of the interviewed	68,3%	20,6%	1,6%	7,9%	1,6%	100,0%	
		% of Total	68,3%	20,6%	1,6%	7,9%	1,6%	100,0%	
town	sex of the interviewed	male	Count	92	7	0	2	2	103
			% within sex of the interviewed	89,3%	6,8%	0,0%	1,9%	1,9%	100,0%
			% of Total	31,2%	2,4%	0,0%	0,7%	0,7%	34,9%
		female	Count	162	13	2	13	2	192
			% within sex of the interviewed	84,4%	6,8%	1,0%	6,8%	1,0%	100,0%
			% of Total	54,9%	4,4%	0,7%	4,4%	0,7%	65,1%
	Total	Count	254	20	2	15	4	295	
		% within sex of the interviewed	86,1%	6,8%	0,7%	5,1%	1,4%	100,0%	
		% of Total	86,1%	6,8%	0,7%	5,1%	1,4%	100,0%	

The socio-economic and cultural factors affect disproportionately men's and women's choices in the selection of the proper educational profile. As it may be seen in the table15 among women respondents around 80 percent have decided freely on the latter, while among men the percentage is 92.5.

			sex of the interviewed		Total
			male	female	
profession proper choice?	yes	Count	124	172	296
		% within sex of the interviewed	92,5%	79,6%	84,6%
		% of Total	35,4%	49,1%	84,6%
	no, no € for studies other city	Count	1	7	8
		% within sex of the interviewed	0,7%	3,2%	2,3%
		% of Total	0,3%	2,0%	2,3%
	no parents permit for other city	Count	0	5	5
		% within sex of the interviewed	0,0%	2,3%	1,4%
		% of Total	0,0%	1,4%	1,4%
	no money for followup/spec.	Count	2	9	11
		% within sex of the interviewed	1,5%	4,2%	3,1%
		% of Total	0,6%	2,6%	3,1%
	no, family influence on choice	Count	0	1	1
		% within sex of the interviewed	0,0%	0,5%	0,3%
		% of Total	0,0%	0,3%	0,3%
	no,got married, no followup/spec.	Count	3	15	18
		% within sex of the interviewed	2,2%	6,9%	5,1%
		% of Total	0,9%	4,3%	5,1%
	no, other reasons	Count	4	7	11
		% within sex of the interviewed	3,0%	3,2%	3,1%
		% of Total	1,1%	2,0%	3,1%
Total	Count	134	216	350	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,3%	61,7%	100,0%	

Main reasons influencing women choices are of economic reasons, where 7.4 percent of women could not follow up or specialise in certain educational field because of the physical distance/accessibility of the schools (no financial means to transfer in another town and sustain the related costs) and for the lack of financial resources necessary for the procurement of the educational materials or for the payments of fees in case of higher education. The remaining 9.2 percent of women could not choose or

specialise in certain educational field for social and cultural reasons (6.9 percent because of marriage, 2.3 percent for family influences). In the case of men, the causes for not following up certain field of study are mainly financial (1.5 percent) or social (for marriage in 2.2 percent of cases). The existence of traditional cultural norms affecting differently the choices of men and women in the society, and in this particular case their professions, are present in Macedonia. In fact, within the questionnaire respondents were asked to answer which field of education (which professions) they considered as suitable for women and among all the options given only a small percentage (16 percent) indicated that there are no such professions suitable for one gender or another. The majority of the interviewed considered that it is more suitable for women to study in fields like education (pedagogy, teaching), medicine (doctors, nurses), beauty and cosmetics (See Table 16).

Table 16		Responses		Percent of Cases
		N	Percent	
gendered profession(a)	Teacher	198	28,5%	55,5%
	Engineer	12	1,7%	3,4%
	Jurist, sociologists, Social worker (humanistic sciences)	74	10,7%	20,7%
	Economist	51	7,3%	14,3%
	Doctor , nurse	124	17,9%	34,7%
	Farmer	4	0,6%	1,1%
	Mason,plummer, mechanic,electrician	1	0,1%	0,3%
	Hairdresser,beauty specialist	101	14,6%	28,3%
	Trader	7	1,0%	2,0%
	Other	6	0,9%	1,7%
	No such professions suitable for women or men	116	16,7%	32,5%
Total	694	100,0%	194,4%	

These opinions are diffused among men and women equally, rendering the idea that are well embraced within the society. What though need to be examined is if these gender based professions end up to be the cause for generating further inequalities among men and women in terms of creating low paid types of employment, issue that will be examined in the analysis of the next capability together with other issues relating level and type of education and employment.

#### III.II.IV. Economic independence (individual property and employment)

The uppermentioned capability refers to a certain aspects of citizens lives that has been more seriously affected in the transitional period. The political and economic changes that have been enacted brought up, as mentioned, to a general reduction of the country GDP and to an overall decline in the living standards of the population. The processes of privatisation and economic restructuring, in fact,



generated an increase in the employee's lay off's from the previously socially owned enterprises, i.e. to a major unemployment, to a deterioration in the levels of income and in the economic and social security of the population. This situation produced an increase in the level of poverty of the population and affected – disproportionately - their capabilities to provide for themselves adequate medical care and acquire knowledge. The aim of the analysis of this capability is to evaluate whether the transitional policies had their gendered consequences in terms of economic independence of the citizens and to outline the causes for the latter. What is considered though important, as mentioned in the introduction, is to analyse the economic independence of the individual as a members of a family and not the family itself as a unit of analysis, since inequalities may exist within the latter and not be individuated by the official statistical data. In this sense, the study is developed on two stages, on one side, it examines the gender based inequalities generated as a consequence of the transitional policies in the world of public employment and is based on the available statistical data. On the other side, it evaluates the economic independence of men and women within the family unit, i.e. it examines whether the latter dispose of proper income or of own properties, if they are familiar with the legal provisions regulating the latter and if they are employed and on what position. In an analysis of a gender based disparities in terms of human development it is particularly important, as mentioned in the introduction, to examine the economic power within the family, since the latter creates and influences the power relations that are creating in this unit and touches the so-called private sphere that is rarely an area of concern of the economic scholars.

The length and the complexity of the policy of economic restructuring in Macedonia during the years of transition have exerted great impact on the labour market, i.e. on the labourers and on the labour relations. As it was mentioned in the first paragraph, the difficult process of transition and economic restructuring, caused directly by the state economic policy or indirectly by the negative feedback of the regional occurrences, generated a general increase in economic inactivity and unemployment. With the enactment of the privatisation and the restructuring of the socially owned enterprises (which employed around 216.000 workers) in 1993, many employees were laid off, which were only partly reabsorbed by the restructured and newly created enterprises. These newly established enterprises, mainly small start-up business were, in fact, the main driving force of the modest growth registered during transition, succeeding to create around 42.000 new jobs where laid-off workers and new entrants have been employed.<sup>308</sup> Despite this small improvement, economic inactivity and high level unemployment have

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<sup>308</sup> European Training Foundation, *Labour Market Review of Former Yugoslav Republic of Macedonia*, Working Paper, ETF, 2005.

been almost steady during the whole transitional period. The main reasons that have been indicated by different economic experts were the modest economic growth in first place, the limited mobility within the labour market, the high incidence of unskilled workers, the existence of an informal-grey labour market and the national laws regulating the labour relations.<sup>309</sup>

The occurrences in the labour market caused by the transitional processes had their gender consequences either in terms of economic inactivity or for what concerns their participation in the labour market and in particular the conditioning and discrimination they face in job accessibility, in the wage sector and the carriers progressing. The gender disparities had also their strong correlations with further elements, such as ethnicity and residence. What is particularly disturbing, however, is the continuous (steady) high incidence of women economic inactivity during the whole transitional period. According to the state criteria economically non active citizens are considered those who are in a working age and are unemployed but are not seeking for employment and thus are not included within the category of unemployed (those still included in the educational process, women in maternity leave, pensioners retired earlier in line with the policy of privatisation, potential and discouraged workers). The female share among the economically inactive population was 57.1 percent in 1996 and 59 percent in 2004.<sup>310</sup> Men inactivity on the other side is much lower and extended from 33 percent in 1996 to 36 percent in 2004.<sup>311</sup> Female inactivity prevails with respect to men's in almost age groups but is particularly disproportionate in the age groups of 25 to 34 years (73 percent of female inactivity rate versus 27 percent of male inactivity), 35-44 years (77 percent against 23 percent) and 45-54 years (73 percent against 27 percent) in 2004. The share of economic inactivity is different among the ethnic communities, where according to the data from 2002 Census it is lowest among the ethnic Macedonians (46.5 percent) and highest among ethnic Albanians with 70.7 percent. Roma, Turk and other nationalities are registering a portion of economic inactivity that goes from 52.4 percent, 61.9 percent and 57 percent respectively. These disparities have strong gender correlation, in particular

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<sup>309</sup> European Training Foundation, *Labour Market Review of Former Yugoslav Republic of Macedonia*, Working Paper, ETF, 2005; Natalija Nikolovska (edited by), *Macedonia on Globalisation*, Global Scholarly Publications, New York, 2004; Mojsoska, N. *The National Employment Bureau of the Republic of Macedonia (FYR): An Assessment*. Stoke on Trent, UK, Staffordshire University Business School, Division of Economics. Working paper 2003.6, 2003a; Mojsoska, N. What is the optimal level of labour market flexibility in Macedonia (FYR)? *Bulletin of the Ministry of Finance of the Republic of Macedonia*, No. 7-8, 2003b; World Bank. *Former Yugoslav Republic of Macedonia – Focusing on the Poor (Volume I – Main Report and Volume II – Statistical Annex)*, Report No. 19411-MK. Washington, D.C., 1999a and b.

<sup>310</sup> In 2001, the female inactivity rate decreased up to 2.6 percent (from 57.1 percent in 1996 to 54.5 percent in 2001) but it can not be admitted that was the result of a steady economic growth but of an oscillating improvements resulting in occasional increase in the job offers, in particular after the Kosovo crisis in 1999 when Macedonia registered modest rise in the national GDP. Data taken from State Statistical Office, *Labour Force Survey (1996-2003)*, *Statistical Yearbook 2003*, Skopje 2003 and *Women and Men in Macedonia*, Skopje, 2006.

<sup>311</sup> State Statistical Office, *Ibidem*.

regarding Roma female workforce and ethnic Albanian women from the rural areas and in the regions inhabited with significant ethnic Albanian population.<sup>312</sup> This low female activity can not be considered as a simple result of a proper choice on behalf of the Macedonian women, in first place because the average living standards and incomes are below of the funds needed for the maintainment of the family on behalf of one (male) breadwinner. Secondly, even though there has always been certain strata of the female population that has traditionally been economically inactive (like Albanian women from the rural areas), the average participation of women workers in the labour market has been however high in the previous system. The causes for the increased female inactivity (and up to certain extent traditional inactivity in the case of Albanian rural women) can be assigned to further factors, economic, social and cultural ones, such as low educational status, the increased costs for the childcare facilities and services and/or for the primary role traditionally conferred to women within the latter, the diffused employers view of women as more expensive labour because of the long maternity leave<sup>313</sup> and the likelihood of child care as well as the long term unemployment that may act as a strong incentive for the drop outs of the labour market. In Macedonia, the prevalence of women that are economically active are those who have upper secondary or tertiary education (in average 62 percent and 82 percent respectively in the period between 1999 and 2004)<sup>314</sup>, while good percentage of those with lower education or with none education, especially in the rural areas, are excluded from the labour market either because constitute an unskilled labour force and face difficulties in concurring for jobs or for their proper exclusion for obvious reasons (for not feeling able to concur for any job). Moreover, the increase of women responsibilities in the childcare, due mainly to the state withdrawal from the social sector represent another factor for their limited mobility and progressive dropouts from the labour market. During the years of transition, in fact, the state contracted the public expenditure in the social sphere, which brought up also to a decrease in the family support policies. The reduction in the state delivery of child allowances (by 66 percent from 1991 to 2004) as well as the decline of the real wages generated rising dropouts from the infant nurseries and kindergartens<sup>315</sup>, which on their own burdened/limited further on, women choices particularly in the urban areas, since in the rural ones the accessibility to these facilities is less favourable.<sup>316</sup> Finally, high and prolonged unemployment, caused

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<sup>312</sup> United Nations Development Programme, Human Development Report 2004 – Decentralisation for Human Development, [www.undp.org.mk](http://www.undp.org.mk) and State Statistical Office, *Census of Population, Households and Dwellings in the Republic of Macedonia, 2002* – Book XIII, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>313</sup> The reasons for this consideration have been explained in the previous chapter.

<sup>314</sup> For further information see European Training Foundation, *Ibidem* and United Nations Development Programme, *Ibidem*.

<sup>315</sup> State Statistical Office, *Statistical Yearbook 1991, 1995, 1999, 2002, 2005*, Skopje.

<sup>316</sup> Traditionally in the rural areas the availability of child nurseries and kindergarten's has been inferior.

also by the fact that women are considered as expensive workers, can be considered (at least for the Ministry of Labour and Social Policy<sup>317</sup>) as one of the reasons for female dropouts from the labour market. Besides this worrying aspects of high economic inactivity among female citizens, the situation of those who participate within the labour market (41 percent in 2004) is not more promising. Women, as mentioned, face several difficulties either for what concerns the equity in job accessibility or for the wage payments and career progressing. One of the basic and constant political, economic and social problems in Macedonia was the high incidence of the unemployment among citizens economically active during the years of transition. Unemployment, even though it emerged as a phenomena even before the enactment of the political and economic changes, it has been principally the “product” of the transitional processes. According to official data unemployment increased progressively from the initial 15 percent in 1989 to 37.4 percent in 2004.<sup>318</sup> Taking into consideration the data from the labour force survey in 2002, for example, 31.9 percent (263.483 persons) of the totality of the economically active citizens above the age of 15 (824.824 persons) were unemployed and 68.1 percent were employed. In the sole category of unemployed, if we consider the numbers of economically active persons that in 2002 were without jobs (104.339 women and 159.144 men) than it would appear that there are not significant gender differences in the unemployment share. But if the unemployment rates are examined in correlation with the activity rates (322.901 women - 39.1 percent and 501.923 men – 60.9 percent) and the employment share, than the picture is quite different and disparities on gender grounds become more evident. Out of the total number of economically active population (824.824 persons), the share of employed women was 26.5 percent (218.562 persons) and that of men 41.5 percent (342.779 persons), while the share of unemployed women was 12.7 percent (104.339 persons) and that of men 19.3 percent (159.144 persons).<sup>319</sup> The same representation emerge also when the data referring to the economic activity of the population in 2004 are considered. According to the Labour Force Survey, in fact, there has been some slight improvement in the activity rate (it increased for several points among men and women equally reaching 64 percent in the former and 41 in the latter) but the proportion between the share of unemployment and employment was substantially not changed. In 2004, out of the total number of economically active population (832.832 persons), the share of employed women was 24 percent (202.355 persons) and that of men 39 percent (320.640 persons),

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<sup>317</sup> Ministry of Labour and Social Policy, *CEDAW – Official Report, Article 11*, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org);

<sup>318</sup> State Statistical Office, *Statistical Yearbook 1994, 2001 and 2005 and Labour Force Survey 1996-2003* data taken from United Nations Development Programme, *National Human Development Report 2004, FYR Macedonia – Decentralisation for Human Development*, [www.undp.org.mk](http://www.undp.org.mk).

<sup>319</sup> State Statistical Office, *Labour Force Survey within Women and Men in Macedonia*, Skopje, edition 2003 and 2006.

while the share of unemployed among the former was 15 percent (123.063 persons) and among the latter 22 percent (186.223 persons).<sup>320</sup> Gender based disparities among the economically active citizens were registered also within the single ethnic communities and in particular among the ethnic Albanians and the Roma population. In both cases the share of the female citizens in the economically active population is very low (16 percent in the case of the Albanian women and 36 percent among Roma women) and they are prevalently unemployed.<sup>321</sup> Despite this fact, however, it has to be affirmed that the unemployment as a phenomena affected men and women in almost equal share (within their categories, the share of unemployed men with respect to unemployed women was 31.7 percent to 32.3 percent in 2002 and 36.7 percent to 37.8 percent in 2004) and in particular those with lower educational attainment and in their relatively young age. The same assertion, though can not be made for what concerns the employment field, where in fact, significant gender disparities have been registered in relation not only to the share of female and male employment but also to the type and grade of working position covered, to the career progressing and the payment of salaries. The employment rate of the female population has been lower than that of men during the whole transitional period and one significant indicator in this sense may be represent the fact that in 2004, for example, women represented only 38.7 percent (202.355 persons) of the totality of the employed persons, leaving to men the coverage of the remaining 61.3 percent (320.640 persons).<sup>322</sup> The responsibility for this situation may be ascribed/assigned, in first place, to the high economic inactivity of women that emerged not only as an expression of proper choice but also because of other conditionings previously explained and secondly for the impact that further factors exerted in the equity of the job accessibility. Certain among the latter can be mentioned, such as the generous maternity leave, which has caused preferences in particular in the private sector for male workers instead of female workers in their young age and in conditions of parity of qualifications. Moreover, in conditions of fable economic development, high unemployment and low social security, young women in their reproductive age have been exposed to determinate conditionings on behalf of employers concerning their family planning during the course of the working contract, even though similar actions are discriminative and prohibited by the law.<sup>323</sup> Last but not least, due to the existence of the informal labour market, certain portion of women that

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<sup>320</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2006.

<sup>321</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2003 and Labour Force Survey 2000 data taken from *CEDAW – Official Report*, Ministry of Labour and Social Policy CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org).

<sup>322</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2006.

<sup>323</sup> For more detailed information about this phenomena, see Association for Emancipation, Solidarity and Equality (ESE) of Women of Republic of Macedonia, *Shadow Report on the Implementation of the CEDAW*, Skopje, 2005, [www.esem.org.mk](http://www.esem.org.mk) and Liljana Jankulovska, Iskra Kondarko-Lazarevska, *Polozbata na Vrabotenata Zena vo Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na Zeni*, Skopje, Trudbenik 2004.

result as unemployed are though enrolled within the latter without any contractual coverage or are working for extended time with type of contracts that are of temporary character (with very limited duration) and have none social benefits (health and pension). In fact, according to the Trade Unions and the State Statistical Office, around 27.8 percent of the citizens are working in the informal labour market and in certain sectors, as for example the textile one, where 80 percent of the employed are women, 25 percent are working without any employment contract.<sup>324</sup> Finally, discriminative practices in the job accessing as for example selective announcements for working positions offered/addressed only to men or to women up to certain age and with for determinate positions have also been registered.<sup>325</sup> Gender specific working positions, however, are not uncommon in the Macedonian society, since there are sectors within the labour market which are predominantly male or female. This division has its roots in the previous socialist system where women labourers were encouraged to enroll for the so-called female professions which required less physical force and permitted to reconcile (either for the working hours or for the type of employment) their working tasks with the responsibilities they had within the family and the domestic sphere. This division of male and female working sectors and professions was not challenged during the transitional period, due to the fact that this practice is quite rooted in the society and is largely accepted and shared by the citizens, as it was reported in the previous paragraph. According to the available statistical data it can be affirmed that in the period between 1990 and 2004 more than 45 percent of women have been working in non industrial sector and in particular health and social sector, education, wholesale and retail and public administration, while other 25 percent in the industrial sector and prevalently in the textile industry.<sup>326</sup> When the sectoral division of employment is considered between men and women as the than it emerge that the latter are dominating in fields like health and social work, education, financial intermediation, while the former in sectors as construction, transport and communication, electricity and water supply. This fact by itself would have had limited significance, in the sense that it would have demonstrated only the existence of employment segregation by sectors, but if the latter is correlated to the amount of the average wages and the employment statuses and positions that men and women cover within these sectors, than further conclusions could be brought up that indicate the existence of gender based inequalities. In certain sectors where women represent the majority of the employed are those that are

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<sup>324</sup> State Statistical Office, *Statistical Yearbook 2003*, Skopje 2004; Zdruzenie za emancipacija, solidarnost i ednakvost na zenite vo Republika Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na zeni, *Perspektivnosta na Zenata na Pazarot na Trudot*, Skopje, 2006.

<sup>325</sup> Zdruzenie za emancipacija, solidarnost i ednakvost na zenite vo Republika Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na zeni, *Perspektivnosta na Zenata na Pazarot na Trudot*, Skopje, 2006.

<sup>326</sup> State Statistical Office, *Statistical Yearbook 1994-2004*, [www.stat.gov.mk](http://www.stat.gov.mk).

less paid, or others where there is more equated division of employees from both sexes, women usually occupy the lower positions.<sup>327</sup> For what concerns the first case, i.e. the disparities in salaries within different employment sectors, is it possible to assert that there exist a concrete gender pay gap? Directly non, because there is legal provision, that according to the official statements of the trade unions is respected, which states that employees exerting the same type of job and having the same qualification, receive the same salary.<sup>328</sup> Within the public administration, in fact, no gender pay gaps have been registered mainly because a job classification system exist which sets the criteria for the positions covered and the equivalent salary paid. In the private sector, though, the situation is rather different. The average wage in the textile industry, where women represent more than 80 percent of the employees, is much lower than the one paid in the tobacco industry.<sup>329</sup> Moreover, the best paid jobs are those related to electricity and water supply and transport and communications<sup>330</sup>, where men are the prevalent workforce. It can not be asserted that there is a clear discrimination on a gender basis, since the reasons for these inequalities derive from other sources that are not directly gender related. One of the main causes for these differences in the amount of the salaries, is that no minimal wage has been asserted with the collective agreements, except for the minimal amount of the social benefits that have to be paid to the employees, so employers are free to decide the amount of the latter on the basis of the market evaluations. Moreover, there is still no elaborate job classification system that would refer to the workers from the private sector also.<sup>331</sup> According to these information, in fact, it can not be affirmed that there is direct discrimination based on gender in the payments of the salaries, but it can be asserted that there is an indirect discrimination caused by external reasons that produces inequalities between men and women, which have not been faced neither with the last collective agreement signed between the government and the trade unions in 2006.<sup>332</sup> Gender segregation is also present in relation, as mentioned, to the economic status and the employment positions within the labour force. For what concerns the economic status, even though both men and women are prevalently registered within the

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<sup>327</sup> State Statistical Office, *Women and Men in Macedonia*, Skopje, 2003, pg. 41.

<sup>328</sup> Interview of the author with Liljana Jankulovska, former president of the Trade Union's Women Section in June 2007; Zdruzenie za emancipacija, solidarnost i ednakvost na zenite vo Republika Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na zenii, *Ibidem*, Association for Emancipation, Solidarity and Equality (ESE) of Women of Republic of Macedonia, *Shadow Report on the Implementation of the CEDAW*, Skopje, 2005, [www.esem.org.mk](http://www.esem.org.mk).

<sup>329</sup> State Statistical Office, *Statistical Yearbook 1994-2004*, [www.stat.gov.mk](http://www.stat.gov.mk).

<sup>330</sup> It is necessary to make an appoint here that the relative high wages within both sectors derive prevalently from the enterprises for telecommunication and the distribution of electricity and water supply which have monopolistic positions. The first one has been privatised but the state owns great share, while the second one was in the phase of privatisation at the moment when this work has been written.

<sup>331</sup> Marija Savovska (Edited by), *On the Road to UE – Monitoring Equal Opportunities for Men and Women in the Republic of Macedonia*, Zdruzenie na gragjani “Akcija Zdruzenska”, Skopje, 2006.

<sup>332</sup> The terms direct and indirect discrimination on gender grounds have been legally coined within the Macedonian laws with the latest revisions and modifications, issues that will be discussed in the next chapter.

category of employees, there are more men among the employers and own-account workers, while women represent the majority of the unpaid family workers.<sup>333</sup> In fact, if the economic status of female workers only is taken into consideration, than it results that around 80.5 percent are employees, 3,4 percent are employers, 4.1 percent are own-account workers and 12 percent are considered as unpaid family worker.<sup>334</sup> The unpaid family workers are particularly common in the rural areas where women work on the family farms.<sup>335</sup> In relation to the employment positions there are no official gender based data about the working hierarchies within different sectors of the labour market, except some information about certain sectors of the public administration. According to the available data, in fact, in certain sectors where women are highly enrolled/present, such as education and public health, they occupy only 30 percent of the managerial positions in the institution of primary education and 12 percent in the public medical institutions.<sup>336</sup> There are though data that approximately indicate the differences between men and women according to the type of occupation. According to the data from 2002 only 2.2 percent of employed women are counted/registered within the category of legislators, senior officials and managers, while 34 percent work as clerks, technicians and market sales workers. Within the category of employed men the proportion in the same occupations is of 6 percent and 24.8 percent respectively. In Macedonia women occupy usually lower level working positions that require limited working responsibility and are less paid, even though the level of education of the employed female workers is almost equal if not higher when compared with men (68.8 percent of employed women and 67.2 of employed men have upper secondary or higher education).<sup>337</sup> Despite this fact, however, women tend to earn less because they are working prevalently within the lower paid occupations. According to the official data, 12 percent of women are unpaid family workers, 65.1 percent receive salary that is within the average and only 13.8 percent above that, while among men only 6.5 percent are unpaid for their work within the family, 56.7 percent receive salary that is within the average and 21 percent above the average net-pay. If we consider that differences in the employment positions and the equivalent salaries can be produced on the basis of the workers efficiency, which has to be

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<sup>333</sup> State Statistical Office, *Women and Men in Macedonia*, 2 edition, Skopje 2006 and Zdrzenie za emancipacija, solidarnost i ednakvost na zenite vo Republika Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na zeni, *Perspektivnosta na Zenata na Pazarot na Trudot*, Skopje, 2006

<sup>334</sup> *Ibidem*.

<sup>335</sup> Naum Matilov, Jorde Jakimovski, *Status and Role of the Rural Women*, Deutsche Gesellschaft fur Technische Zusammenarbeiten (GTZ), Skopje, 2001.

<sup>336</sup> Zdrzenie za emancipacija, solidarnost i ednakvost na zenite vo Republika Makedonija, Sojuz na Sindikati na Makedonija – Sekcija na zeni, *Perspektivnosta na Zenata na Pazarot na Trudot*, Skopje, 2006, pg. 69.

<sup>337</sup> See also Ljubica Coneva, *Socijalno -ekonomskata polozba na zenite vo Makedonija in Socijalnata Polozba na Naselenieto vo Republika Makedonija – Siromastija, ekskluzija i participacija vo socijalniot zivot*, Jorde Jakimovski (Urednik), Institut za socioloski i politicko pravni istrazuvanja, Friedrich Ebert Stiftung, Skopje, 2003, pg. 45-55.



individually evaluated, and on the grounds of her/his qualifications and educational attainment, than these inequalities in the occupations levels and the remunerations between men and women have not justifiable reasons. It is true that the absence of the qualification job system and the definition of the lowest wage helps generating disparities in remuneration, but can not be considered as reasons justifying the prevalent male hierarchy within the working positions, nor the pay-gaps that exist between men and women with equivalent educational level. By excluding these external factors, it can be asserted that the main reason causing these inequalities is exactly the gender component and its related socio-cultural patterns. Women in Macedonia, although there are not official statements declaring it, are not only considered as expensive workers (due to nine months maternity leave, but also for paid absences for childcare etc.) but also as unreliable ones because of their extensive tasks within the household and the family, which renders them less adequate than men to cover high-responsibility positions and to deal with them. But these inequalities in the employment field and in the level of economic activity affect not only women's economic independence but also all aspects of their lives curtailing their capabilities to ascend the social and economic leader and to actively participate in the public life of the country. This may not be the general rule, since inequalities in the public world of employment may be compensated within the private familial sphere, thanks to the additional incomes of the other members, granting in this way to all its members equal freedoms and opportunities to lead the lives they please or choose. But what if this does not happened? What is important though in the analysis of men's and women's economic well-being is to consider them not as members of a family unit but as citizens, i.e. as political, civil and social beings, as it was asserted in the first chapter. Therefore, the assessment of the individual well-being and not of the family as a unit assumes great relevance in a gender based analysis. In fact, an attempt has been made to evaluate the economic independence of certain number of Macedonian men and women through the questionnaire. Respondents, in fact, were asked to indicate their economic/employment status and to precise who in their family generates an income. Analysing the answers obtained it emerged that in overall, 83.9 percent of the interviewed men and 66.3 percent of the interviewed women have been producing their proper income through employment, farming, social assistance or pensions. (see table 17)

<b>Table 17: working status * sex of the interviewed Crosstabulation</b>					
			sex of the interviewed		Total
			male	female	
working status	employed	Count	98	131	229
		% within sex of the interviewed	72,1%	59,0%	64,0%
		% of Total	27,4%	36,6%	64,0%

	farmer	Count	10	0	10
		% within sex of the interviewed	7,4%	0,0%	2,8%
		% of Total	2,8%	0,0%	2,8%
	unemployed	Count	19	51	70
		% within sex of the interviewed	14,0%	23,0%	19,6%
		% of Total	5,3%	14,2%	19,6%
	income support	Count	1	5	6
		% within sex of the interviewed	0,7%	2,3%	1,7%
		% of Total	0,3%	1,4%	1,7%
	unpaid family worker	Count	0	16	16
		% within sex of the interviewed	0,0%	7,2%	4,5%
		% of Total	0,0%	4,5%	4,5%
	retired	Count	5	11	16
		% within sex of the interviewed	3,7%	5,0%	4,5%
		% of Total	1,4%	3,1%	4,5%
	other	Count	3	8	11
		% within sex of the interviewed	2,2%	3,6%	3,1%
		% of Total	0,8%	2,2%	3,1%
Total	Count	136	222	358	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,0%	62,0%	100,0%	

When disaggregated by place of residence and gender, the disparities become sharper between men and women from the rural areas, while in the urban areas are similar. As the table 18 annex 1 indicates, 97.8 percent of the male respondents and 40 percent of the female respondents from the rural areas are generating their income.

place of residence	sex of the interviewed			working status						Total	
				employed	farmer	unemployed	income support	unpaid family worker	retired		other
countryside	male	Count	20	8	4	0	0	1	0	33	
		% within sex of the interviewed	60,6%	24,2%	12,1%	0,0%	0,0%	3,0%	0,0%	100,0%	
		% of Total	31,7%	12,7%	6,3%	0,0%	0,0%	1,6%	0,0%	52,4%	
		female	Count	9	0	8	2	9	1	1	30
			% within sex of the interviewed	30,0%	0,0%	26,7%	6,7%	30,0%	3,3%	3,3%	100,0%
			% of Total	14,3%	0,0%	12,7%	3,2%	14,3%	1,6%	1,6%	47,6%
	Total	Count	29	8	12	2	9	2	1	63	
		% within sex of the interviewed	46,0%	12,7%	19,0%	3,2%	14,3%	3,2%	1,6%	100,0%	
		% of Total	46,0%	12,7%	19,0%	3,2%	14,3%	3,2%	1,6%	100,0%	

town	sex of the interviewed	male	Count	78	2	15	1	0	4	3	103
			% within sex of the interviewed	75,7%	1,9%	14,6%	1,0%	0,0%	3,9%	2,9%	100,0%
			% of Total	26,4%	0,7%	5,1%	0,3%	0,0%	1,4%	1,0%	34,9%
		female	Count	122	0	43	3	7	10	7	192
			% within sex of the interviewed	63,5%	0,0%	22,4%	1,6%	3,6%	5,2%	3,6%	100,0%
			% of Total	41,4%	0,0%	14,6%	1,0%	2,4%	3,4%	2,4%	65,1%
	Total	Count	200	2	58	4	7	14	10	295	
		% within sex of the interviewed	67,8%	0,7%	19,7%	1,4%	2,4%	4,7%	3,4%	100,0%	
		% of Total	67,8%	0,7%	19,7%	1,4%	2,4%	4,7%	3,4%	100,0%	

What is significant in analysing these data is that 24.2 percent of the men have declared themselves as farmers and none among the women, while the situation is inverse within the category of unpaid family workers, 0 percent among the men and 30 percent of the women. These data confirm in fact that the affirmation stated above that women from rural areas, although working on the property, tend to declare themselves as unpaid family worker, while none of the men. The inequalities in income between men and women are registered also in correlation within the ethnic belonging, where the latter are more economically dependent than the former within all ethnic communities. The most disturbing data is related to the female respondents of the Roma nationality, which reported, as it can be seen in the table 19, a total economic dependency.

**Table 19: sex of the interviewed \* working status \* nationality Crosstabulation**

nationality	sex of the interviewed			working status						Total	
				employed	farmer	unemployed	income support	unpaid family worker	retired		other
macedonian	sex of the interviewed	male	Count	52	4	11	1	0	1	3	72
			% within sex of the interviewed	72,2%	5,6%	15,3%	1,4%	0,0%	1,4%	4,2%	100,0%
			% of Total	23,6%	1,8%	5,0%	0,5%	0,0%	0,5%	1,4%	32,7%
		female	Count	95	0	25	3	11	10	4	148
			% within sex of the interviewed	64,2%	0,0%	16,9%	2,0%	7,4%	6,8%	2,7%	100,0%
			% of Total	43,2%	0,0%	11,4%	1,4%	5,0%	4,5%	1,8%	67,3%
	Total	Count	147	4	36	4	11	11	7	220	
		% within sex of the interviewed	66,8%	1,8%	16,4%	1,8%	5,0%	5,0%	3,2%	100,0%	
		% of Total	66,8%	1,8%	16,4%	1,8%	5,0%	5,0%	3,2%	100,0%	
albanian	sex of the	male	Count	20	3	3	0			0	26

			% within sex of the interviewed	76,9%	11,5%	11,5%	0,0%			0,0%	100,0%	
			% of Total	29,9%	4,5%	4,5%	0,0%			0,0%	38,8%	
		female	Count	24	0	12	2			3	41	
			% within sex of the interviewed	58,5%	0,0%	29,3%	4,9%			7,3%	100,0%	
			% of Total	35,8%	0,0%	17,9%	3,0%			4,5%	61,2%	
	Total		Count	44	3	15	2			3	67	
			% within sex of the interviewed	65,7%	4,5%	22,4%	3,0%			4,5%	100,0%	
			% of Total	65,7%	4,5%	22,4%	3,0%			4,5%	100,0%	
roma	sex of the interviewed	male	Count	7		3			2		12	
			% within sex of the interviewed	58,3%		25,0%			16,7%		100,0%	
			% of Total	31,8%		13,6%			9,1%		54,5%	
		female	Count	0		10			0		10	
			% within sex of the interviewed	0,0%		100,0%			0,0%		100,0%	
			% of Total	0,0%		45,5%			0,0%		45,5%	
	Total		Count	7		13			2		22	
			% within sex of the interviewed	31,8%		59,1%			9,1%		100,0%	
			% of Total	31,8%		59,1%			9,1%		100,0%	
turk	sex of the interviewed	male	Count	9	1	0					10	
			% within sex of the interviewed	90,0%	10,0%	0,0%						100,0%
			% of Total	50,0%	5,6%	0,0%						55,6%
		female	Count	6	0	2						8
			% within sex of the interviewed	75,0%	0,0%	25,0%						100,0%
			% of Total	33,3%	0,0%	11,1%						44,4%
	Total		Count	15	1	2					18	
			% within sex of the interviewed	83,3%	5,6%	11,1%					100,0%	
			% of Total	83,3%	5,6%	11,1%					100,0%	
other	sex of the interviewed	male	Count	10	2	2		0	2	0	16	
			% within sex of the interviewed	62,5%	12,5%	12,5%		0,0%	12,5%	0,0%		100,0%
			% of Total	32,3%	6,5%	6,5%		0,0%	6,5%	0,0%		51,6%
		female	Count	6	0	2		5	1	1	15	
			% within sex of the interviewed	40,0%	0,0%	13,3%		33,3%	6,7%	6,7%		100,0%
			% of Total	19,4%	0,0%	6,5%		16,1%	3,2%	3,2%		48,4%
	Total		Count	16	2	4		5	3	1	31	
			% within sex of the interviewed	51,6%	6,5%	12,9%		16,1%	9,7%	3,2%	100,0%	
			% of Total	51,6%	6,5%	12,9%		16,1%	9,7%	3,2%	100,0%	

These data however have to be considered with high degree of caution, because there may be cases of men and women working on the grey market, performing day by day activities<sup>338</sup> and declare as unemployed because of the short-term and irregular character of these working engagements. As mentioned before, important for this analysis though is to assess the economic independence of the individuals within the family and therefore one first step in this direction has been made with the question posed to the respondents, as indicated above, about the main income generators within their family units. According to the answers gained<sup>339</sup>, it resulted in fact that among the married male respondents 26.2 percent of them answered to be the only income producers, while 62.6 percent to generate it together with their spouses or other members of the family, while only 9.3 percent indicated that are economically depending on others. In the case of the female married respondents, 9.4 percent of them answered to be the only income producers (1.9 percent out of social assistance), 60.7 percent are generating it together with their spouses and other members of the family and 29.4 percent of the women answered to depend economically from others (see table 20).

**Table 20: sex\*marstatus Crosstabulation**

marital status				familyincomegenerator								Total
				only me	only spouse	me and spouse	me, spouse and other	me and my parents	other members of fam	social assistance	parents only	
married	sex of the interviewed	male	Count	28	6	42	21	4	4	2	0	107
			% within sex	26,2%	5,6%	39,3%	19,6%	3,7%	3,7%	1,9%	0,0%	
			% of Total	10,5%	2,2%	15,7%	7,9%	1,5%	1,5%	0,7%	0,0%	40,1%
	female	Count	12	39	70	27	0	8	3	1	160	
			% within sex	7,5%	24,4%	43,8%	16,9%	0,0%	5,0%	1,9%	0,6%	
			% of Total	4,5%	14,6%	26,2%	10,1%	0,0%	3,0%	1,1%	0,4%	59,9%
Total	Count	40	45	112	48	4	12	5	1	267		
		% of Total	15,0%	16,9%	41,9%	18,0%	1,5%	4,5%	1,9%	0,4%	100,0%	

<sup>338</sup>

In the urban areas there are women that are working mainly as cleaning ladies in buildings and apartments, but prostitution also has been mentioned as a way of survival. In rural areas, poor men and women work as day laborers on other people's land (cutting, digging, sawing, knitting) or collecting various herbs, woods, mushrooms etc. World Bank Report n° 19411 – MK, The Former Yugoslav Republic of Macedonia, *Focusing on the Poor - Main Report I and II*, 1999 and Ljubica Coneva, *Socijalno -ekonomskata položba na zenite vo Makedonija in Socijalnata Položba na Naselenieto vo Republika Makedonija – Siromastija, ekskluzija i participacija vo socijalniot život*, Jorde Jakimovski (Urednik), Institut za socioloski i politicko pravni istrazuvanja, Friedrich Ebert Stiftung, Skopje, 2003, pg. 45-55.

<sup>339</sup>

The sole category of married citizens are taken into consideration in this analysis.

single	sex of the interviewed	male	Count	1	0			15	1		9	26
			% within sex	3,8%	0,0%			57,7%	3,8%		34,6%	
			% of Total	1,4%	0,0%			21,1%	1,4%		12,7%	36,6%
		female	Count	1	3			26	0		15	45
			% within sex	2,2%	6,7%			57,8%	0,0%		33,3%	
			% of Total	1,4%	4,2%			36,6%	0,0%		21,1%	63,4%
	Total	Count	2	3			41	1		24	71	
		% of Total	2,8%	4,2%			57,7%	1,4%		33,8%	100,0%	
living together	sex of the interviewed	male	Count	1		1		0				2
			% within sex	50,0%		50,0%		0,0%				
			% of Total	16,7%		16,7%		0,0%				33,3%
		female	Count	0		3		1				4
			% within sex	0,0%		75,0%		25,0%				
		% of Total	0,0%		50,0%		16,7%				66,7%	
Total	Count	1		4		1				6		
	% of Total	16,7%		66,7%		16,7%				100,0%		
divorced	sex of the interviewed	male	Count	0			1	0	0	0		1
			% within sex	0,0%			100,0%	0,0%	0,0%	0,0%		
			% of Total	0,0%			11,1%	0,0%	0,0%	0,0%		11,1%
		female	Count	4			0	2	1	1		8
			% within sex	50,0%			0,0%	25,0%	12,5%	12,5%		
		% of Total	44,4%			0,0%	22,2%	11,1%	11,1%		88,9%	
Total	Count	4			1	2	1	1		9		
	% of Total	44,4%			11,1%	22,2%	11,1%	11,1%		100,0%		
separated	sex of the interviewed	male	Count	0				0	0		1	1
			% within sex	0,0%				0,0%	0,0%		100,0%	
			% of Total	0,0%				0,0%	0,0%		25,0%	25,0%
		female	Count	1				1	1		0	3
			% within sex	33,3%				33,3%	33,3%		0,0%	
			% of	25,0%				25,0%	25,0%		0,0%	75,0%

			Total									
	Total		Count	1				1	1		1	4
			% of Total	25,0%				25,0%	25,0%		25,0%	100,0%
widow	sex of the interviewed	male	Count	5				1	1			7
			% within sex	71,4%				14,3%	14,3%			
			% of Total	71,4%				14,3%	14,3%			100,0%
	Total		Count	5				1	1			7
			% of Total	71,4%				14,3%	14,3%			100,0%

Second step in the assessment of the economic independence was to discover whether respondents possessed other goods that could guaranteed them some economic security, besides the income generated through employment, farming or social assistance. Three questions were posed to men and women interviewed, i.e. to indicate who is the owner of the apartment/house where they live and whether they have other personal properties and properties they gained during the marital period. In relation to the first issue, the category of married persons was examined, from which it emerged that 42.9 of the female respondents have certain property of the house, or more precisely, 7.8 percent have the total ownership, while 35.1 percent together with their spouses. Among the male respondents, 57.6 percent have total or partial property of the house where they live (38.7 percent of them have the total ownership and 18.9 together with their wives). The remainant part of married men and women live in a house that is property of others, although one interesting fact is that the majority of the female respondents indicated their husband's and husband's parents as the main owners, while the majority of the male respondents their own parents (see table 21).

		sex of the interviewed		Total	
		male	female		
householder	mine	Count	41	19	60
		% within sex of the interviewed	30,1%	8,6%	16,8%
		% of Total	11,5%	5,3%	16,8%
	wife-husband	Count	4	38	42
		% within sex of the interviewed	2,9%	17,1%	11,7%
		% of Total	1,1%	10,6%	11,7%
	common	Count	20	55	75
		% within sex of the interviewed	14,7%	24,8%	20,9%
		% of Total	5,6%	15,4%	20,9%
	parents	Count	56	56	112
		% within sex of the interviewed	41,2%	25,2%	31,3%

	wife/husband parents	% of Total	15,6%	15,6%	31,3%
		Count	10	45	55
		% within sex of the interviewed	7,4%	20,3%	15,4%
	don't know	% of Total	2,8%	12,6%	15,4%
		Count	1	1	2
		% within sex of the interviewed	0,7%	0,5%	0,6%
	other	% of Total	0,3%	0,3%	0,6%
		Count	4	8	12
		% within sex of the interviewed	2,9%	3,6%	3,4%
Total	% of Total	1,1%	2,2%	3,4%	
	Count	136	222	358	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
		% of Total	38,0%	62,0%	100,0%

This data reflect in fact a practice in Macedonia that has its cultural and traditional background and that is still widespread in the country (in the urban and the rural areas and within the single ethnic communities) mostly because of the relative poverty and the economic difficulties that the population face, which imposes to married couples to live, if not in proper, in the house of the groom's parents. Although this may represent an interesting occurrence for an ethnological study, however, from a gender point of analysis this cultural and social practice reveal one significant vulnerability to which married women are exposed. The latter, in fact, may have their opportunities curtailed for what concerns their private and public life because of different conditionings created within this extended family where women are considered as the “newcomers”. Finally, for what concerns the possession of other properties, the interviewed, to which a possibility was given to choose among different (multiple) responses, it resulted that in proportion women are those who possess less own properties than men. Among those that are in marital relationship and possess individual properties, there are no significant differences on gender basis (see table 22).

Table 22			sex of the interviewed		Total
			male	female	
further proper ownership	Land	Count	24	28	52
		% of Total	5,6%	6,5%	12,1%
	Machinery	Count	12	2	14
		% of Total	2,8%	0,5%	3,3%
	Other real estates	Count	19	24	43
		% of Total	4,4%	5,6%	10,0%
	Car/van	Count	53	31	84
		% of Total	12,4%	7,2%	19,6%
	Enterprise	Count	18	9	27
		% of Total	4,2%	2,1%	6,3%
	None	Count	59	149	208
		% of Total	13,8%	34,8%	48,6%
	Total	Count	185	243	428



	% of Total	43,2%	56,8%	100,0%
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In the case of the common property gained during the connubial period, there are no significant difference in the responses given by the respondents.(see table 23).

		sex of the interviewed			Total
			male	female	
common properties	Land	Count	14	31	45
		% within sex	8,2%	10,9%	
		% of Total	3,1%	6,8%	9,9%
	Machinery	Count	8	11	19
		% within sex	4,7%	3,9%	
		% of Total	1,8%	2,4%	4,2%
	Other real estates	Count	15	35	50
		% within sex	8,8%	12,3%	
		% of Total	3,3%	7,7%	11,0%
	Car/van	Count	45	65	110
		% within sex	26,3%	22,9%	
		% of Total	9,9%	14,3%	24,2%
	Enterprise	Count	8	17	25
		% within sex	4,7%	6,0%	
		% of Total	1,8%	3,7%	5,5%
None	Count	81	125	206	
	% within sex	47,4%	44,0%		
	% of Total	17,8%	27,5%	45,3%	
Total		Count	171	284	455
		% of Total	37,6%	62,4%	100,0%

This last information by itself does not have great meaning for the assessment of the economic independence within the family, except in relation to the respondents knowledge of the laws that are regulating the connubial property. In fact, according to their answers given, the overall majority of men and women interviewed knows that the property gained in marriage is legally considered as common property (see table 24) and that neither of the connubial partners is authorised to manage with the latter without the consent of the other partner (table 25).

			sex of the interviewed		Total
			male	female	
law common property in marriage	yes	Count	127	208	335
		% within sex of the interviewed	93,4%	93,7%	93,6%
		% of Total	35,5%	58,1%	93,6%
	no	Count	9	14	23

		% within sex of the interviewed	6,6%	6,3%	6,4%
		% of Total	2,5%	3,9%	6,4%
Total		Count	136	222	358
		% within sex of the interviewed	100,0%	100,0%	100,0%
		% of Total	38,0%	62,0%	100,0%

**Table 25: law management of common property \* sex of the interviewed Crosstabulation**

		sex of the interviewed			
		male	female	Total	
law management of common property	yes	Count	123	202	325
		% within sex of the interviewed	90,4%	91,4%	91,0%
		% of Total	34,5%	56,6%	91,0%
	no	Count	13	19	32
		% within sex of the interviewed	9,6%	8,6%	9,0%
		% of Total	3,6%	5,3%	9,0%
Total	Count	136	221	357	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,1%	61,9%	100,0%	

Resuming the information obtained by the main indicators revealing the state of the economic activity of the Macedonian citizens during the transitional period it may be asserted that inequalities on gender grounds in overall, but also within the single ethnic communities and in the different living areas have been documented. Strong correlation has been found though between the gender identity and the economic performances of the citizens, but not only, traits relating to education, age, ethnic belonging and place of residence, socio-cultural and institutional patterns affect also their capabilities. Economic inactivity, inequalities in the job accessibility, in the career improvements and in the wage remuneration are among the factors that condition women's economic independence and consequently affect the exercise of their citizenship rights in the sphere of civil and political activities and render them more vulnerable in the power relations that are created within the family. The low economic activity of the female citizens, however, as it was argued within the previous pages is not a casual one but has clear institutional and socio-cultural roots, that are originated within the legal regulations and within the customary rules. The conception of the female labour as the expensive one is caused by the overall protective policy towards women in their reproductive age, as discussed in the previous chapter, which could have been adequate for the labour policy of the previous system, but not during the transitional period where the unemployment and the offer of the workforce is high. Moreover, the legal conferring of the responsibilities to women as the primary child caregiver and the modest structures furnished for the latter by the state, constitute additional valid reasons for the female economic

inactivity. Finally, the institutional ineffectiveness to eradicate the informal labour market and all other discriminative practices in the job accessibility and the career progressing is significant factor penalising women's performances in the labour market. Socio-cultural factors on the other side, have contributed in the maintain of the sexual division of labour that existed also during the previous system and the gender based hierarchy in the working positions, mainly because of the prevalent conception of women as not simply citizens and participants within the labour market entitled to equal rights and opportunities, but also as the main persons awarded to perform the unpaid domestic labour. Male employment patterns, in fact, sustain and are sustained by the domestic division of labour. The latter, together with the issue of childcare and the time resource are discussed within the next capability.

#### III.II.V. Unpaid domestic and care activities and time disposal

The access to paid employment is an important element in gaining proper economic independence but is not a sufficient guarantee for enabling one person to engage in other activities that derive from their citizenship. The fulfilment of further capabilities, such as engaging in social relations, taking part in certain civic or cultural activities or participating actively in the political life of the proper community may be compromised by other factors that apparently may seem insignificant but are though relevant, such as the time disposal. The time factor has always represented a major problem for women than for men, due to the basic inequalities in the division of the performance of the domestic work. The domestic work and the care for the children and elderly in Macedonia have traditionally been performed by women due to the prevalent patriarchal patterns of the society widely spread and never questioned, not even during the socialist period. As already explained in the first chapter through the critical reflections of the former Yugoslav feminists, the socialist state has promoted a policy of equal employment for all citizens but accepted the clear division of the public and the private sphere by never actually tackling the issue of the performance of the domestic work. In fact, women have been enrolled in the world of paid employment but under male conditions, i.e. they were enrolled within female-specific employment fields and occupied low level positions so as to be enabled to reconcile their engagement in the paid jobs and the domestic responsibilities, which have always remained unrecognised and unvalued. This bearing of the main burden of the domestic work, i.e. the straining of women into “their places”, rendered them poor in terms of time disposal and caused their absence from other spheres of citizens activity. The causal relationship that existed and still persist between the domestic labour and the active engagement of one person in the exercise of her/his citizenship has been scientifically and politically neglected in Macedonia during the socialist period and afterwards. The

work that is daily performed and is regrouped within the category of domestic work has always been considered as normal part of the familial entourage and daily life and it was never analysed in what manner the latter actually influenced other aspects of the lives of the individuals within the family. The impact /the contribution of the domestic work on the national economy has rarely been object of study, since it did not generated any income for the families and it did not contributed in the creation of the gross domestic product. Moreover, the division of this work within the family and the power relations that it produced not only in the private sphere but also in the public sphere was never really politically questioned or contested and, as it will be seen in the next chapter, it started to receive some attention only recently. Nevertheless, it is one of the basic premises of this research that the impact of the unpaid domestic labour is important for person's human development, since it conditions equally as other capabilities (such as longevity, good health, education and etc.) the achievement of other functionings, i.e. other states of beings and doings. Moreover, its relevance should have been recognised and legally discussed in a context as the Macedonian one, where at one point, the main political and socio-economic patterns/values have been subjected to fundamental change and where the principles of democracy and equity have been constitutionally recognised. If this aspect of the private life remained untackled and if the division of the domestic labour did not accommodated the changes that have taken place in the public sphere than women are constrained to suffer time poverty and to lack opportunities to exercise their citizenship. Under the normative standpoint of analysis, the domestic work was not considered within the legal provisions regulating the labour or familial relations, as it was seen in the previous chapter, while the responsibilities in the care for children and elderly were devolved principally to the family, i.e. to women since they were considered as the primary caregiver. However, due to the importance conferred to this aspect of human life, several queries have been posed within the questionnaire in order to evaluate whether some changes occurred during the transitional period in the performance of the domestic labour and the care for children and elderly, if not because of the legal acts, maybe for the influence that this process exerted in the political, economic and social life of the citizens. The questions were divided in two groups, one referring to the domestic work and the other one related to the care responsibilities of children and old relatives. Information and opinions were asked to respondents about who performed these activities and who was supposed to perform them. In relation to domestic labour, it emerged from the answers obtained by the respondents that women are those who still exercise for the most part this kind of work. In fact, as it can be seen from the table 26 among the male respondents, 65.4 percent indicated that within their families it is the woman who

carries out the domestic tasks, 6.6 percent woman and children together or other members of the family.

			sex of the interviewed		Total
			male	female	
who does domesticwork	woman	Count	89	122	211
		% within sex of the interviewed	65,4%	55,5%	59,3%
		% of Total	25,0%	34,3%	59,3%
	man	Count	0	1	1
		% within sex of the interviewed	0,0%	0,5%	0,3%
		% of Total	0,0%	0,3%	0,3%
	spouses together	Count	16	23	39
		% within sex of the interviewed	11,8%	10,5%	11,0%
		% of Total	4,5%	6,5%	11,0%
	Woman children	Count	6	20	26
		% within sex of the interviewed	4,4%	9,1%	7,3%
		% of Total	1,7%	5,6%	7,3%
	no rule	Count	20	50	70
		% within sex of the interviewed	14,7%	22,7%	19,7%
		% of Total	5,6%	14,0%	19,7%
	other family members	Count	4	3	7
		% within sex of the interviewed	2,9%	1,4%	2,0%
		% of Total	1,1%	0,8%	2,0%
housemaid	Count	1	1	2	
	% within sex of the interviewed	0,7%	0,5%	0,6%	
	% of Total	0,3%	0,3%	0,6%	
Total	Count	136	220	356	
	% within sex of the interviewed	100,0%	100,0%	100,0%	
	% of Total	38,2%	61,8%	100,0%	

In addition, 11.8 percent answered that within their family the domestic tasks are performed by both spouses equally and 14.7 percent that there is no precise rule who perform this tasks, i.e. everyone does something on the basis of the time disposal. Within the group of the female respondents on the other hand, 55.5 percent of them indicated that it is the woman that perform the domestic tasks, while 10.5 percent woman and children together or other members of the family. In addition, 10.5 percent of them responded that they are performing the domestic tasks equally with their partners, while 22.7 percent declared that no precise rule exists within their family about who carries out these tasks. Out of the total number of the persons interviewed only one answered that it is the man that does the domestic labour. But, when analysed on the basis of the marital status, this division of the domestic labour

changes slightly. As the table 27 shows, the percentage of those who divide equally the domestic tasks is little higher and goes to 13.5 percent, while is lower (13 percent) among those that declared that there is not precise rule who performs them.

			marital status					Total	
			married	single	living together	divorced	separated		widow
who does domesticwork	woman	Count	173	24	3	5	1	5	211
		% within marital status	66,5%	32,9%	50,0%	62,5%	33,3%	83,3%	59,3%
		% of Total	48,6%	6,7%	0,8%	1,4%	0,3%	1,4%	59,3%
	man	Count	1	0	0	0	0	0	1
		% within marital status	0,4%	0,0%	0,0%	0,0%	0,0%	0,0%	0,3%
		% of Total	0,3%	0,0%	0,0%	0,0%	0,0%	0,0%	0,3%
	spouses together	Count	35	2	1	0	1	0	39
		% within marital status	13,5%	2,7%	16,7%	0,0%	33,3%	0,0%	11,0%
		% of Total	9,8%	0,6%	0,3%	0,0%	0,3%	0,0%	11,0%
	wife children	Count	13	12	0	1	0	0	26
		% within marital status	5,0%	16,4%	0,0%	12,5%	0,0%	0,0%	7,3%
		% of Total	3,7%	3,4%	0,0%	0,3%	0,0%	0,0%	7,3%
	no rule	Count	34	31	2	1	1	1	70
		% within marital status	13,1%	42,5%	33,3%	12,5%	33,3%	16,7%	19,7%
		% of Total	9,6%	8,7%	0,6%	0,3%	0,3%	0,3%	19,7%
	other family members	Count	3	3	0	1	0	0	7
		% within marital status	1,2%	4,1%	0,0%	12,5%	0,0%	0,0%	2,0%
		% of Total	0,8%	0,8%	0,0%	0,3%	0,0%	0,0%	2,0%
	housemaid	Count	1	1	0	0	0	0	2
		% within marital status	0,4%	1,4%	0,0%	0,0%	0,0%	0,0%	0,6%
		% of Total	0,3%	0,3%	0,0%	0,0%	0,0%	0,0%	0,6%
Total	Count	260	73	6	8	3	6	356	
	% within marital status	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	
	% of Total	73,0%	20,5%	1,7%	2,2%	0,8%	1,7%	100,0%	

Very interesting fact related to this capability is that no significant differences have been accessed between the respondents from the different ethnic groups and among those from the urban and rural areas. In all cases, women are those who perform in overall the domestic tasks; the only differences that are worthy signalling are, in first place that the practice of shared responsibilities in these tasks among spouses within the family is less spread in the rural than in the urban areas i.e. 4.8 percent against 12.3 percent. (see table 28 a).

Table 28 a: who does domesticwork * place of residence Crosstabulation			place of residence		Total
			countryside	town	
who does domesticwork	woman	Count	43	168	211
		% within place of residence	68,3%	57,3%	59,3%
		% of Total	12,1%	47,2%	59,3%
	man	Count	0	1	1
		% within place of residence	0,0%	0,3%	0,3%
		% of Total	0,0%	0,3%	0,3%
	spouses together	Count	3	36	39
		% within place of residence	4,8%	12,3%	11,0%
		% of Total	0,8%	10,1%	11,0%
	wife children	Count	4	22	26
		% within place of residence	6,3%	7,5%	7,3%
		% of Total	1,1%	6,2%	7,3%
	no rule	Count	9	61	70
		% within place of residence	14,3%	20,8%	19,7%
		% of Total	2,5%	17,1%	19,7%
	other family members	Count	4	3	7
		% within place of residence	6,3%	1,0%	2,0%
		% of Total	1,1%	0,8%	2,0%
	housemaid	Count	0	2	2
		% within place of residence	0,0%	0,7%	0,6%
		% of Total	0,0%	0,6%	0,6%
Total	Count	63	293	356	
	% within place of residence	100,0%	100,0%	100,0%	
	% of Total	17,7%	82,3%	100,0%	

Secondly, when considered within the ethnic communities, it can be affirmed that among the respondents of Roma nationality, women and children (of female sex) exercise almost in totality (95.5 percent) all the domestic work. Moreover, looking at the answers obtained from the persons from Albanian nationality the first impression is that the share of women performing the family labour is rather low (49.3 percent), but when the percentage of women and children exercising this work together (27.3 percent) is added, than the proportions are similar to the other ethnic groupings. (see table 28 b).

Table 28 b: who does domesticwork * nationality Crosstabulation								
			nationality				Total	
			macedonian	albanian	roma	turk		other
who does	woman	Count	132	33	15	9	22	211

		% within nationality	60,6%	49,3%	68,2%	50,0%	71,0%	59,3%
		% of Total	37,1%	9,3%	4,2%	2,5%	6,2%	59,3%
	man	Count	1	0	0	0	0	1
		% within nationality	0,5%	0,0%	0,0%	0,0%	0,0%	0,3%
		% of Total	0,3%	0,0%	0,0%	0,0%	0,0%	0,3%
	spouses together	Count	23	8	1	4	3	39
		% within nationality	10,6%	11,9%	4,5%	22,2%	9,7%	11,0%
		% of Total	6,5%	2,2%	0,3%	1,1%	0,8%	11,0%
	wife children	Count	8	11	6	0	1	26
		% within nationality	3,7%	16,4%	27,3%	0,0%	3,2%	7,3%
		% of Total	2,2%	3,1%	1,7%	0,0%	0,3%	7,3%
	no rule	Count	48	12	0	5	5	70
		% within nationality	22,0%	17,9%	0,0%	27,8%	16,1%	19,7%
		% of Total	13,5%	3,4%	0,0%	1,4%	1,4%	19,7%
	other family members	Count	5	2	0	0	0	7
		% within nationality	2,3%	3,0%	0,0%	0,0%	0,0%	2,0%
		% of Total	1,4%	0,6%	0,0%	0,0%	0,0%	2,0%
	housemaid	Count	1	1	0	0	0	2
		% within nationality	0,5%	1,5%	0,0%	0,0%	0,0%	0,6%
		% of Total	0,3%	0,3%	0,0%	0,0%	0,0%	0,6%
Total		Count	218	67	22	18	31	356
		% within nationality	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
		% of Total	61,2%	18,8%	6,2%	5,1%	8,7%	100,0%

After reviewing the factual situation of the division of the domestic labour within the families of the interviewed Macedonian citizens, it was further required from them to express their opinion regarding the fact whether this type of labour is to be considered according to them as female one. The purpose was to evaluate, as was the case within the field of education, whether there is a spread conviction that the domestic work is gender specific. In fact to respondents was asked precisely the latter, i.e. whether they considered the domestic labour a female labour. In overall, 47 percent of the male respondents totally agreed or agreed with this statement and 38 percent of them disagreed and totally disagreed. Among women, the proportion was 27.5 among them who totally agreed and agreed and 68.1 percent who disagreed and totally disagreed (see table 29).

			sex of the interviewed		Total
			male	female	
housework is	totally agree	Count	23	28	51



		% within sex of the interviewed	16,9%	12,6%	14,2%
		% of Total	6,4%	7,8%	14,2%
	agree	Count	41	33	74
		% within sex of the interviewed	30,1%	14,9%	20,7%
		% of Total	11,5%	9,2%	20,7%
	not sure	Count	19	10	29
		% within sex of the interviewed	14,0%	4,5%	8,1%
		% of Total	5,3%	2,8%	8,1%
	don't agree	Count	45	114	159
		% within sex of the interviewed	33,1%	51,4%	44,4%
		% of Total	12,6%	31,8%	44,4%
	totally disagree	Count	8	37	45
		% within sex of the interviewed	5,9%	16,7%	12,6%
		% of Total	2,2%	10,3%	12,6%
Total	Count		136	222	358
	% within sex of the interviewed		100,0%	100,0%	100,0%
	% of Total		38,0%	62,0%	100,0%

When considered on the basis of the living area, again there are no significant differences. In fact, surprisingly and contrarily of what could have been supposed, the respondents from the rural areas did not express radically different opinions with respect to those from the urban areas (table 30 a).

Nationality				housework is female task					Total
				totally agree	agree	not sure	don't agree	totally disagree	
macedonian	sex of the interviewed	male	Count	15	20	13	21	3	72
			% within sex of the interviewed	20,8%	27,8%	18,1%	29,2%	4,2%	100,0%
			% of Total	6,8%	9,1%	5,9%	9,5%	1,4%	32,7%
		female	Count	17	21	6	82	22	148
			% within sex of the interviewed	11,5%	14,2%	4,1%	55,4%	14,9%	100,0%
			% of Total	7,7%	9,5%	2,7%	37,3%	10,0%	67,3%
	Total		Count	32	41	19	103	25	220
			% within sex of the interviewed	14,5%	18,6%	8,6%	46,8%	11,4%	100,0%
			% of Total	14,5%	18,6%	8,6%	46,8%	11,4%	100,0%
Albanian	sex of the interviewed	male	Count	1	6	5	10	4	26
			% within sex of the interviewed	3,8%	23,1%	19,2%	38,5%	15,4%	100,0%

			% of Total	1,5%	9,0%	7,5%	14,9%	6,0%	38,8%
		female	Count	3	3	2	22	11	41
			% within sex of the interviewed	7,3%	7,3%	4,9%	53,7%	26,8%	100,0%
			% of Total	4,5%	4,5%	3,0%	32,8%	16,4%	61,2%
	Total		Count	4	9	7	32	15	67
			% within sex of the interviewed	6,0%	13,4%	10,4%	47,8%	22,4%	100,0%
			% of Total	6,0%	13,4%	10,4%	47,8%	22,4%	100,0%
Roma	sex of the interviewed	male	Count	2	5	1	4		12
			% within sex of the interviewed	16,7%	41,7%	8,3%	33,3%		100,0%
			% of Total	9,1%	22,7%	4,5%	18,2%		54,5%
		female	Count	4	4	1	1		10
	% within sex of the interviewed		40,0%	40,0%	10,0%	10,0%		100,0%	
	% of Total		18,2%	18,2%	4,5%	4,5%		45,5%	
	Total		Count	6	9	2	5		22
			% within sex of the interviewed	27,3%	40,9%	9,1%	22,7%		100,0%
			% of Total	27,3%	40,9%	9,1%	22,7%		100,0%
Turk	sex of the interviewed	male	Count	4	1		4	1	10
			% within sex of the interviewed	40,0%	10,0%		40,0%	10,0%	100,0%
			% of Total	22,2%	5,6%		22,2%	5,6%	55,6%
		female	Count	0	1		4	3	8
	% within sex of the interviewed		0,0%	12,5%		50,0%	37,5%	100,0%	
	% of Total		0,0%	5,6%		22,2%	16,7%	44,4%	
	Total		Count	4	2		8	4	18
			% within sex of the interviewed	22,2%	11,1%		44,4%	22,2%	100,0%
			% of Total	22,2%	11,1%		44,4%	22,2%	100,0%
Other	sex of the interviewed	male	Count	1	9	0	6	0	16
			% within sex of the interviewed	6,3%	56,3%	0,0%	37,5%	0,0%	100,0%
			% of Total	3,2%	29,0%	0,0%	19,4%	0,0%	51,6%
		female	Count	4	4	1	5	1	15
	% within sex of the interviewed		26,7%	26,7%	6,7%	33,3%	6,7%	100,0%	
	% of Total		12,9%	12,9%	3,2%	16,1%	3,2%	48,4%	
	Total		Count	5	13	1	11	1	31
			% within sex of the interviewed	16,1%	41,9%	3,2%	35,5%	3,2%	100,0%
			% of Total	16,1%	41,9%	3,2%	35,5%	3,2%	100,0%

The only diversity worth noticing is that women from the urban areas are more categorically opposed (69.8 percent) to the allegation that the domestic labour is feminine task than those from the rural areas (56.7 percent). The picture is rather different when analysed along the ethnic lines; in fact, while the opinions of the ethnic Macedonians is similar to those on national level, the ideas of the respondents of the other ethnic communities differ from the latter. Among the ethnic Albanians, barely 27 percent of the men totally agree or agree with this statement, while 53.9 percent disagree or totally disagree. Interestingly enough, 19 percent of them are not sure, or do not have an opinion in relation to the domestic work. On the other hand, 80.5 percent of the ethnic Albanian women disagree and totally disagree that domestic work is a female work. Within the interviewed persons from Roma nationality, what is worth mentioning is that 80 percent of the female respondents believe that is their duty to perform the domestic tasks. Among the Turks, female respondents are strongly opposed to this allegation, while 53 percent of the women from the other nationalities agrees or totally agrees with it (table 30 b).

<b>Table 30 b: sex of the interviewed * housework is female task * place of residence Crosstabulation</b>									
place of residence				housework is female task					Total
				totally agree	agree	not sure	don't agree	totally disagree	
countryside	sex of the interviewed	male	Count	4	10	4	12	3	33
			% within sex of the interviewed	12,1%	30,3%	12,1%	36,4%	9,1%	100,0%
			% of Total	6,3%	15,9%	6,3%	19,0%	4,8%	52,4%
		female	Count	5	6	2	14	3	30
			% within sex of the interviewed	16,7%	20,0%	6,7%	46,7%	10,0%	100,0%
			% of Total	7,9%	9,5%	3,2%	22,2%	4,8%	47,6%
	Total		Count	9	16	6	26	6	63
			% within sex of the interviewed	14,3%	25,4%	9,5%	41,3%	9,5%	100,0%
			% of Total	14,3%	25,4%	9,5%	41,3%	9,5%	100,0%
Town	sex of the interviewed	male	Count	19	31	15	33	5	103
			% within sex of the interviewed	18,4%	30,1%	14,6%	32,0%	4,9%	100,0%
			% of Total	6,4%	10,5%	5,1%	11,2%	1,7%	34,9%
		female	Count	23	27	8	100	34	192
			% within sex of the interviewed	12,0%	14,1%	4,2%	52,1%	17,7%	100,0%
			% of Total	7,8%	9,2%	2,7%	33,9%	11,5%	65,1%
	Total		Count	42	58	23	133	39	295

		% within sex of the interviewed	14,2%	19,7%	7,8%	45,1%	13,2%	100,0%
		% of Total	14,2%	19,7%	7,8%	45,1%	13,2%	100,0%

Finally, one additional question was posed to the respondents in relation always to the domestic work in order to understand whether they believe that the gender based disparities in the performance of the latter are a result of a socio-cultural construct or a mere biological fact. The overall majority of the respondents believe in fact that the inequalities in the exercise of the domestic work are product of the society and the human behaviour and are not related to their biological sex. As it can be seen in the table 31 most of the interviewed answered that the division of the domestic labour is a question of an agreement between men and women and if women are performing it prevalently with respect to men is because they know how and have been taught to.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	should work women, know how	45	12,6	12,6	12,6
	is female work	63	17,6	17,6	30,2
	no men's work, don't know how	15	4,2	4,2	34,4
	man is not created to work	1	0,3	0,3	34,6
	M/F together in agreement	234	65,4	65,4	100,0
	Total	358	100,0	100,0	

There is however 17.6 percent of the interviewed that pertains to the idea that domestic work is a female work. For what concerns the unpaid domestic labour, if the outcomes of the latter are considered in relation to other capabilities, a fable causal correlation can be noted. In fact, if the performance of the domestic labour is examined in connection with the employment status and the educational level of the respondents, insignificant differences can be annotated among the categories examined within these capabilities. In reference to the employment status, it may be supposed that women are those who for the major part exert the domestic tasks because in proportion there are more economically inactive and unemployed women than men. But, if the outcomes of the questionnaire are analysed than this supposition can be rejected, because, as indicated in table 32 the employment status does not exert any important influence on the division of the domestic labour.

working status			who does domesticwork							Total	
			woman	man	spouses together	woman children	no rule	other family members	housemaid		
Employed	sex of the	male	Count	64	0	13	4	16	1	0	98

			% within sex of the interviewed	65,3%	0,0%	13,3%	4,1%	16,3%	1,0%	0,0%	100,0%	
			% of Total	28,1%	0,0%	5,7%	1,8%	7,0%	0,4%	0,0%	43,0%	
		female	Count	60	1	21	10	34	3	1	130	
			% within sex of the interviewed	46,2%	0,8%	16,2%	7,7%	26,2%	2,3%	0,8%	100,0%	
			% of Total	26,3%	0,4%	9,2%	4,4%	14,9%	1,3%	0,4%	57,0%	
	Total		Count	124	1	34	14	50	4	1	228	
			% within sex of the interviewed	54,4%	0,4%	14,9%	6,1%	21,9%	1,8%	0,4%	100,0%	
			% of Total	54,4%	0,4%	14,9%	6,1%	21,9%	1,8%	0,4%	100,0%	
Farmer	sex of the interviewed	male	Count	8		1		1			10	
			% within sex of the interviewed	80,0%		10,0%		10,0%				100,0%
			% of Total	80,0%		10,0%		10,0%				100,0%
	Total		Count	8		1		1			10	
			% within sex of the interviewed	80,0%		10,0%		10,0%				100,0%
		% of Total	80,0%		10,0%		10,0%				100,0%	
unemployed	sex of the interviewed	male	Count	10		2	1	2	3	1	19	
			% within sex of the interviewed	52,6%		10,5%	5,3%	10,5%	15,8%	5,3%		100,0%
			% of Total	14,5%		2,9%	1,4%	2,9%	4,3%	1,4%		27,5%
	female	Count	33		0	9	8	0	0	0	50	
		% within sex of the interviewed	66,0%		0,0%	18,0%	16,0%	0,0%	0,0%	0,0%		100,0%
		% of Total	47,8%		0,0%	13,0%	11,6%	0,0%	0,0%	0,0%		72,5%
	Total		Count	43		2	10	10	3	1		69
		% within sex of the interviewed	62,3%		2,9%	14,5%	14,5%	4,3%	1,4%		100,0%	
		% of Total	62,3%		2,9%	14,5%	14,5%	4,3%	1,4%		100,0%	
income support	sex of the interviewed	male	Count	1				0			1	
			% within sex of the interviewed	100,0%				0,0%				100,0%
			% of Total	16,7%				0,0%				16,7%
	female	Count	3				2				5	
		% within sex of the interviewed	60,0%				40,0%				100,0%	
		% of Total	50,0%				33,3%				83,3%	
Total		Count	4				2				6	
		% within sex of the interviewed	66,7%				33,3%				100,0%	
		% of Total	66,7%				33,3%				100,0%	
unpaid family worker	sex of the interviewed		Count	15				1			16	
			% within sex of the interviewed	93,8%				6,3%				100,0%
			% of Total	93,8%				6,3%				100,0%

			Count	15				1			16
			% within sex of the interviewed	93,8%				6,3%			100,0%
			% of Total	93,8%				6,3%			100,0%
Retired	sex of the interviewed	male	Count	4		0	1	0			5
			% within sex of the interviewed	80,0%		0,0%	20,0%	0,0%			100,0%
			% of Total	25,0%		0,0%	6,3%	0,0%			31,3%
		female	Count	7		1	0	3			11
			% within sex of the interviewed	63,6%		9,1%	0,0%	27,3%			100,0%
			% of Total	43,8%		6,3%	0,0%	18,8%			68,8%
	Total		Count	11		1	1	3			16
			% within sex of the interviewed	68,8%		6,3%	6,3%	18,8%			100,0%
			% of Total	68,8%		6,3%	6,3%	18,8%			100,0%
Other	sex of the interviewed	male	Count	2		0	0	1			3
			% within sex of the interviewed	66,7%		0,0%	0,0%	33,3%			100,0%
			% of Total	18,2%		0,0%	0,0%	9,1%			27,3%
		female	Count	4		1	1	2			8
			% within sex of the interviewed	50,0%		12,5%	12,5%	25,0%			100,0%
			% of Total	36,4%		9,1%	9,1%	18,2%			72,7%
	Total		Count	6		1	1	3			11
			% within sex of the interviewed	54,5%		9,1%	9,1%	27,3%			100,0%
			% of Total	54,5%		9,1%	9,1%	27,3%			100,0%

In fact, even though among the male respondent 71 percent of them resulted as employed and 14 percent as unemployed and among female respondents, the proportion was 59 percent against 23 percent respectively (table 17), these figures did not reflected/exerted any important change in the share of the performance of the domestic work. Among the respondents that are employed and married, they declared, however, that at 62 percent women are those who fulfil the domestic tasks, while 17 percent are doing the latter together and 15 percent that there is not a precise rule between spouses about who perform the tasks within the household. This proportion changes slightly within the category of the unemployed respondents, where the percentage of women who do the domestic labour increases to 70 percent, while within the other categories decreases to 4.5 percent among those who share this work (independently of who is unemployed, man or woman) and to 9 percent within the group of those that have no precise rules. Interesting fact in analysing these data is that the share of men who performs these tasks does not change if they are employed or unemployed, it remains close to zero (table 33).

**Table 33: working status \* who does domesticwork \* marital status Crosstabulation**

marital status				who does domesticwork							Total		
				woman	man	spouses together	woman children	no rule	other family members	housemaid			
Married	working status	employed	Count	109	1	30	6	27	2	1	176		
			% within working status	61,9%	0,6%	17,0%	3,4%	15,3%	1,1%	0,6%	100,0%		
			% of Total	41,9%	0,4%	11,5%	2,3%	10,4%	0,8%	0,4%	67,7%		
		farmer	Count	7	0	1	0	0	0	0	0	8	
			% within working status	87,5%	0,0%	12,5%	0,0%	0,0%	0,0%	0,0%	0,0%	100,0%	
			% of Total	2,7%	0,0%	0,4%	0,0%	0,0%	0,0%	0,0%	0,0%	3,1%	
		unemployed	Count	31	0	2	6	4	1	0	0	44	
			% within working status	70,5%	0,0%	4,5%	13,6%	9,1%	2,3%	0,0%	100,0%		
			% of Total	11,9%	0,0%	0,8%	2,3%	1,5%	0,4%	0,0%	16,9%		
		income support	Count	2	0	0	0	0	0	0	0	2	
			% within working status	100,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	100,0%		
			% of Total	0,8%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,8%		
		unpaid family worker	Count	15	0	0	0	1	0	0	0	16	
			% within working status	93,8%	0,0%	0,0%	0,0%	6,3%	0,0%	0,0%	100,0%		
			% of Total	5,8%	0,0%	0,0%	0,0%	0,4%	0,0%	0,0%	6,2%		
		retired	Count	7	0	1	1	2	0	0	0	11	
			% within working status	63,6%	0,0%	9,1%	9,1%	18,2%	0,0%	0,0%	100,0%		
			% of Total	2,7%	0,0%	0,4%	0,4%	0,8%	0,0%	0,0%	4,2%		
		other	Count	2	0	1	0	0	0	0	0	3	
			% within working status	66,7%	0,0%	33,3%	0,0%	0,0%	0,0%	0,0%	100,0%		
			% of Total	0,8%	0,0%	0,4%	0,0%	0,0%	0,0%	0,0%	1,2%		
		Total			Count	173	1	35	13	34	3	1	260
					% within working status	66,5%	0,4%	13,5%	5,0%	13,1%	1,2%	0,4%	100,0%
					% of Total	66,5%	0,4%	13,5%	5,0%	13,1%	1,2%	0,4%	100,0%
Single	working status	employed	Count	8		2	7	19	1	0	37		
			% within working status	21,6%		5,4%	18,9%	51,4%	2,7%	0,0%	100,0%		
			% of Total	11,0%		2,7%	9,6%	26,0%	1,4%	0,0%	50,7%		
		farmer	Count	1		0	0	1	0	0	0	2	
			% within working status	50,0%		0,0%	0,0%	50,0%	0,0%	0,0%	100,0%		
			% of Total	1,4%		0,0%	0,0%	1,4%	0,0%	0,0%	2,7%		

		unemployed	Count	10	0	4	6	2	1	23
			% within working status	43,5%	0,0%	17,4%	26,1%	8,7%	4,3%	100,0%
			% of Total	13,7%	0,0%	5,5%	8,2%	2,7%	1,4%	31,5%
		income support	Count	0	0	0	2	0	0	2
			% within working status	0,0%	0,0%	0,0%	100,0%	0,0%	0,0%	100,0%
			% of Total	0,0%	0,0%	0,0%	2,7%	0,0%	0,0%	2,7%
		retired	Count	1	0	0	0	0	0	1
			% within working status	100,0%	0,0%	0,0%	0,0%	0,0%	0,0%	100,0%
			% of Total	1,4%	0,0%	0,0%	0,0%	0,0%	0,0%	1,4%
		other	Count	4	0	1	3	0	0	8
			% within working status	50,0%	0,0%	12,5%	37,5%	0,0%	0,0%	100,0%
			% of Total	5,5%	0,0%	1,4%	4,1%	0,0%	0,0%	11,0%
	Total		Count	24	2	12	31	3	1	73
			% within working status	32,9%	2,7%	16,4%	42,5%	4,1%	1,4%	100,0%
			% of Total	32,9%	2,7%	16,4%	42,5%	4,1%	1,4%	100,0%
living together	working status	employed	Count	3	1		2			6
			% within working status	50,0%	16,7%		33,3%			100,0%
			% of Total	50,0%	16,7%		33,3%			100,0%
	Total		Count	3	1		2			6
			% within working status	50,0%	16,7%		33,3%			100,0%
			% of Total	50,0%	16,7%		33,3%			100,0%
Divorced	working status	employed	Count	4		1	1	1		7
			% within working status	57,1%		14,3%	14,3%	14,3%		100,0%
			% of Total	50,0%		12,5%	12,5%	12,5%		87,5%
		unemployed	Count	1		0	0	0		1
			% within working status	100,0%		0,0%	0,0%	0,0%		100,0%
			% of Total	12,5%		0,0%	0,0%	0,0%		12,5%
	Total		Count	5		1	1	1		8
			% within working status	62,5%		12,5%	12,5%	12,5%		100,0%
			% of Total	62,5%		12,5%	12,5%	12,5%		100,0%
Separated	working status	employed	Count	0	1		1			2
			% within working status	0,0%	50,0%		50,0%			100,0%
			% of Total	0,0%	33,3%		33,3%			66,7%
		unemployed	Count	1	0		0			1



			% within working status	100,0%		0,0%		0,0%			100,0%
			% of Total	33,3%		0,0%		0,0%			33,3%
	Total		Count	1		1		1			3
			% within working status	33,3%		33,3%		33,3%			100,0%
			% of Total	33,3%		33,3%		33,3%			100,0%
Widow	working status	income support	Count	2				0			2
			% within working status	100,0%				0,0%			100,0%
			% of Total	33,3%				0,0%			33,3%
		retired	Count	3					1		4
	% within working status		75,0%					25,0%			100,0%
	% of Total		50,0%					16,7%			66,7%
		Total		Count	5				1		6
				% within working status	83,3%				16,7%		100,0%
			% of Total	83,3%				16,7%		100,0%	

The educational level of the respondents, on the other hand, demonstrated to have some modest influence on the division of the domestic labour but not as much in terms of alleviating the burden of women work but in increasing the men's contribution in the exertion of the latter. As it can be seen from the table 33 annex 1, within the category of married respondents, the share of women's work is high in all categories (from those with primary education to those with university education) as well as the share of men's work is low or none. What can be noticed, however is that the percentage of those who share the tasks of carrying out of the domestic labour and those that have no precise rules about who does what is increasing as the level of the education rises (table 34 annex 1). As these indicators show the performance of domestic labour in Macedonia is gender specific and is originated more from the cultural patterns (traditional believes, rooted practices etc.) and social habits of the population than from other socio-economic or political conditionings. But what about the care for the children and the elderly, can it be though asserted that follows the same path as the domestic labour? Resuming from the respondents opinions, apparently not. In relation to the first issue, the care for the children, to interviewed citizens was asked to indicate whether they considered this work, which comprised besides doing laundry and ironing, cooking, also giving help with homework's, playing, nursering etc. as mother's task. According to the opinions expressed, it results that the majority of the respondents (59 percent) do not consider it as a responsibility of the mother's, while the remaining part (41 percent) it does (table 35).

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	145	40,5	40,7	40,7
	no	211	58,9	59,3	100,0
	Total	356	99,4	100,0	
Missing	System	2	0,6		
Total		358	100,0		

Within both categories of men and women, either from the rural or from the urban areas, the proportion of those who agreed and are contrary to this idea is equal. Differences in opinion exist, as it may be seen from table 36, only among the different ethnic communities, where 82 percent of the respondents from Roma nationality believe that childcare is the main responsibility of the mother and 72 percent of the respondents of Turk nationality is contrary to this opinion.

			nationality					Total
			macedonian	albanian	roma	turk	other	
childcare women duty?	yes	Count	77	27	18	5	18	145
		% within nationality	35,3%	40,3%	81,8%	27,8%	58,1%	40,7%
		% of Total	21,6%	7,6%	5,1%	1,4%	5,1%	40,7%
	no	Count	141	40	4	13	13	211
		% within nationality	64,7%	59,7%	18,2%	72,2%	41,9%	59,3%
		% of Total	39,6%	11,2%	1,1%	3,7%	3,7%	59,3%
Total		Count	218	67	22	18	31	356
		% within nationality	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
		% of Total	61,2%	18,8%	6,2%	5,1%	8,7%	100,0%

Despite the good intentions not to confer to women the primary role of caregiver, however, in practice the situation revealed to be quite diverse. In fact, after enquiring to respondents their opinion about whose responsibility is the care for the children they were asked to answer who does (or have done) this work in their family. According to the responses obtained, it emerged however that women, either housewives or employed, are those who in more than 55 percent of the cases take care of the children within their family. The percentage of men who take care of the children reaches 2.5, whereas of men and women together 39 percent (table37).

	Responses		Percent of Cases
	N	Percent	

childcare in home(a)	mother-housewife	110	30,1%	31,3%
	mother-employed	84	23,0%	23,9%
	father unemployed	5	1,4%	1,4%
	father-employed	4	1,1%	1,1%
	both mother and father	141	38,6%	40,2%
	grandfather, grandmother	16	4,4%	4,6%
	other (nanny,sister, ant)	5	1,4%	1,4%
Total		365	100,0%	104,0%

In relation to the second issue, the care for the elderly, the majority of the respondents, around 72 percent, indicated that they do not have old people with special needs within their families. There is however one interesting fact concerning the remaining 28 percent that have answered to have elderly who require special care. Among them, almost 25 percent answered that all members of the family in equal share take care of the old people, while only 2.5 percent that are the female members who provide care (see table 38).

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	all members	89	24,9	24,9	24,9
	female members	9	2,5	2,5	27,4
	male members	1	0,3	0,3	27,7
	in institution	2	0,6	0,6	28,2
	no elder in need	257	71,8	71,8	100,0
	Total	358	100,0	100,0	

This information, however, has to be accepted with some caution, because if not specified precisely what is intended under the term care, as it was within the questions related to childcare and domestic labour, than the latter may be interpreted vaguely by the respondents. Considering that relatively high percentage of the respondents considered the domestic labour as female work, than they may retain all the remaining care activity performed by the male members, such as for example buying alimentary goods for the elderly or paying them visits as equally valuable as the ones exercised by the female members, as for example cleaning, cooking, doing laundry, ironing etc. But, there is a clear difference between both categories of work either in terms of amount of work or in the sense of time waste (or time needed) to perform it. The issue of time disposal is though important and it does not have to be neglected since it conditions persons capabilities to engage in further activities, such as social and cultural initiatives or entertainments, political or civil activity etc. Women in Macedonia, actually, suffer more time poverty than men, mainly because of the reasons indicated above, i.e. domestic labour, child care and, in lower percentage, care for elderly. In addition to the information gained

through the questionnaire, it is useful to consider also the results of the National Survey of the Time Use made in 2004, in order to obtain further data about the gender based differences in the citizens engagements.<sup>340</sup> The Survey depicted, in fact, that women spend on average 4.51 hours a day on domestic activities, while men spend 1.44 hours.<sup>341</sup> Men spend more hours than women on working activities (3.30 hours versus 1.41 hours), on other personal care (2.33 hours against 1.97 hours) and on free time activities (5.36 hours against 4.26 hours). Within the category of employed persons, women spend 4.39 hours per day on domestic activities, while men only 1.38 hours. In working activities the proportion is more equal, 4.50 hours for women and 6.19 hours for men, while the one of time spent on free activities remains equal, in favour of men. Interestingly enough, even according to this Survey the time shared by men in domestic work does not increase much even if they are unemployed. In fact, unemployed men pass 2.20 hours per day in this activity, while women contribute with 6.29 hours. Both unemployed men and women spent more time on free time activities, but not on education.

The analysis of the time use is one useful indicator demonstrating the differences that exist among citizens in the organisation and realisation of certain activities and the freedoms and opportunities they enjoy to enlarge/extend their living choices. In the Macedonian context, the disproportional level of engagement between men and women in the private/familial sphere represent an area of concern, since it may affect greatly the share and the quality of women's participation in the public sphere of employment, civil activity and politics. What is more concerning though is that, despite opposed opinions, there is a confirming tendency in the continuation of the practice developed during the socialist period, i.e. the preference of the maintain of the status quo in the gendered segregation of the work. In other words, a continuation in the predilection for the women's double working engagements, intensive in the private sphere and low-profile in the public sphere, and the unquestioning of the men's commitment within the household. Before asserting this conclusion two further questions were posed to respondents, in first place, they were asked whether they considered better for the family if only the man worked and the woman stayed at home to take care of the latter and for the children, if this was financially realisable. Secondly, the inverse situation was hypothesised, i.e. where the woman results as the main breadwinner in the family. It was asked to respondents to indicate what they taught about a

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<sup>340</sup> State Statistical Office, Time Use Survey in *Women and Men in Macedonia*, Skopje 2006, Pg. 51-55.

<sup>341</sup> The activities included within the category of domestic work are : food preparation, dish washing, cleaning and upkeep, laundry, ironing and handicrafts, gardening, construction and repairs, shopping and services, childcare, other activities. In average, the longest time spent by men is in the other domestic activities (34 minutes per day against 22 minutes of women) and then in the food preparation (22 minutes per day against 2.08 hours of women) in shopping, childcare and construction and repairs (12 minutes per day each against 13 minutes, 42 minutes and 1 minute of women respectively). Information worth noting is that men spend the totality of 8 minutes per day in dish washing, cleaning, upkeep and laundry, ironing and handicrafts, while women 1.27 hours. State Statistical Office, *Ibidem*, pg.55.

man who decides to take care of the home and the children in a situation when his wife has extended working engagements. In relation to the first query, the majority of the respondents (64 percent) believed that it was better for the family, however, if the woman works in paid employment outside of the home. Another 21 percent retained the part-time paid job as the best solution while 15 percent agreed that it would be better for the woman not to work outside of the familial sphere (table 39).

		sex of the interviewed			
		male	female	Total	
better for family if women don't work and take care children&house	yes, I am convinced	Count	26	28	54
		% within sex of the interviewed	19,4%	12,7%	15,2%
		% of Total	7,3%	7,9%	15,2%
	partially, better part-time work	Count	30	43	73
		% within sex of the interviewed	22,4%	19,5%	20,6%
		% of Total	8,5%	12,1%	20,6%
	no, better if w.work	Count	78	150	228
		% within sex of the interviewed	58,2%	67,9%	64,2%
		% of Total	22,0%	42,3%	64,2%
Total		Count	134	221	355
		% within sex of the interviewed	100,0%	100,0%	100,0%
		% of Total	37,7%	62,3%	100,0%

This proportion reflects also the opinions of the respondents divided on the basis of ethnic belonging and place of residence (see tables 40 and 41).

		Nationality					Total	
		macedonian	albanian	roma	turk	other		
better for family if women don't work and take care children&house	yes, I am convinced	Count	33	8	6	1	6	54
		% within nationalitiy	15,1%	12,3%	27,3%	5,6%	19,4%	15,2%
		% of Total	9,3%	2,3%	1,7%	0,3%	1,7%	15,2%
	partially, better part-time work	Count	48	12	0	5	8	73
		% within nationalitiy	21,9%	18,5%	0,0%	27,8%	25,8%	20,6%
		% of Total	13,5%	3,4%	0,0%	1,4%	2,3%	20,6%
	no, better if w.work	Count	138	45	16	12	17	228
		% within nationalitiy	63,0%	69,2%	72,7%	66,7%	54,8%	64,2%
		% of Total	38,9%	12,7%	4,5%	3,4%	4,8%	64,2%
Total		Count	219	65	22	18	31	355
		% within nationalitiy	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
		% of Total	61,7%	18,3%	6,2%	5,1%	8,7%	100,0%

			place of residence		Total
			countryside	town	
better for family if women don't work and take care children&house	yes,I am convinced	Count	11	43	54
		% within place of residence	17,5%	14,7%	15,2%
		% of Total	3,1%	12,1%	15,2%
	partially, better part-time work	Count	11	62	73
		% within place of residence	17,5%	21,2%	20,6%
		% of Total	3,1%	17,5%	20,6%
	no, better if w.work	Count	41	187	228
		% within place of residence	65,1%	64,0%	64,2%
		% of Total	11,5%	52,7%	64,2%
Total		Count	63	292	355
		% within place of residence	100,0%	100,0%	100,0%
		% of Total	17,7%	82,3%	100,0%

But in a hypothetical exchange of the gender roles, i.e. a man that decides to take care of the house and the children, while a woman works outside of the home, the opinions given by the respondents in the second query are quite indicative. Only 30 percent considered this decision as a normal one (as any other decision pertaining one's life), while 23 percent of the respondents are not contemplating a similar decision as worthy of consideration and therefore do not have any opinion (table 42).

			sex of the interviewed		Total
			male	female	
opinion on man decision not to work and take care children&house	normal choice	Count	40	68	108
		% within sex of the interviewed	29,6%	30,6%	30,3%
		% of Total	11,2%	19,0%	30,3%
	strange man	Count	17	26	43
		% within sex of the interviewed	12,6%	11,7%	12,0%
		% of Total	4,8%	7,3%	12,0%
	no man,no character	Count	22	34	56
		% within sex of the interviewed	16,3%	15,3%	15,7%
		% of Total	6,2%	9,5%	15,7%
	no choice,constraint	Count	26	41	67
		% within sex of the interviewed	19,3%	18,5%	18,8%
		% of Total	7,3%	11,5%	18,8%
	no opinion	Count	30	53	83
		% within sex of the interviewed	22,2%	23,9%	23,2%
		% of Total	8,4%	14,8%	23,2%
Total		Count	135	222	357
		% within sex of the interviewed	100,0%	100,0%	100,0%
		% of Total	37,8%	62,2%	100,0%

The remaining part, i.e. almost 19 percent retain that a similar decision is not a result of a free will but of some kind of constraint, while 28 percent that a similar decision outlines either a man that is weak and has no character or that is very strange. This responses, however, demonstrate a clear patriarchal matrix of behaviour and understandings among the Macedonian citizens, which is not only and almost equally shared by men and women but also reflects immediately the discriminative correlation of certain types of work with sexually based traits of masculinity and femininity (as for example the association of the male engagement in domestic work with weakness and lack of character). This conceptualisation is more expressed within certain ethnic group than others, as it may be seen in the table 43.

			Nationalitiy					Total
			macedonian	albanian	roma	turk	other	
opinion on man decision not to work and take care children&house	normal choice	Count	76	17	0	4	11	108
		% within nationalitiy	34,5%	25,8%	0,0%	22,2%	35,5%	30,3%
		% of Total	21,3%	4,8%	0,0%	1,1%	3,1%	30,3%
	strange man	Count	27	7	1	2	6	43
		% within nationalitiy	12,3%	10,6%	4,5%	11,1%	19,4%	12,0%
		% of Total	7,6%	2,0%	0,3%	0,6%	1,7%	12,0%
	no man,no character	Count	25	4	17	4	6	56
		% within nationalitiy	11,4%	6,1%	77,3%	22,2%	19,4%	15,7%
		% of Total	7,0%	1,1%	4,8%	1,1%	1,7%	15,7%
	no choice,constraint	Count	52	4	1	4	6	67
		% within nationalitiy	23,6%	6,1%	4,5%	22,2%	19,4%	18,8%
		% of Total	14,6%	1,1%	0,3%	1,1%	1,7%	18,8%
	no opinion	Count	40	34	3	4	2	83
		% within nationalitiy	18,2%	51,5%	13,6%	22,2%	6,5%	23,2%
		% of Total	11,2%	9,5%	0,8%	1,1%	0,6%	23,2%
Total		Count	220	66	22	18	31	357
		% within nationalitiy	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
		% of Total	61,6%	18,5%	6,2%	5,0%	8,7%	100,0%

These patriarchal and customary defined gender based roles have caused in the past and, if not rearranged (renegotiated), will produce great difficulties in the guarantee of equality in opportunities between men and women, since they contribute in the continuity of the maintain of the women's double burden, which condition whatever project of professional life they may have and therefore their human development in overall. The duality of private and public responsibilities requires it's successful reconciliation that can be only allowed with concrete institutional projects of social services and programmes aimed at eradicating all taboos and impediments created on gender basis so as women can

become active agents in the state policy. In a context of complex system change, the presence of women within the institutions and their active role in the creation of political and economic agenda is important since they contribute in bringing onto the agenda issues that are of lesser immediate political and economic concern but have their great relevance in the social field, which ends up in conditioning the complexity of the political and economic change. Finally, their active role in formal and informal politics is important also for the guarantee of the basic gender equity in the society and the state institutions, issues that will be examined within the next capabilities.

#### III.II.VI. Participation in formal politics and engagement in civil society

Political freedom and the ability to participate in the life of one's community, either in formal politics through the representative and governing institutions, or in informal politics by the means of the civil activities, are capabilities that are important for human development, both as development objectives in their own right and as means for advancing human development.<sup>342</sup> Central to human development, as mentioned, is the extension of people freedoms to live the lives they value. But, people are different and have diverse opportunities to convert their formal rights in substantial liberties. Therefore, political freedom and democratic institutions empower people to participate in the processes of decision-making that directly and indirectly affect their lives and accordingly to demand for specific political measures or economic and social policies. With the enactment of the democratic changes in Macedonia, citizens rights were extended from social and economic to political and civil ones and they were enabled to enter freely the political space and choose the political option that suites their interests best. The aim of the analysis of these two capabilities is to evaluate on gender grounds whether the liberal democratic system and the market economy could represent by their own sufficient guarantee for citizens political equality and their human development. For the purpose of this evaluation, certain indicators such as the presence of the female and male citizens in the representative and governing institutions at national and local level are used, so as to assess whether gender inequalities exist within the latter and what are the causes that generate these inequalities.

With the change of the system, certain positive measures employed such as the informal quota system introduces within the previous system with the purpose to guarantee more equal representation of the working people from the different socioeconomic institutions and organisations was abandoned, since it was supposed that the democratic system by itself would have conferred to all citizens rights and sufficient mechanisms to freely engage in politics. Can it though be affirmed that the introduction of

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<sup>342</sup>United Nations Development Programme, Human Development Report 2002 – Deepening democracy in a fragmented world, [www.undp.org](http://www.undp.org).



multipartitism and of free elections are sufficient mechanisms to empower citizens politically and to guarantee their participation in the political processes? One first indicator that can be used to respond to this question is that in Macedonia, once the socialist system was overruled and the informal electoral quota was abolished the presence of female MP's within the first constitutive representative institution, i.e. the National Assembly elected on free elections, failed sharply. The presence of women within the *Sobranie*<sup>343</sup> after the first multiparty elections decreased for 13 percent, i.e. from 17.4 percent in 1986 to 4.2 percent in 1990. If we reject the supposition that the low presence of women in the representative institutions is an expression of a free will, since they represent the half of the population of the country for which it can not be affirmed that has no political interests, than further mechanisms of political-institutional, socio-economic and cultural nature are at stake which condition/limit women opportunities to engage actively in politics. There are wide political debates among political scientists and feminists scholars whether the insistence on female representativeness within national and local institutions would make a difference, since there is any guarantee that they would construct or defend any women agenda or represent any women interests, if there are such.<sup>344</sup> Nevertheless, the exercise of political citizenship on behalf of all citizens represent one of the basic principles of a democratic state, so the underrepresentation of women within the democratic institutions can be seen as an affront to these principles. Whether women could constitute a critical mass within the representative institutions defending the principles of gender equality or some particular "women issues" however can not be verified if their presence within these institutions is insignificant. In fact, as Anne Phillips affirms "it is reasonable to suppose that there is greater likelihood that these interests will be promoted in the formal political arena if women are there than if they are not; if women are absent their perspectives will not be adequately taken into account".<sup>345</sup> The presence of the female representatives within the representative and governing institutions is affected by the acting of certain mechanisms, as mentioned above, which are strictly related to the electoral process, such as the electoral formula, the internal organisation of the political parties and the nomination of candidates, the stability of the party system, as well as the overall political culture diffused among the citizens. In Macedonia, with the introduction of the political pluralism new electoral formula was adopted, such as the double turn majority rule system with one district magnitude and, as mentioned, the old informal electoral quota has been abolished freeing the political parties of any institutional mechanism influencing the process of

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<sup>343</sup> Refers to National Assembly.

<sup>344</sup> See Ruth Lister, *Citizenship -Feminist Perspectives*, New York University Press, 2003; Pippa Norris, Joni Lovenduski, *Gender and Party Politics*, Sage, London, 1993, Anne Phillips, *The Politics of Presence*, Clarendon Press Oxford, 1995.

<sup>345</sup> Anne Phillips, Second class citizenship in Pearce N. and Hallgarten J. (Edited by) *Tomorrow's Citizens: Critical Debates in Citizenship and Education*, Institute for Public Policy Research, London, 2000.

selection of candidates. Consequently, at the first parliamentary elections in 1990, among the total number of 962 candidates, women candidates were only 59 or 6 percent. In the successive elections in 1994 and 1998 their share increased slightly, constituting 126 candidates out of 1683 or 14 percent in the first case and 152 out of 1209 or 13 percent in second case.<sup>346</sup> Respectively, the numbers of seats won by female representatives were 5 out of 120 in 1990, 4 out of 120 in 1994 and 9 out of 120 in 1998. Regarding local councils, the results were similar. Women candidates for the local councils constituted 6, 10 and 13 percent of the total number of candidates in the 1990, 1996 and 2000 elections. In 1990 elections, 74 out of 1510 elected members of the municipal councils were women, in 1996 they were 105 out of 1720 and in 2000 161 out of 1906.<sup>347</sup> No woman was elected mayor following the first two local elections in the country. On local elections in 2000, three women were elected as mayors. Differences were annotated also within the category of female candidates and MP's according to their ethnic affiliation. In the 1994 parliamentary elections, women candidates proposed by the parties predominantly composed of Macedonian ethnicity were from 3.7% up to 10.1%, while those of Albanian ethnicity 1.8%, Turk ethnicity 3.7% and Roma 4.2%. No woman of ethnic affiliation different than Macedonian was elected as an MP, after the first three multiparty elections. It can be asserted that this "democratisation with a male face"<sup>348</sup>, was sustained considerably by the mechanisms activated with the adoption of the double turn majority rule electoral formula with one district magnitude that has been applied in the 1990 and 1994 elections. According to the Electoral law from 1990, according to which these two elections were held, the total seats in the parliament (120) were distributed according to the votes gained in the 120 single member district. A candidate, in order to be elected, needed to win the 51 percent of the ballot cast and in case of failure than he/she could compete in the second round only if gained at the first round at least 7 percent of the votes. The majority of votes (51 percent) was needed for the election in the second round. This system of winner takes all in single member district affects significantly the party strategy in the selection of the candidates and it raises the internal competitiveness within the latter.<sup>349</sup> Candidates that are usually nominated are those that occupy high positions within the party hierarchy and/or dispose of elevated managerial powers, which in general and in particular in the political parties in Macedonia as it will be seen further, are never possessed/occupied by women. In fact, as it was indicated above, male candidates within the 1990 and

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<sup>346</sup> State Statistical Office, Statistics for Elections in *Women and Men in Macedonia*, 2<sup>nd</sup> edition, Skopje, 2006.

<sup>347</sup> State Statistical Office, *Women and Men in Macedonia*, 1<sup>st</sup> edition, Skopje 2003.

<sup>348</sup> Expression coined by Slavenka Drakulic and Sonja Licht, cited in Valentine M. Moghadam (Edited by), *Democratic Reform and the Position of Women in Transitional Economies*, Clarendon Press, Oxford, 1993.

<sup>349</sup> See Recruiting Women to National Legislatures: A General Framework with Applications to Post-Communist Democracies in Richard E. Matland and Kathleen A. Montgomery (Edited by), *Women's Access to Political Power in Post-Communist Europe*, Oxford University Press, 2003.

1994 elections constituted 94 and 86 percent of the total number of candidates. In the 1998 elections there was certain improvement in the proportion of female candidates and elected MP's, mainly due to the adoption of a mixed electoral formula (double majority rule and proportional rule). Under to the 1998 electoral law, while 85 seats of 120 were determined according to the majority rule formula with one district magnitude, 35 seats had to be elected in a single nationwide constituency according to the d'Hondt formula and five percent electoral threshold. On the basis of this system, parties were supposed to nominate candidates for the one member district and to prepare close lists for the nationwide constituency, which lowered the level of competitiveness among members of the parties and opened a space for women candidates. Consequently, the share of female candidates within the party lists was significantly higher (12.6 percent) than the one within the single member districts (8.6 percent) and the percentage of elected MP's doubled (11.4 percent from party lists and 5.9 percent from single member district).<sup>350</sup> With respect to ethnic affiliation, the Macedonian party female candidates increased from 14% to 25%, the Albanian female candidates reached 11% and the Serb female candidates 14%. Only ethnic Macedonian women won seats in the Parliament. Analysing these data we can accept Ristevska's affirmation that "if we consider that between 1994 and 1998 there were no significant changes in the other factors that influenced women's representation, it becomes clear that the electoral system itself has a direct influence on the increase".<sup>351</sup> Proportional electoral formula, in fact, is considered by scholars as more woman friendly to female candidates than the majority rule electoral because of the higher district magnitude, the closed party lists and the high electoral thresholds.<sup>352</sup> In summary, it can be said that with higher district magnitudes, political parties have the possibility of winning more seats in one district and therefore are willing to propose female candidates. The impact of the electoral formula on the share of female candidates and elected representatives was further confirmed in the occasion of the 2002 parliamentary elections when a pure proportional system was introduced and the electoral threshold was eliminated. For what concerns this elections, as well as the 2005 local elections and the 2006 parliamentary elections, it has to be admitted that the increase in women presence within the representative institutions was a result first and foremost because of the adoption of a gender quota within the electoral law, as part of the state gender mainstreaming policy that will be discussed in the next chapter. In this instance, it can be asserted thought that thanks to the

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<sup>350</sup> State Electoral Commission, Parliamentary Elections 1998 – final results, [www.dik.gov.mk](http://www.dik.gov.mk).

<sup>351</sup> Karolina Ristova, Establishing a Machocracy: Women and Elections in Macedonia (1990-1998) in Richard E.Mathland and Kathleen A. Montgomery (Edited by), *Ibidem*, pg. 196-216.

<sup>352</sup> Richard E. Mathland and Kathleen A. Montgomery, *Ibidem*; Norris Pippa., "Women's Representation and electoral systems", in *The International Encyclopaedia of Elections*, Rose R. (Edited by), CQ Press, Washington DC, 2000. Joni Lovenduski and Pippa Norris, *Gender and Party Politics*, Sage Publications, London 1993.

introduction of the pure proportional formula and the electoral quota, the share of women candidates in 2002 elections grew significantly (from 152 candidates in 1998 to 1108 in 2002) as well as the number of women MP's, i.e. from 9 female representatives in 1998 to 21 women MP's in 2002. Despite this improving results, however, political parties tended to dislocate women on the lower positions on the candidates lists, in particular the Albanian and Roma parties. As a consequence, in fact, after the 2002 elections only one out of the 21 seats, was won by a woman belonging to an ethnic affiliation other than the Macedonian (i.e. one ethnic Albanian female MP). This argument in fact points to another factor, i.e. the party organisation (party gatekeepers) that exert its influence in the share of women representation within the national and local institutions and consequently condition women participation in politics. The political parties in Macedonia follow highly centralised procedures for candidates nominations and are managed prevalently by men who occupy the highest level of party hierarchies.<sup>353</sup> Moreover, judging from their political programmes, their interest for the female electorate and for issues pertaining to gender equality has been inconsiderable. Even though all parties expressed their commitment for the guarantee of equality in gender relations and the increase of women's employment and representation within state institutions, no measures were concretely indicated in the programmes for the realisation of these objectives, at least until 2002 elections.<sup>354</sup> According to the opinions of political scholars in Macedonia, the prevailing criteria of the political parties gatekeepers for the nomination of the candidates has been their educational profile, the conduct of successful business or the possessing of a good career, their capacity to contribute financially to the party and its public profile and image, criteria that women generally lack except for the first one.<sup>355</sup> Moreover, according to a survey carried out by the Union of the Women Organisation in Macedonia (UWOM), 33.7 percent of the persons interviewed answered that the main reason for the low presence of women in political institutions is that the process of candidate nomination are made by men.<sup>356</sup> Other 28.8 percent of the respondents believed that the reason resided in the fact that the society has no serious attitude towards female politicians and 13.6 percent that women are not seriously interested in

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<sup>353</sup> Karolina Ristova, *Ibidem*.

<sup>354</sup> CEDAW – *Official Report*, Ministry of Labour and Social Policy CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org); Vlado Timovski, Sveto Stefanovski *Izbori '90, Političkite Partii vo Makedonija*, Sistem 21, Skopje, 1990; Cane Mojanovski, *Letopis na Makedonskata Demokratija*, Pakung, Skopje, 2000; Socijaldemokratski Sojuz na Makedonija, *Izborna Programa '94*, SDSM, Skopje, 1994; Izborna Programa na VMRO-DPMNE, in *Izbori'94, Glas na VMRO-DPMNE*, Skopje, 1994; Izborna Programa na VMRO-DPMNE, in *Za Promeni, Izbori '98, Glas na VMRO-DPMNE*, Skopje, 1998; Liberalno-Demokratska Partija, *Programska Deklaracija '98*, LDP, Skopje 1998, Partija za Demokratski Prosperitet, *Programski Opredelbi '98, PDP*, Tetovo, 1998; Demokratska Alternativa, *Politička Programa '98, DA*, Skopje, 1998.

<sup>355</sup> Karolina Ristova, *Ibidem* and Cane Mojanovski, *Ibidem*.

<sup>356</sup> Jorde Jakimovski, *Participation of women in the social and political life in the Republic of Macedonia*, UWOM, Skopje, 2002.

politics. As an alternative to formal politics, in fact, segments of female population renounced from the "masculine sphere" of politics and reversed within the civil sector and organised within the women organisation and associations. Women in Macedonia became actually the major players in the non governmental sector and created several national networks of associations of women as well as regional and local ones.<sup>357</sup> The women non governmental sector dealt initially with mostly social issues and offered concrete assistance to women, but successively focused on the improvement of the relations between the sexes and embraced other political issues, such as lobbying for the greater participation of women in politics.<sup>358</sup> The active engagement of the female citizens in the informal politics even though can be considered as important for their political empowerment and can also generate political influence and achieve significant changes, it is however less considerable than participating in the formal politics. In Macedonia, gaining power in the wider society which can be realised through the political engagement in the formal structure, since the civil sector is still underdeveloped and not self-sustainable.<sup>359</sup> Returning to the issue of formal politics and the gender imbalances in the institutional representation, the uppercited survey conducted by UWOM actually, indicates another element of socio-cultural nature that need to be considered in the evaluation of the low presence of women in politics. In Macedonia there is a spread opinion that politics is prevalently male business, either for the fact that men traditionally were more present in the political institutions of the previous system or for the contribution of the political parties in the creation of the image of the ideal candidate to deal with political issues based on male characteristics or even because of the traditional relegation of the women with their primary roles in the care for the family. The latter contributed in fact not only to the low inclusion of women in politics but also to their modest progression in their careers and in moving up to the ladder of the public institutions. The presence of women within the governing and judicial institutions has been low at high levels but increasing when moving to the inferior positions of the public administration ladder. At ministerial level, only two women held a government portfolio out of 20 ministerial positions within the first two cabinets successive cabinets. Since 1998, the number

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<sup>357</sup> CEDAW – *Official Report*, Ministry of Labour and Social Policy CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org); Association for Emancipation, Solidarity and Equality (ESE) of Women of Republic of Macedonia, *Shadow Report on the Implementation of the CEDAW*, Skopje, 2005, [www.esem.org.mk](http://www.esem.org.mk).

<sup>358</sup> It is necessary to mention that women NGO's received great support from the international community through the Gender Task Force of the Stability Pact for South-Eastern Europe in elaborating a political agenda for gender equality, issues to be analysed in the next chapter.

<sup>359</sup> For further information, see Ilo Trajkovski, *The Politics of Westernized Civil Society in Macedonia: From a "Self Governing Republic" to a "Fifth Column"* in *Macedonia on Globalisation*, Natalija Nikolovska (edited by), Global Scholarly Publications, New York, 2004, pg.251-267; and Zarko Trajanovski, *Ideologijata na zenskite nevladini organizacii vo Makedonija in Zbornik Istrazuvanja od oblasti na rodovite studii -Tom 1*, Katerina Kolozova (edited by), Evro Balkan Press, Skopje 2002, pg. 363-397.

increased modestly, 4 women ministers out of 27 in the 1998-2002 government and 2 out of 17 in the 2002-2006 legislature. There are not sufficient data on gender basis<sup>360</sup> about the organisation of the state administration and in particular about the managerial positions, but according to limited reports published it emerged that over 47 percent of the women are employed in the state administration but only a small percentage of them is at high-decision making positions.<sup>361</sup> Within the judicial sector the share of female judges in the lower courts and appellate courts was 33 percent and 31 percent respectively in 2001, while in the supreme court 19 percent.<sup>362</sup> In the public prosecutor's offices more accentuated differences on gender basis can be found since in the period between 1999-2003, on national level there has not been a women public prosecutor, while in the basic PP offices the share of women with respect to men has been in average 4 out of 25 persons.<sup>363</sup>

The political and institutional mechanisms as well as the patriarchal matrix of the socio cultural patterns generated gender based inequalities in the coverage of the high managerial and/or elective functions within the representative and governing institutions and contributed in the creation of a rather negative attitude among women towards politics and their active involvement within it. In order to verify this assertion, certain questions were posed to the citizens interviewed in the questionnaire so as to understand whether there are great differences in opinions and attitudes among male and female respondents towards the exercise of their political citizenship. One of the queries that were posed to them was to express their opinion about the low share of women on high level public functions in Macedonia. According to the responses given by men and women equally it resulted that the rooted patriarchal patterns of behaviour as well as traditional customary definition of men and women roles deriving from the dichotomy public/private exert the major influence for the limited presence of women at the high level public functions. In fact, 19.7 percent of the women and 17.5 percent of the men consider that there is a general lack of confidence in the society in women capacities, while 19.7 percent of women and 16.4 percent of men believe that there are many hidden obstacles and barriers placed by men that impede their progressing in careers. Another 19.4 percent of female respondent, on the other hand, see the working obligations in the private sphere (domestic work, childcare) that fail predominantly on them as the main reason for the low presence of women in the public functions,

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<sup>360</sup> There are certain data reported within the Official CEDAW Report of the Ministry of Labour and Social Policy, concerning the civil servants in the certain organs of the public administration but are incomplete and not sufficient to give the overall picture. See Article 7, *CEDAW – Official Report*, Ministry of Labour and Social Policy CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org);

<sup>361</sup> Association for Emancipation, Solidarity and Equality (ESE) of Women of Republic of Macedonia, *Shadow Report on the Implementation of the CEDAW*, Skopje, 2005, [www.esem.org.mk](http://www.esem.org.mk)

<sup>362</sup> Data taken from the *CEDAW – Official Report*, Ministry of Labour and Social Policy CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org);

<sup>363</sup> *CEDAW – Official Report*.

while 17.5 percent of men are of the same opinion. An equal share among male and female respondents, around 16 percent, believe that the absence of women on high ranked public positions is a question of choice, i.e. because they want to dedicate themselves to the home and the family. Finally, among both respondents there is small percentage of them, which retain that women do not have enough professional knowledge of experience and that they do not have self-confidence (see table 44).

Table 44			sex of the interviewed		Total
			male	female	
why low %of women on high public functions	no trust in their capacities	Count	32	63	95
		% within sex	17,5%	19,7%	
		% of Total	6,4%	12,5%	18,9%
	hidden obstacles posed by men	Count	30	63	93
		% within sex	16,4%	19,7%	
		% of Total	6,0%	12,5%	18,5%
	no specialisation, professional knowledge	Count	2	7	9
		% within sex	1,1%	2,2%	
		% of Total	0,4%	1,4%	1,8%
	cant deal with stressful situations	Count	22	18	40
		% within sex	12,0%	5,6%	
		% of Total	4,4%	3,6%	8,0%
	want to dedicate to the family	Count	30	51	81
		% within sex	16,4%	16,0%	
		% of Total	6,0%	10,2%	16,1%
	require much time and must carry out domestic work and take care of children	Count	32	62	94
		% within sex	17,5%	19,4%	
		% of Total	6,4%	12,4%	18,7%
	women have no self-confidence	Count	5	6	11
		% within sex	2,7%	1,9%	
		% of Total	1,0%	1,2%	2,2%
	positions reserved for men	Count	6	22	28
		% within sex	3,3%	6,9%	
		% of Total	1,2%	4,4%	5,6%
dont know	Count	24	27	51	
	% within sex	13,1%	8,5%		
	% of Total	4,8%	5,4%	10,2%	
Total	Count	183	319	502	
	% of Total	36,5%	63,5%	100,0%	

Another question that was posed to the interviewed was whether they would actively participate in politics on national and/or local level. In overall, the interest to engage in politics resulted rather low both among men and women, i.e. around 21 percent among the former (12 percent at local and 9 percent at national level) and 14 percent among the latter (9 percent at local and 5 percent at national

level). What is interesting though is that around 38 percent of the female respondents expressed to have no interest whatsoever in politics (Table 45).

Table 46			sex of the interviewed		Total
			male	female	
active participation in politics	local	Count	16	19	35
		% within sex	11,8%	8,7%	
		% of Total	4,5%	5,4%	9,9%
	national	Count	12	11	23
		% within sex	8,8%	5,0%	
		% of Total	3,4%	3,1%	6,5%
	want to but no time	Count	15	22	37
		% within sex	11,0%	10,0%	
		% of Total	4,2%	6,2%	10,4%
	dont want to	Count	66	85	151
		% within sex	48,5%	38,8%	
		% of Total	18,6%	23,9%	42,5%
	no interest in pol.	Count	30	83	113
		% within sex	22,1%	37,9%	
		% of Total	8,5%	23,4%	31,8%
Total		Count	136	219	355
		% of Total	38,3%	61,7%	100,0%

Consequently, only limited number of the respondents joined a political party, even though men turned out to be more politically active than women. According to the responses given, only 17 percent of the interviewed women indicated to have joined a political party, while the share among men was around 30 percent. Only small portion of both male and female respondents laid out the time factor as responsible for not having enjoyed a political party, while 4 percent among men and 12 percent of women expressed that they have no interest at all in politics. (table 46).

Table 46: being a member of political party * sex of the interviewed Crosstabulation					
			sex of the interviewed		Total
			male	female	
being a member of political party	yes	Count	40	37	77
		% within sex of the interviewed	29,4%	16,7%	21,6%
		% of Total	11,2%	10,4%	21,6%
	no	Count	88	155	243
		% within sex of the interviewed	64,7%	70,1%	68,1%
		% of Total	24,6%	43,4%	68,1%
	would like to, no time	Count	2	2	4
		% within sex of the interviewed	1,5%	0,9%	1,1%
		% of Total	0,6%	0,6%	1,1%
	no interest in politics	Count	6	27	33
		% within sex of the interviewed	4,4%	12,2%	9,2%
		% of Total	1,7%	7,6%	9,2%



Total	Count	136	221	357
	% within sex of the interviewed	100,0%	100,0%	100,0%
	% of Total	38,1%	61,9%	100,0%

The low confidence that female respondents nourished towards the political activity can be considered as attenuated when local developmental politics is concerned. In fact, to the citizens interviewed was asked to express their opinion whether the the direct participation of citizens in the work of the local municipalities, through the civil sector or the political parties, could contribute to the development of the latter and the improvement of the living standards of the members of the communities. In this case in fact, around 61 percent of the female respondents affirmatively, while 14.5 percent did not believed that the citizens active engagement could change anything in local politics and 24 percent did not had any opinion (similar proportions resulted also among male respondents, but were less significant since their attitude towards politics was somewhat more optimistic in general). The more positive attitude of female respondents on local politics however did not corresponded with intentions or desires to participate actively in the latter. In fact, only 35 percent of the female respondents were disposed to engage in local politics, another 11 percent were interested to but had no time, while other 37 percent would have not participated for different reasons and another 14.5 percent had no intentions of participating because they considered it futile, i.e. did not believed in politics and doubted that they could influence it as simple citizen. The share of those who were interest to actively engage in local politics among men was much higher and reached around 51 percent and only 9.6 percent considered the latter as futile (table 47).

**Table 47: participation in local dev.politics \* sex of the interviewed Crosstabulation**

			sex of the interviewed		Total
			male	female	
participation in local developmental politics	yes	Count	69	78	147
		% within sex of the interviewed	50,7%	35,3%	41,2%
		% of Total	19,3%	21,8%	41,2%
	No, for different reasons	Count	41	81	122
		% within sex of the interviewed	30,1%	36,7%	34,2%
		% of Total	11,5%	22,7%	34,2%
	would like to,no time	Count	12	25	37
		% within sex of the interviewed	8,8%	11,3%	10,4%
		% of Total	3,4%	7,0%	10,4%
	husband/wife on my place	Count	1	5	6
		% within sex of the interviewed	0,7%	2,3%	1,7%
		% of Total	0,3%	1,4%	1,7%
	futile	Count	13	32	45
		% within sex of the interviewed	9,6%	14,5%	12,6%
		% of Total	3,6%	9,0%	12,6%

Total	Count	136	221	357
	% within sex of the interviewed	100,0%	100,0%	100,0%
	% of Total	38,1%	61,9%	100,0%

Another important data to be reported is the differences that can be annotated among men and women from different ethnic communities; female respondents from Turk and Albanian nationality are more inclined towards the active participation in local politics than the ethnic Macedonian women and those of Roma nationality (see table 48).

<b>Table 48: sex of the interviewed * participation in local dev.politics * nationality Crosstabulation</b>									
nationality	sex of the interviewed			participation in local dev.politics					Total
				yes	no	would like to, no time	husband/wife on my place	futile	
macedonian	male	Count	30	25	5	1	11	72	
		% within sex of the interviewed	41,7%	34,7%	6,9%	1,4%	15,3%	100,0%	
		% of Total	13,7%	11,4%	2,3%	0,5%	5,0%	32,9%	
	female	Count	47	50	18	5	27	147	
		% within sex of the interviewed	32,0%	34,0%	12,2%	3,4%	18,4%	100,0%	
		% of Total	21,5%	22,8%	8,2%	2,3%	12,3%	67,1%	
Total	Count	77	75	23	6	38	219		
% within sex of the interviewed	35,2%	34,2%	10,5%	2,7%	17,4%	100,0%			
% of Total	35,2%	34,2%	10,5%	2,7%	17,4%	100,0%			
albanian	male	Count	18	6	2		0	26	
		% within sex of the interviewed	69,2%	23,1%	7,7%		0,0%	100,0%	
		% of Total	26,9%	9,0%	3,0%		0,0%	38,8%	
	female	Count	18	14	6		3	41	
		% within sex of the interviewed	43,9%	34,1%	14,6%		7,3%	100,0%	
		% of Total	26,9%	20,9%	9,0%		4,5%	61,2%	
Total	Count	36	20	8		3	67		
% within sex of the interviewed	53,7%	29,9%	11,9%		4,5%	100,0%			
% of Total	53,7%	29,9%	11,9%		4,5%	100,0%			
roma	male	Count	8	3	1		0	12	
		% within sex of the interviewed	66,7%	25,0%	8,3%		0,0%	100,0%	
		% of Total	36,4%	13,6%	4,5%		0,0%	54,5%	
	female	Count	2	7	0		1	10	
		% within sex of the interviewed	20,0%	70,0%	0,0%		10,0%	100,0%	
		% of Total	9,1%	31,8%	0,0%		4,5%	45,5%	
Total	Count	10	10	1		1	22		
% within sex of the interviewed	45,5%	45,5%	4,5%		4,5%	100,0%			
% of Total	45,5%	45,5%	4,5%		4,5%	100,0%			
turk	male	Count	5	3	1		1	10	
		% within sex of the interviewed	50,0%	30,0%	10,0%		10,0%	100,0%	

			% of Total	27,8%	16,7%	5,6%		5,6%	55,6%
		female	Count	5	3	0		0	8
			% within sex of the interviewed	62,5%	37,5%	0,0%		0,0%	100,0%
			% of Total	27,8%	16,7%	0,0%		0,0%	44,4%
	Total		Count	10	6	1		1	18
			% within sex of the interviewed	55,6%	33,3%	5,6%		5,6%	100,0%
			% of Total	55,6%	33,3%	5,6%		5,6%	100,0%
other	sex of the interviewed	male	Count	8	4	3		1	16
			% within sex of the interviewed	50,0%	25,0%	18,8%		6,3%	100,0%
			% of Total	25,8%	12,9%	9,7%		3,2%	51,6%
		female	Count	6	7	1		1	15
			% within sex of the interviewed	40,0%	46,7%	6,7%		6,7%	100,0%
			% of Total	19,4%	22,6%	3,2%		3,2%	48,4%
	Total		Count	14	11	4		2	31
			% within sex of the interviewed	45,2%	35,5%	12,9%		6,5%	100,0%
			% of Total	45,2%	35,5%	12,9%		6,5%	100,0%

Moreover, it resulted that the interviewed persons from the rural areas have more interest in participating in local politics than from the urban ones (see table 49).

Table 49: sex of the interviewed * participation in local dev.politics * place of residence Crosstabulation									
place of residence	sex of the interviewed			participation in local dev.politics					Total
				yes	no	would like to, no time	husband/wife on my place	futile	
countryside	sex of the interviewed	male	Count	21	8	3		1	33
			% within sex of the interviewed	63,6%	24,2%	9,1%		3,0%	100,0%
			% of Total	33,3%	12,7%	4,8%		1,6%	52,4%
	female	Count	15	9	4		2	30	
		% within sex of the interviewed	50,0%	30,0%	13,3%		6,7%	100,0%	
		% of Total	23,8%	14,3%	6,3%		3,2%	47,6%	
	Total		Count	36	17	7		3	63
		% within sex of the interviewed	57,1%	27,0%	11,1%		4,8%	100,0%	
		% of Total	57,1%	27,0%	11,1%		4,8%	100,0%	
town	sex of the interviewed	male	Count	48	33	9	1	12	103
			% within sex of the interviewed	46,6%	32,0%	8,7%	1,0%	11,7%	100,0%
			% of Total	16,3%	11,2%	3,1%	0,3%	4,1%	35,0%
	female	Count	63	72	21	5	30	191	
		% within sex of the interviewed	33,0%	37,7%	11,0%	2,6%	15,7%	100,0%	
		% of Total	21,4%	24,5%	7,1%	1,7%	10,2%	65,0%	
Total		Count	111	105	30	6	42	294	

	% within sex of the interviewed	37,8%	35,7%	10,2%	2,0%	14,3%	100,0%
	% of Total	37,8%	35,7%	10,2%	2,0%	14,3%	100,0%

Contrary to the opinions of the female respondents, their engagement in politics on national and local level is rather important since citizens are different and have different interests and even if there is no guarantee that more female representatives will follow particular women agenda, they can however introduce issues of propose policies and interventions in fields that for the male representatives are less important. In fact, according to what emerged from the questionnaire, women respondents were more inclined to engage in sectors such as education, social protection, culture and health, while men in local economic development, local infrastructure, urban planning and sport. Environmental protection is the only field that attracted the interests of respondents of both sex (table 50).

Table 50			sex of the interviewed		Total
			male	female	
field of interest in local politics	urban planning	Count	21	22	43
		% within sex	10,1%	7,0%	
		% of Total	4,0%	4,2%	8,2%
	environmental protection	Count	31	50	81
		% within sex	14,9%	15,8%	
		% of Total	5,9%	9,5%	15,5%
	local economic developmen	Count	28	25	53
		% within sex	13,5%	7,9%	
		% of Total	5,3%	4,8%	10,1%
	local infrastructure	Count	13	12	25
		% within sex	6,3%	3,8%	
		% of Total	2,5%	2,3%	4,8%
	culture	Count	16	30	46
		% within sex	7,7%	9,5%	
		% of Total	3,1%	5,7%	8,8%
	sport, recreation	Count	40	18	58
		% within sex	19,2%	5,7%	
		% of Total	7,6%	3,4%	11,1%
	social policy	Count	12	36	48
		% within sex	5,8%	11,4%	
		% of Total	2,3%	6,9%	9,2%
	education	Count	17	48	65
		% within sex	8,2%	15,2%	
		% of Total	3,2%	9,2%	12,4%
	health	Count	9	21	30
		% within sex	4,3%	6,6%	
		% of Total	1,7%	4,0%	5,7%
no participation	Count	21	54	75	
	% within sex	10,1%	17,1%		
	% of Total	4,0%	10,3%	14,3%	
Total	Count	208	316	524	

		% of Total	39,7%	60,3%	100,0%
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The absence of women representatives in local and national institutions can cause the political neglect of certain issues that though have great importance for persons human development, in particular sectors such as health, education and social policy, which if not adequately affronted, can cause the deprivation of citizens in the fulfilment of further capabilities. Moreover, the insertion of those “marginal” issues into the political agenda and the introduction of significant reforms, for example in the health sector (reproductive health), or in the field of education (elimination of gender stereotypes from educational programmes or sexual education) or either in the social policy (introduction of further social services that can reduce women responsibilities within the family) can contribute in the major active involvement of women in politics and increase their self-conceptions as political actors and citizens. According to respondents, finally, women do possess all the capacities needed to actively engage in politics on equal footing with men, whereas 93 percent of female respondents and 82 percent of the male respondents agree with this affirmation. (see table 51).

			sex of the interviewed		Total
			male	female	
women can participate in politics equally as men?	yes	Count	112	205	317
		% within sex of the interviewed	82,4%	93,2%	89,0%
		% of Total	31,5%	57,6%	89,0%
	no	Count	24	15	39
		% within sex of the interviewed	17,6%	6,8%	11,0%
		% of Total	6,7%	4,2%	11,0%
Total		Count	136	220	356
		% within sex of the interviewed	100,0%	100,0%	100,0%
		% of Total	38,2%	61,8%	100,0%

Even though engagements in the civil society may be more agreeable for women, however their engagement in formal politics assumes great importance in a state where the civil sector is still weak. Significant political decisions have to be taken because there are many impediments in women inclusion in formal politics and concrete political decisions are needed so that something can be changed, such as a gender mainstreaming strategy, issue that will be treated in the next chapter.

#### **IV. Governmental gender mainstreaming strategy: analysis of legal reforms and affirmative actions adopted in Macedonia**

The present chapter aims at analysing the gender based equal opportunities policies that have been introduced in Macedonia in the late transitional period, by examining the political means and mechanisms that brought up to the adoption of such policies. The analytical work that has been done in the previous chapters revealed the existence of gender based inequalities in the field of citizens public and private life, i.e. in their economic independence, in their presence in the state representative institutions, as well as in the division of their responsibilities in the familial domain. The reasons for these disparities, as mentioned, can not be simply attributed to the consequences of the policies of economic transition, since these were gender neutral in the intent, i.e. did not favoured certain citizens or damaged others. The transitional processes, in fact, affected differently the Macedonian citizens because they were implemented in conditions of already existing political, socio-economic and cultural settings that contributed in the production of inequalities. In first place, it was the constitutional and legal conceptualisation of the citizenship rights and freedoms that allowed for the creation of gender inequalities. With the inauguration of parliamentary democracy and the adoption of the liberal universalising citizenship formula, citizens were formally granted equal rights and freedoms, irrespective of their differences (sexual, ethnic, linguistic, religious etc.), although certain additional guarantees were recognised. As it was seen in the second chapter, in the case of ethnic identity, it was with respect to language, religion, education, cultural traditions etc. that these guarantees were conferred and in the case of gender concerned the issue of reproduction and motherhood. The only gender based diversity that has been contemplated within the universalising citizenship formula was, in fact, the function that the state conferred to women in relation to the child rearing, by granting additional protective measures either in the field of paid employment or in the one of social welfare. Further gender specific issues, which affect the relations between men and women in the public and the private sphere, have not be contemplated in the citizenship formula. In fact, as mentioned in the second chapter, fatherhood has not been constitutionally nor legally regulated, issues as the sexual division of labour in the public and in the private sphere have not received almost any attention, the role of the state in the child care and elderly has been reduced significantly, the remuneration of work not directly related to market based mechanisms not tackled etc. This androgynous conceptualisation of citizens rights and duties, apparently formulated on male based priorities and enriched with several protective measures and legislative provisions related to female's reproductive function allowed for the treatment

of women as “the Other” (intended in De Beauvoirs terms). The patriarchal social meaning that has been attributed to this biological diversity between men and women defined the latter as citizens that are conditioned by certain deficiencies (“the Other”) and therefore need special treatments, as for example those guaranteed to women and minors by the 1993 labour relations law. Besides the androgynous citizenship formula, also the unchallenged traditional and socio-cultural patterns - as it was seen in the previous chapter - when correlated to other political and institutional mechanisms and socio-economic factors contributed in generating the gender based inequalities, which affected disproportionately women's opportunities in the exercise of their political and civil citizenship as well as in their economic independence. The gender inequalities registered in Macedonia in the field of economic and political activity, as well as in the unpaid domestic labour and care activities, as reported in the previous chapter, confirm Amartya Sen's assertion that “the issue of gender inequality is one of disparate freedoms”. In fact, although women were entitled to same rights as men, they did not enjoyed equal freedoms and opportunities to transform their rights from formal entitlements to substantial achievements (functionings). Women, in fact, did not faced legal impediments nor discriminations, nor lacked the qualifications to engage in political activities (they had similar level of education with men and were already active in the world of paid employment) and nonetheless were absent from the representative and governing institutions during the first years of state independence. As argued, the basic conceptualisation of the citizenship formulas (among which also the socio-liberal one) concentrated on the aspects related to the so-called public life of citizens<sup>364</sup>, resulted inadequate in guaranteeing to men and women equal freedoms and opportunities to make valuable choices in their lives since the realisation of the latter concern the totality of human lives (comprising the conventionally defined private and public lives). The system of liberal democracy allows to citizens to actively participate in the processes of decision making, but the *de facto* exercise of the citizenship is rather difficult, since there are structural, social and economic inequalities already in place that tend to produce inequality of political power. In such societies where inequalities in political power are already present and where politics is though based on the principles of equality, these disparities will continue to be perpetuated and reproduced by the policies that tempt to eliminate them.<sup>365</sup> In Macedonia, the system change was enacted in a context where the gender based inequalities already existed, not only in the field of political representation but also in the sphere of economic activity. Political and economic

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<sup>364</sup> There are however aspects of citizens private life where the state is though involved in the regulation of the gender relations through the constitutional and legal provisions, such as those between spouses and between the latter and their children and other members of the family. See chapter 2 for further clarifications.

<sup>365</sup> For further discussions on this issue, see Iris Marion Young, *Le Politiche della Differenza*, Feltrinelli, Milano, 1996 and Marta Minow, *Making All the Difference*, Cornell University Press, Ithaca, 1990.

power were prevalently in male hands in the previous system since, as feminists annotated, the principle of abstract equality, the gendered nature of the self-management and the disregard of important aspects of private life posed women in unequal position with men that affected successively their engagement in the public sphere of economic activity and in the decision-making processes. These inequalities are difficult to eradicate with the adoption of an androgynous citizenship formula and are even risking to be exacerbated if not properly addressed with specific measures and policies. In Macedonia, in fact, the gender based disparities generated in the socialist period were widened during the transitional period, as it was demonstrated in the previous chapter. But, if the universalising formula can not guarantee by itself gender equality, will the adoption of equal opportunities policies represent an adequate solution for the attenuation or for the eradication of the gender based inequalities? Can the process of engendering of the citizenship formula guarantee gender equality in the society? How can it be realised? Does it imply the introduction of group rights addressed to men and women?

Equal opportunities policies have been introduced in certain countries as a concrete measure aiming at diminishing the structural and socially created disparities affecting disproportionately certain social groups with respect to others. The issue of gender inequality has been debated worldwide in the occasion of the international UN Conferences on women, where important progresses have been made in the occasion of the one in Nairobi in 1985 and in Beijing in 1995. Having recognised that inequalities between men and women were persisting and producing serious consequences for the well-being of the people and their development, the concept of gender mainstreaming has been introduced for the first time in Nairobi and subsequently embraced in Beijing. The strategy of gender mainstreaming has been conceived as a mean for the promotion of the role of women in the field of development and for the incorporation of women's values into the development work. Within the *Beijing Platform for Action*, moreover, it was endorsed as a "policy of integrating the gender perspective in all general policies and programmes" with the purpose to examine the effects of the latter on men and women and render the results of their implementation gender neutral.<sup>366</sup> Gender mainstreaming may be defined as "the reorganisation, improvement and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making".<sup>367</sup> This new strategy embraced by the *Beijing Declaration and Platform for Action*, differentiate itself from the equal opportunities policies, even though both have a common aim, i.e. the

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<sup>366</sup> United Nations, The Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), [www.un.org](http://www.un.org)

<sup>367</sup> Group of Specialists in Mainstreaming, *Gender mainstreaming – Conceptual framework, methodology and presentation of good practice*, Council of Europe Publishing, december 1998, pg. 19.



achievement of gender equality. Equal opportunities policies are more specific and direct and are created so as to address directly gender inequalities that have been detected in determinate fields and that are affecting particular social groups.<sup>368</sup> The gender mainstreaming strategy on the other hand goes “one ladder upper”, meaning it applies a more general approach and it concerns general policies. The main objective of this strategy is, as mentioned, the introduction of a gender perspective in a given policy field in order to make sure that the effects of policies are more gender neutral, but it does not take the actual gender imbalances as the starting point for development policies.<sup>369</sup> The gender equality policies and the gender mainstreaming strategy do not exclude mutually but on contrary are complementary and completely interdependent. According to specialists on gender mainstreaming, the complementary policy of gender mainstreaming and gender equality comprises seven aspects: equal opportunities legislation and anti-discriminatory laws; the existence of mechanisms for protection against discrimination; a strong national equality machinery; specific equality policies and actions to address specific women’s or men’s interests; the existence of equality divisions or focal points within each ministry; research and training on gender equality issues and awareness-raising about gender equality.<sup>370</sup> Both policies can coexist and even be activated at the same time, as it was the case in Macedonia. In this country, in fact, the first concrete discussions about the need to introduce gender equality policies and to elaborate a more general gender mainstreaming strategy were made after the sign of the Beijing Declaration and the Platform for Action. Within the Beijing Declaration, the state parties agreed on the fact that even though some progress has been made, consistent inequalities between men and women were still persistent. Therefore, with the sign of the Platform for Action, state parties engaged in a project of elaborating an overall gender mainstreaming policy aiming at overcoming these inequalities. The Platform for Action, in fact, represented an agenda for women’s empowerment aiming not only at the advancement on women but also at removing all obstacles to their active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.<sup>371</sup> State parties signing the Declaration and adopting the Platform for Action assumed their sovereign responsibility to implement this agenda for women empowerment through national laws and the formulation of strategies, policies, programmes and development priorities. The Platform for Action contains a basic group of priority actions, upon which

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<sup>368</sup> Group of Specialists in Mainstreaming, *Ibidem*.

<sup>369</sup> Group of Specialists in Mainstreaming, *Ibidem*.

<sup>370</sup> Group of Specialists in Mainstreaming, *Gender mainstreaming – Conceptual framework, methodology and presentation of good practice*, Council of Europe Publishing, December 1998.

<sup>371</sup> United Nations, *The Beijing Declaration and Platform for Action, Fourth World Conference on Women*, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), [www.un.org](http://www.un.org).

governments have committed to elaborate a proper gender mainstreaming strategy and carry out those actions within the following five years of the Beijing Conference.<sup>372</sup> These basic group of actions concern areas such as human rights, poverty, education and training, health, economy, power and decision-making, violence, armed conflicts, the media and the environment. Successively to the Beijing International Conference, the issue of gender equality initiated to be directly debated on the political scene in Macedonia for the first time. The state commitment towards the issue of gender equality undertaken with the sign of the *Beijing Declaration and Platform for Action* was significantly stimulated and reinforced by a combined political action of formal and informal performers. Crucial in this sense was the input received by the Stability Pact for South-Eastern Europe with the constitution of the Gender Task Force Unit in 1999, as a response to the appeal of women NGO's, activists and politicians from the whole region of South-Eastern Europe.<sup>373</sup> The Stability Pact in fact, through the Gender Task Force (GTF) supported several initiatives in Macedonia<sup>374</sup> aiming at the increase of the female representatives in state institutions and at women political empowerment in general. While the support of the GTF was fundamental in the enactment of the gender mainstreaming agenda, however, its impact could have had limited range if it was not fully embraced in first place by the civil sector, i.e. the women non governmental organisations and associations and secondly by female representatives of the formal political sector (state governative and representative institutions). As already mentioned, women acting in the public sphere during the first years of transition was concentrated mainly in the informal sector and prevalently in the field of economic and social rights. Successfully, thanks to the contribution of the GTF of the Stability Pact, priorities were assigned to the increase of women political participation and to the lobbying for their major involvement in the processes of decision-making at national and local level. As concrete result of the influence of the Gender Task Force of the Stability Pact was the enactment of the practice of collaboration between the formal and the informal sector in the realisation of the aims directed towards women political empowerment. While in the civil sector, the existing non governmental organisations and associations organised in networks spread on national scale and new structures, as the Macedonian Women Lobby (MWL) were created<sup>375</sup>, within the state institutions, such as the National Parliament, informal groups as the Club of Women MP's and

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<sup>372</sup> United Nations, *Ibidem*.

<sup>373</sup> For further information see, *GTF Regional Center for Gender Equality*, [www.gtf.hr](http://www.gtf.hr).

<sup>374</sup> Such as Strengthening/Establishing Gender Equality Machinery, Gender Issue Media Campaigns, SouthEast European Women's Role in Conflict Prevention, Resolution and Post-Conflict Dialogue, Women Can Do It, Women's Mayor Link, Romani Women Can Do It etc. See, GTF Stability Pact, *Gender Equality in South Eastern Europe – Six Years Later*, September 2005, [www.gtf.hr](http://www.gtf.hr), Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org), Macedonian Women Lobby, [www.mwl.org.mk](http://www.mwl.org.mk) and Union of Women Organisations of Macedonia, [www.sozm.org.mk](http://www.sozm.org.mk).

<sup>375</sup> For a complete list of women NGO's in Macedonia, see NGO Infocentar, [www.nvoinfocentar.org.mk](http://www.nvoinfocentar.org.mk).

specific bodies as the Commission for Gender Equality were constituted.<sup>376</sup> The Club of Women MP's and the Macedonian Women Lobby (MWL), in fact, emerged as a direct result of the activities or were sustained by the GTF of the Stability Pact. While the former was constituted by women representatives in the Parliament, the latter, was created as a group of pressure, lobbying and advocating on state institutions, which reunited women from the formal and the informal sector, i.e. government, political parties, parliament, trade unions, media, NGO's and women experts in various fields.<sup>377</sup> Both structures, in collaboration with NGO's, focused on the realisation of the priorities assigned, i.e. women political empowerment, revision of the national legislation under gender perspective and reinforcement of the so-called gender machinery.<sup>378</sup> The coordinated activity of these structures had its impact in the realisation either of the gender equality policies or of the gender mainstreaming agenda, as it will be seen further on. The commitment towards the issue of gender equality, however, did not result solely of the advocacy of the female political factor reunited in the formal and the informal sector and supported by the GTF, but had its legal grounds with the adoption of the CEDAW Convention in 1991 and the Optional Protocol to CEDAW in 2000 (in force since 2003)<sup>379</sup> and with the sign of the Association and Stabilisation Agreement with European Union in 2000. The combined influence of all these factors, in fact, brought up to the elaboration of a *National Action Plan* in 1999 which contained the overall gender mainstreaming strategy of the country, formulated on the basis of the individualized group of priority actions within the *Beijing Platform for Action*, and the concrete gender equality policies and measures aiming at eliminating certain of the gender inequalities registered. Gender equality machineries, in fact, can bring important gender issues to the fore and put pressure on policy makers to take into account specific gender issues that are not dealt with in other policy areas.<sup>380</sup> What will be examined in the next pages is the gender mainstreaming strategy adopted by the Macedonian government with the purpose to analyse the priorities given in this field and the instruments foreseen for its realisation. The division of the strategy between gender equality policies and mainstreaming

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<sup>376</sup> The Club of Women MP's was formed in 2003 as a result of a concrete project of the GTF of the Stability Pact, while the Parliamentary Commission for Gender Equality was officially with the 2006-2010 legislature. For further details, see [www.sobranie.mk](http://www.sobranie.mk).

<sup>377</sup> See Macedonian Women Lobby, [www.mzl.org.mk](http://www.mzl.org.mk).

<sup>378</sup> For further information, see Macedonian Women Lobby, [www.mzl.org.mk](http://www.mzl.org.mk), Klub na Zeni Parlamentarki, [www.sobranie.mk](http://www.sobranie.mk).

<sup>379</sup> The Optional Protocol to CEDAW, as mentioned in chapter 2, introduces a new mechanism for enforcement of the Convention; i.e. it allows individual women or groups of women to submit claims of violations of their rights directly to the CEDAW Committee (NGOs and other groups can represent individuals). Before claims can be submitted however a number of criteria must be met, such as the exhaustion of domestic remedies (using all national instruments for protection and justice seeking) The Optional Protocol confers to the Committee also powers of inquiry in case of violation of women rights in state parties.

<sup>380</sup> Group of Specialists in Mainstreaming, *Gender mainstreaming – Conceptual framework, methodology and presentation of good practice*, Council of Europe Publishing, december 1998.

policy is arbitrary, i.e. is made by the author of this work with the purpose to distinguish the concrete measures, from the general policies. This does not mean that the actions undertaken had different aims and purposes, on the contrary, they were part of the same gender mainstreaming strategy but in this instance it is useful to distinguish them in order to understand what priorities have been set up by the government, following the Beijing Conference and the adoption of the Platform for Action. Since the gender mainstreaming strategy is concerned with general policies, it tackles the society as a whole and requires more time for its organisation, implementation and sustainability, this analysis will start with those measures undertaken that have been considered within the category of the gender equality policies, i.e. have been created to respond to existing inequalities among men and women.

### I. Gender equality policies

The gender mainstreaming policy in Macedonia was enacted with the introduction of specific gender equality policies and measures that have been retained as important for the successive implementation of the overall strategy. In this context, what has been recognised as significant in the process of enactment of the gender equality policies was the setting down of the policy priorities and the institutional basis for the coordination of the gender mainstreaming agenda. Accordingly, in 1997 a Unit for Gender Equality has been set up by the government within the frame of the Ministry of Labour and Social Policy (MLSP) with the purpose to positively influence the advancement of women's position in conformity with the international documents ratified; to build a clear conception and strategy for overcoming the difficulties that women face in the society by elaborating a gender mainstreaming policy in straight collaboration with the non governmental sector and the political organisations.<sup>381</sup> For what concerns the gender equality policies, what has been individuated as a priority was the women empowerment and the enhancement of their participation in the decision-making processes. In the words of the representative of the Unit for Gender Equality there has been a broad consensus between the Macedonian Women Lobby (MWL)<sup>382</sup>, the non governmental sector and the female members of political parties that the initial action that needed to be undertaken for the achievement of gender equality was to increase the share of women members in the representative and the governing institutions of the state.<sup>383</sup> In this sense the first concrete political steps that were made

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<sup>381</sup> Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org).

<sup>382</sup> The Macedonian Women Lobby has been formed as a network of women representatives from the civil sector (women associations), the state institutions (central and local government, women MP's), from trade unions and political parties as well as independent experts advocating and lobbying for the improvement of the status of women in the Macedonian society. For more detailed information about MWL objectives and activities, see *Macedonian Women Lobby* website, [www.mzl.org.mk](http://www.mzl.org.mk).

<sup>383</sup> Interview with Ms. Elena Grozdanova, Head of the Unit for Gender Equality, Ministry of Labour and Social Policy, august 2005.

were the elaboration of the proposals for the introduction of the gender based quotas and the reforming of the national legislation in conformity with the CEDAW Convention and the EU Directives.

#### IV.I.I. Gender electoral quota

The system of quotas aims at ensuring the representation of certain social groups or strata of population that are underrepresented and that face difficulties and numerous barriers in the exercise of their political citizenship. Electoral quotas may be constitutionally and legally mandated or be applied within the political party structures, but usually they set up for a minimum threshold above which certain social group has to be elected within the state institutions or nominated on the electoral lists by political parties. In the case of gender quotas, criteria are posed so that women, who usually constitute the underrepresented social group and face major obstacles in participating in formal politics, are more proportionally represented within a state institution (the parliamentary assembly, the government, different committees ecc.) or on a candidate lists. The electoral quotas have been defined under different terms in the worldwide politics, as for example, as temporary measures or temporary special measures, affirmative actions, positive discrimination. Besides this disparate terminology, however, there is a broad consensus that gender quotas are intended to address the question of women's participation and representation in public and political life.<sup>384</sup> The contemporary quota systems applied in different countries aim at ensuring that women constitute at least 30 or 40 percent of the elected representatives or nominated candidates. Although quotas have resulted to be the best political instrument for endeavouring women representation and participation in decision-making processes, however there are controversial debates about the principle of fairness and justice in their use. Worldwide there are political scholars and politicians that are reluctant towards the application of the quota system because they consider it to be a form of discrimination and a violation of the principle of fairness in the democratic referenda, while others view quotas as a just and maybe most useful compensation for the structural barriers that prevent fair competition.<sup>385</sup> The quota sceptics and critics, in fact, see this instrument as a violation of the meritocratic and individualistic principles of liberal democracy, besides being discriminatory against men.<sup>386</sup> They consider quotas as contrary to the principle of equal opportunity and as undemocratic since they impeded to voters to freely decide the candidate to vote for, they give precedence to candidates gender identity and not to their professional

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<sup>384</sup> *The Implementation of Quotas: European Experiences*, Francesca Binda and Julie Ballington (Edited by), International Institute for Democracy and Electoral Assistance, Stockholm, 2005.

<sup>385</sup> Drude Dahlerup, No Quota Fever in Europe? In the *Implementation of Quotas: European Experiences*, Francesca Binda and Julie Ballington (Edited by), International Institute for Democracy and Electoral Assistance, Stockholm, 2005.

<sup>386</sup> Drude Dahlerup, *Ibidem*.

qualifications and may generate conflicts within the party organisations. In the former socialist countries, in fact, the precedent electoral quota has been abolished because considered as non democratic and contrary to the liberal democratic principle of individual achievement and as inappropriate for the representation of women in politics.<sup>387</sup> But, as political scholars favourable to gender quotas sustain, this system is though democratic and just, since it allows for the equal representation of marginalised groups in the state representative and governing institutions. Moreover, quotas represent an instrument for the remedy of the existent barriers and difficulties that the marginalised groups, in this case women, face in the electoral process. According to Dahlerup, in fact, “quotas do not challenge the rights of individuals, rather they challenge the prerogatives of the political parties as gatekeepers”. In addition, she states that “by introducing requirements for a minimum number of women on electoral lists, or gender balance, quotas give voters the 'real equality of opportunity' to choose among men and women”.<sup>388</sup> Despite these opposed opinions, however, many states have resorted to quotas in order to enhance women exercise of their political citizenship on one side and to render politics and democratic institutions more inclusive for all citizens. Quotas however can not be considered as objectives in themselves, i.e. they must be conceived as means for the achievement of gender equality, a critical take off point for accelerated progress, even though “women political advance is best promoted through broad based economic, political and social change”, as stated in the 1995 UN Human Development Report. In the field of politics, electoral quotas can be regarded as special temporary measure, created to remedy for the already existing inequalities and for that purpose have been included here within the category of the gender equality policies.

In Macedonia, the introduction of electoral quotas revealed to be the most appropriate mean for amending the gender inequalities registered in the exercise of political citizenship, since it represented the most effective short term policy for women political empowerment and for the increase of their representativity in the state institutions. More precisely, the adoption of the electoral quotas was, in fact, the first concrete result of the women political lobbying of the informal and the formal sector during the late transitional years.<sup>389</sup> The combined political action of both sectors contributed in

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<sup>387</sup> Vlasta Jalusic, Milica Antic, *Women – Politics – Equal Opportunities*, Mirovni Institut, Ljubljana, 2001.

<sup>388</sup> Drude Dahlerup, *Ibidem*.

<sup>389</sup> Women NGO's, women MP's and representatives of political parties lobbied through the Macedonian Women Lobby for the introduction of the electoral quotas. The activity of lobbying was supported by the Gender Task Force for Gender Equality of the Stability Pact through projects, such as Women Can Do It I and II, Women Voters Can Do It, aiming at political empowerment of women candidates, at engendering parliamentary political parties and at education of women voters. Previous to the activity of the MWL, proposals for gender electoral quotas were submitted by the women NGO's individually as the 1998 Women Rights Memorandum of the Union of Women Organisations of Macedonia. For further information, see GTF Stability Pact, *Gender Equality in South Eastern Europe – Six Years Later*, September 2005, [www.gtf.hr](http://www.gtf.hr), Ministry of Labour and Social Policy, CEDAW – Official Report, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org), 206

rendering visible the disparate balance of power that existed between female and male population, reflected in the unequal presence of men and women within the national assembly and the local institutions. The introduction of political pluralism in the country, in fact, was not a sufficient criteria *per sé* to guarantee equal opportunities to citizens in the participation of the political processes. In fact, the share of women MP's in the national assembly was extremely low after the first two parliamentary elections, i.e. 4.2 percent in 1990 and 3.3 percent in 1994. The low percentage of women presence within the new democratic institutions was, as already explained in the previous two chapters, a result of plural factors, among which the abolishment of the informal electoral quota from the socialist period, the adoption of the double majority rule electoral system, the male dominated party gatekeepers in the nomination of candidates and the socio-cultural patterns forming the prevalent conception of politics as male business. The predominance of men in the processes of decision-making in the first two legislatures, in fact, illustrated to female politicians that the liberal-democratic rules were not sufficient to guarantee equal representation of all candidates that had great political will, personal capacities, good educational background and professional experience, i.e. some of the qualifications that may be considered valuable by the electorate. It soon became evident to female politicians that free elections were not an expression of a simple game of “let the best win”, but that there were further hidden discriminative practices or other political mechanisms that impeded their active involvement in national and local politics.<sup>390</sup> In this context, a broad political consensus was reached among the female representatives of the political parties and the non-governmental sector, strongly supported by the representatives of international organisations and initiatives<sup>391</sup>, that for any modest result to be gained in terms of gender equality, for example, in the introduction of gender sensitive policies and reforms, a critical mass of women representatives was indispensable within the state legislative and governing institutions.<sup>392</sup> Since, as Dimitrievska pointed out, “women from the NGO's agreed that there was no

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Zdruzenie za Emancipacija, Solidarnost i Ednakovst na Zenite - Makedonija, *CEDAW – Shadow Report*, [www.esem.org.mk](http://www.esem.org.mk), Union of Women Organisations of Macedonia, National Project, Women Can Do It II, Local Elections 2004 – Report, Skopje 2004 (printed version) and National Project, Women Can Do It II – Parliamentary Elections 2006 – Report, Skopje, 2006 (printed version), [www.sozm.org.mk](http://www.sozm.org.mk), Macedonian Women Lobby, [www.mwl.org.mk](http://www.mwl.org.mk).

<sup>390</sup> Daniela Dimitrievska, Quotas, the case of Macedonia in *The Implementation of Quotas: European Experiences*, Francesca Binda, Julie Ballington (Edited by), International Institute for Democracy and Electoral Assistance, Stockholm, 2005.

<sup>391</sup> Such as the GTF of the Stability Pact for South Eastern Europe and OSCE (Organisation for Security and Cooperation in Europe) the Spillover Monitor Mission to Skopje.

<sup>392</sup> Interview with Ms. Liljana Popovska, president of the Macedonian Women Lobby and Chair of the Parliamentary Commission for Gender Equality, held on 24<sup>th</sup> of september 2007.

sufficient time to wait for equality to evolve naturally and that may take hundred of years”<sup>393</sup>, the best solution was to appeal for determinate affirmative actions, such as electoral quotas, which have been already embraced in numerous countries. But, the successful introduction of the electoral quotas required an elaborated political approach that would have risen the awareness among politicians as well as among the wider public opinion about this temporary measures, so as to avoid negative feedbacks or oppositions in the matter. Positive political attitude towards the issue of gender equality and the adoption of quotas was indispensable since women could not avail only on the female representatives in the national assembly. At the time when the issue of quotas had to be debated, i.e. in 2001 there were only 9 women MP's out of 120 members of the Parliament, which represented barely 7.5 percent of the total share of representatives. Therefore, an activity of lobbying for the adoption of the electoral quotas was commonly performed by the informal and the formal sector, with substantial support of the Gender Task Force of the Stability Pact. Significant portion of the female population in Macedonia, in fact, was actively involved in the propagation of the need for the adoption of quotas, through the Macedonian Women Lobby and umbrella Women NGO's, as the Union of Women Organisations of Macedonia. On the other side, female representatives of the political parties in the *Sobranie*, exerted on their own the activity of lobbying for the approval of these positive measures, through the Club of Women MP's. The introduction of the gender electoral quotas, though, was not an easy process in Macedonia and envisaged a three step activities, which involved simultaneously both sectors – the formal and the informal- through the whole process. In first place, it required the organisation of a public awareness campaign with the purpose to render citizens cognisant about the fact the politics and representative institutions are dominated by men and that there was a concrete need for the introduction of electoral quotas so that citizens of both genders are represented. In this field, the support of the GTF was significant, but also of the OSCE and the activity of the non-governmental organisations determinant. NGO's developed campaigns such as “Women Can do It” which were spread on national level thanks to the existence of local cells of these organisations on the whole territory.<sup>394</sup> Secondly, the political process that preceded the adoption of electoral quotas, demanded the introduction of a voluntarily political party quota to facilitate women election in the decision-making and high ranking bodies of the latter and in this manner to increase their insertion on candidate lists. But, the voluntarily character of this initiative left to political parties the choice to decide whether to contemplate quotas as a mean for

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<sup>393</sup> Daniela Dimitrievska, Quotas, the case of Macedonia in *The Implementation of Quotas: European Experiences*, Francesca Binda, Julie Ballington (Edited by), International Institute for Democracy and Electoral Assistance, Stockholm, 2005.

<sup>394</sup> For obtaining more information on the organisational structure of these NGOS' see, Macedonian Women Lobby, [www.mzl.org.mk](http://www.mzl.org.mk) and Union of Women Organisations of Macedonia (UWOM), [www.sozm.org.mk](http://www.sozm.org.mk).



guaranteeing more balanced division of power within these political organisations. In fact, the activity of lobbying of female party members and women NGO's for the adoption of the political party quotas had their effect in certain parties, i.e. more in the center and left oriented parties and less within the right wing (among those that voluntarily adopted the quotas were the social-democratic alliance, the liberal-democratic party and the liberal party).<sup>395</sup> The voluntary party quotas did gained a moderate success and therefore required the lobbying for the insertion of a legislative gender electoral quota within the reforms that were already taking place within the law on the elections. The changes in the electoral law were, as mentioned in the second chapter, a direct result of the decision to allow for an adequate and proportional representation of citizens from different ethnic communities deliberated with the 2001 framework agreement and the consequent constitutional amendments. Even though the gender component was not considered initially, the activity of lobbying of the women NGO's, supported by the GTF of the Stability Pact for South-Eastern Europe and the influence exerted by the Club of Women MP's were decisive for the contemplation of the proposal for the insertion of the gender quota within the new law on elections.<sup>396</sup> What has been opted for was though for the introduction of a gender neutral quota so that the constitutional principle of equal rights to all citizens irrespective of their sex, race, religion ethnicity etc (art.9) is fully respected. The gender neutral quota foresees, in fact, that a minimum share of candidates belonging to both gender is guaranteed and inserted within the electoral lists. As it was stated in the 2002 electoral law “at least 30 percent of each gender has to be represented in the electoral lists”.<sup>397</sup> The results of the introduction of the electoral quota were far from optimal but though brought some improvements in the share of women representatives. After the 2002 elections, the number of female MP's increased from 9 (1998-2002 legislature) to 21 (2002-2006), which was more than double, but did not reached the 30 percent quota. The political parties though respected the law and the minimum quota of 30 percent, by inserting in average 32.2 percent of women candidates. But, the respect for the quota in the nomination of candidates within the electoral lists did not automatically resulted in the acquiring of 30 percent of seats in the national assembly. Here, in fact, emerged one of the main problems related to the adoption of the quota system, i.e. its implementation. If quotas have been introduced within the Macedonian electoral system in order to empower women and enhance their capacity building by bypassing some of the obstacles that they face in the electoral process, than this process must be freed from further conditionings or additional mechanisms must be

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<sup>395</sup> Daniela Dimitrievska, *Ibidem*.

<sup>396</sup> Interview with Ms. Liljana Popovska, president of the Macedonian Women Lobby and Chair of the Parliamentary Commission for Gender Equality, held on 24<sup>th</sup> of september 2007.

<sup>397</sup> Law on the Elections of the Members of the Parliament – *Zakon za Izbor na Pratenici vo Sobranieto na Republika Makedonija*, Sluzben Vesnik, br. 42, 25 juni 2002, [www.pravo.org.mk](http://www.pravo.org.mk).

foreseen so as to avoid the latter. In other words, if legislative quotas are adopted so that a minimum share of women candidates are elected, than they have to be in a position to compete at the elections, i.e. have to be positioned in the upper levels of the electoral lists in order to gain votes. This particular problem emerged in Macedonia in the occasion of the 2002 parliamentary elections; political parties applied the electoral law that required 30 percent quota in the nomination of candidates of both sexes, but positioned women candidates in the middle or bottom positions of the closed electoral lists, reducing their chances of being elected. The share, in fact, of female candidates in the first five positions was less than 5 percent, from 6<sup>th</sup> to 10<sup>th</sup> position less than 8 percent, while around 20 percent were placed from 11<sup>th</sup> to 20<sup>th</sup> place. Consequently, the total number of women candidates was 1108 against 1952 men candidates, which in proportion was 36 percent against 64 percent. Nevertheless, only 21 women MP's were elected i.e. 18 percent with respect to 99 men MP's which counted 82 percent of the elected. These results however reported the need for the introduction of the “double quota”, which required not only the guaranteed minimum proportion of women candidates on the electoral lists, but impeded also that the latter are placed at the bottom of the list. The proposal for the insertion of this additional legal provision related to the quota system generated, in fact, greater discussions than the initial proposal for the adoption of quotas debated in 2002. The double quota was considered by male MP's members of the oppositional parties but also of the governing coalition, as too generous towards women and discriminative to the principle of free election.<sup>398</sup> But thanks to the increased share of women representatives within the Parliament and the favourable opinion of other male politicians, this additional provision was though adopted in the occasion of the amendment of the law on the local elections in 2005.<sup>399</sup> The double gender quota required, in fact, that at least 30 percent of the positions of the upper and lower parts of candidate lists for councilors are filled by each gender. The introduction of the double gender quota demonstrated, though, to be an effective short-term instrument for the political empowerment of citizens belonging to social groups that are facing obstacles in the exercise of their citizenship and are underrepresented in the state institutions. In certain cases, the share of women candidates even exceeded the minimal quota, but however there were other cases registered where the legal provisions were not respected and violated. It occurred in fact that within certain electoral lists there were less women candidates than the legal minimum portion required

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<sup>398</sup> Interview with Ms. Liljana Popovska, president of the Macedonian Women Lobby and Chair of the Parliamentary Commission for Gender Equality, held on 24<sup>th</sup> of september 2007 and Daniela Dimitrievska, *Ibidem*.

<sup>399</sup> *Ibidem*.

and in particular the 30 percent quota was not full filled in the upper half of the electoral lists.<sup>400</sup> Despite these lacunes<sup>401</sup> and the fact that the 30 percent quota of elected women councilors at the local elections was not reached in 2005, their share was considerably increased, i.e.23 percent against 8 and 6 percent in 2000 and 1996 elections respectively. If compared with the electoral runnings for mayors, which are conducted according to majority rule formula and where the gender quota was not contemplated, than the difference is more than evident. Women candidates for mayors represented in 2005 only 5 percent against 95 percent of male candidates; only 4 percent of them were elected (17 women candidates and 3 women mayors elected against 362 men candidates and 82 of them elected). The 30 percent quota of elected women was though reached in the 2006 parliamentary elections, after the establishment of further legal guarantees with the new electoral code adopted in the same year. According to this new electoral code, the double gender electoral has been reformed and it envisaged that “at least one in every three places on a candidate list must be filled by a candidate belonging to the less represented gender”.<sup>402</sup> At the 2006 parliamentary elections, in fact, 37 women MP's out of 120 were elected which represented around 31 percent of the total number of parliamentary seats. Despite these improving results one question is pending though: will the quotas make the difference? It has to be admitted that there is a concrete risk that female politicians/representatives are double bounded with political expectations that may derive from their election. The electorate may attend from them to act politically on equal footing with men concerning all political issues, and on the other to succeed in promoting women friendly policies. But, do all women need to deal with women issues? What is more important their gender identity or their party affiliation? Is it not possible to reconcile these due political identities? These are some of the issues that are debated in relation to the adoption and implementation of the system of quotas. In the case of Macedonia, it is still too early to give any valuable answer, since changes have been recent and therefore it is difficult to determine the qualitative side of the implementation of positive measures. Nevertheless, what can be though affirmed in first place is that the electoral quotas are only temporary measures that are adopted so that a principle of equity in political representation is guaranteed and secondly, that even the results may not be immediate, however there is greater chance that women interests are more likely to be promoted if

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<sup>400</sup> OSCE/ODIHR Election Observation Mission Final Report, FYR Macedonia, Municipal elections 2005 [www.osce.org/odihr](http://www.osce.org/odihr) and NVO Infocentar, *Lokalni Izbori 2005: Rodova analiza*, [www.nvoinfocentar.org.mk](http://www.nvoinfocentar.org.mk).

<sup>401</sup> The law on local elections confers to the State Electoral Commission the right to reject/refuse the electoral lists if not in conformity with the legal regulations and to political parties to right to an appeal. It is the Appeal Court that decides on the cases. However, the legal regulations in this matter are not detailed and allow for narrow interpretation which occurred in fact during the 2005 local elections when the double gender quota was not fully respected. See *Zakon za Lokalnite Izbori*, Sluzben Vesnik na Republika Makedonija br.45/04, [www.pravo.org.mk](http://www.pravo.org.mk) and OSCE/ODIHR Election Observation Mission Final Report, *FYR Macedonia, Municipal elections 2005* [www.osce.org/odihr](http://www.osce.org/odihr)

<sup>402</sup> *Clen 64.5, Izboren Zakonik*, Sluzben Vesnik na Republika Makedonija, br. 40/06, [www.pravo.org.mk](http://www.pravo.org.mk).

there exist a critical mass of women representatives in the state institutions (in this case 30 percent participation) than if there is not. But, are we asserting that there are women interests and that we can consider women as uniform social group? By analysing the results from the questionnaires and other statistical data reported in the previous chapter, it emerged that there are significant differences in the level of human development among women from different ethnic affiliations and place of residence and consequently it would be too hazardous to affirm that the latter have same interests and concerns and that are forming a uniform social group. However, it can be though asserted that, as demonstrated in chapter 3, there are certain issues that concern women commonly and that may be embraced by female political representatives in order to assure to female citizens the full exercise of their citizenship and the extension of their freedoms, arguments that will be treated more profoundly in the next chapter. In this context, what has to be analysed are the further gender equality policies that have been adopted.

#### I.II. Gender based revisions of national laws

The revision of national laws is one of the basic activities that need to be undertaken so as to eliminate all the legal provisions that may lead to direct or indirect discrimination on gender grounds. It can be affirmed that the Macedonian state enacted the proper gender mainstreaming agenda through two types of gender equality policies, the electoral quota on one side and the revision of the existing national laws under gender lenses. In concrete, the legal reforming did not derived only from the clear political will for the achievement of gender equality that was expressed with the sign of the Beijing Declaration and Platform for Action, but from the legal commitments to which the state bond itself with the ratification of the CEDAW International Convention and its Optional Protocol on one side, and, on the other, with its political agenda aiming at the future adhesion to the European Union undersigned with the Stabilisation and Association Agreement and with the subsequent gaining of a status of candidate country. This legal binding with CEDAW has its roots, as mentioned in chapter 2, within the international law (*Pacta sunt servanda*) and the national legislation (article 118 of the Constitution decrees that international conventions and agreements are part of the internal legal order cannot be changed by law), since the Macedonian legal system belongs to the category of those where the principles of continental law are applied and where the main sources of law are the Constitution, the national laws and the international agreements. The EU perspective, on the other hand, imposed certain conditionality to the Macedonian state in terms of harmonising its legislation with the one of the EU which implied the reforming of the existing laws and the adoption of new ones. In this sense, the issue

of gender equality, being a fundamental principle of the European Union<sup>403</sup>, represented an important segment of the EU conditionality which required several changes in the national laws relating in particular to labour relations and domestic violence. The process of revision, though, concerned the laws that affected all aspects of citizens lives, i.e. their political, civil and social rights.

#### *a. Political rights*

In relation to political rights, changes have been made in the electoral laws on national and local level as already mentioned in the previous paragraph. However, the Law on Political parties also has been submitted to some limited changes related to gender aspects. Within the new Law on Political Parties, in fact, new articles have been inserted that refer to the principle of gender equality and discrimination. Article 4 of the new law requires from parties to take care for the realisation of the principle of gender equality in their acting and in relation to the accessibility of the functions within the political party. Article 5 on the other hand bans all discrimination on the grounds of membership or non membership in a political party.<sup>404</sup> Although not specified, it may be intended that discrimination on the basis of sexual identity is prohibited also. Differently from the law on the elections, the law on political parties do not envisage any positive action or quotas that may guarantee more equilibrated presence of male and female members of the party within its internal bodies and structural hierarchy. The law leaves a kind of voluntary and moral bound to parties to take care of the gender equality, without requiring any concrete actions.

#### *b. Civil rights*

Within the field of civil rights, several laws have been reformed among which the family law, the law on property relations and the sections of the criminal code which refer to the free exercise of civil rights. The family law has been submitted to some revisions during the year 2004 in reference to the issues such as domestic violence, rights of children and property relations. Arguments that acquire certain relevance on gender point of analysis, such as the individual relations between conjugal partners did not received additional attention in the process of reforming of the family law. It has to be said that certain aspects related to this issue are already treated within the CEDAW Convention, which has equal legal validity in Macedonia as the family law, however, it would have been preferable if individual marital relations, in particular in reference to the equal division of familial responsibilities and tasks,

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<sup>403</sup> This principle has been laid down by the EC Treaty, articles 2, 3.2, 137 and 141. Moreover, in the Treaty of Amsterdam, gender mainstreaming has been set forth as one of the main objectives of the European Union. According to the Treaty of Amsterdam regulations, states are obliged to undertake the appropriate steps to mainstream gender into all their policies and practices. For further information see, [www.europa.eu.int](http://www.europa.eu.int).

<sup>404</sup> Article 4 and 5, Law on Political Parties – Clen 4 i 5, Zakon za Politickite Partii, Sluzben Vesnik na RM, br. 76/04, 27 Oktomvri 2004, [www.pravo.org.mk](http://www.pravo.org.mk).

have received further regulation. While the law is conformable with the Convention for what concerns the conditions for entering the marital relationship, the rights in marriage and in divorce, right and responsibilities with regard to wardship, trusteeship, adoption of children, the recognition of the social function of maternity (art. 16 of the Convention) on one side, on the other, it is less precise on the responsibilities that both marital partners have in their familial life towards their common dwelling, the upbringing and development of their children (article 5 of the Convention). The legal provisions that refer to equality in the familial relationship (art.3 and 6 of the law) remain merely declaratory, since there is no additional provision about the responsibilities that this familial relationship brings to both partners. The CEDAW Convention, confers great importance to the social and cultural patterns influencing the responsibilities of the spouses in the familial life and requires from state parties to take all the appropriate measures to eliminate the latter and to underline the shared duties of conjugal partners in childrearing and common dwelling. The provisions of the family law for what concerns the rights and duties in childcare have remained barely unchanged; what has been though principally regulated was the equality of rights of parents in the upbringing of their children, leaving less space for the specification of their common duties (besides the mere declarative indication of the parents rights in the care and education of the latter). Moreover, no references have been made about the social and the cultural conception of conjugal and parental duties, neither about the measures that may be applied to override the latter. Article 5 of the law, for example outlines that the state creates and guarantees the scientific, economic and social conditions for the family planning and for free and responsible parenthood, without specifying in which manner those conditions are guaranteed. The revision made to the law on the family, in fact, did not brought any particular change in the conception of the relations between the genders in the context of the family, as mentioned in the chapter 2, meaning that the prior importance conferred to the unity of the family and the relations of the spouses with their children with respect to their mutual individual relations, remained.

The revision of the law on the family introduced, though, important changes in relation of the issue of domestic violence. With the 2004 changes, in fact, domestic violence has been recognised legally as an existing phenomena for the first time. These changes were actually the result of the governmental policy of the harmonisation of the proper legislation with the one of the EU on the issue of violence against women, through the follow up of the Council of Europe Recommendation r (2002) 5 on the Protection of Women Against Violence.<sup>405</sup> This CoE Recommendation, in fact, requires explicitly from

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<sup>405</sup> Council of Europe, *Recommendation r (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*, 30 April 2002, [www.europa.eu.int](http://www.europa.eu.int).

member states to review their legislation and policies with the purpose of guaranteeing women the recognition, the enjoyment and the exercise of their human rights and fundamental freedoms. The revision of the national laws in relation to violence against women was pressured also by the civil sector, i.e. by certain women NGO's such as the Association for Emancipation, Solidarity and Equality of Women (ESE) which actualised the issue of domestic violence in Macedonia and submit proposals for the amendment of the Criminal Code and the Law on Civil Procedures for protection against domestic violence.<sup>406</sup> The Macedonian government, though, revised both the Law on the Family, as mentioned, and the Criminal Code in relation to this issue. Within article 4 of the family law, in fact, where it is affirmed that the state guarantees for the special protection of the family, the motherhood and the children (the youngest ones, as well as those lacking parental care) a new alinea has been inserted which assert that the state also confers protection from disrupted relations within the family and domestic violence.<sup>407</sup> The revised law forbids any kind of violence in the frame of conjugal relations as well as within the family, as stated in the new article 36.<sup>408</sup> In conformity with the law's conception of the family as an extended unit, i.e. a community of parents, children and other relatives that live in common dwelling, the issue of domestic violence has been treated within the chapter dedicated to the relations between parents and children. A new section has been though inserted that deals with disrupted relations and violence in the marriage and the family. Article 99.2 defines violence in the marriage and the family as “a behaviour of a member of the family that through the use of force, menaces and threats, causes physical injuries, emotional and sexual abuses or exerts economical/financial, sexual or working exploitation to another member of the family”.<sup>409</sup> Moreover, paragraph 3 of the same article considers as violent behaviour the one performed within the domestic sphere by: “one spouse to the other that live together or lived in a conjugal or extra-conjugal community or any community considered as equivalent to the familial one or if they have a child; by brother and sisters or half-brothers and half-sisters; or if it is perpetrated on a child, on the older members of the family or on persons, members of the family whose working abilities are limited”.<sup>410</sup> It has to be noticed in this instance that the issue of domestic violence has been treated in gender neutral terms when referring to, or when defining perpetratorship and victimhood (art.99.3 and 100 of the family law). Moreover, the definition of the issue as such by the law has been context based, i.e. it considers all the members of the extended family as possible perpetrators and victims of domestic

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<sup>406</sup> Ministry of Labour and Social Policy, *CEDAW – Official Report*, CEDAW/C/MKD/1-3, [www.cedaw.org](http://www.cedaw.org).

<sup>407</sup> Article 4.2, *Law on Family – Clen 4.2, Zakon za Semejstvo*, *Sluzben vesnik na RM*, br.83/04, 24 noemvri 2004.

<sup>408</sup> Article 36, *Ibidem*.

<sup>409</sup> Article 99.2, *Law on Family – Clen 4.2, Zakon za Semejstvo*, *Sluzben vesnik na RM*, br.83/04, 24 noemvri 2004

<sup>410</sup> Article 99.3, *Ibidem*.

violence and therefore protects legally all the members of conjugal or extra-conjugal communities. It has to be noticed though that extra-conjugal communities of the same sex/gender do not receive legal protection against domestic violence, since they do not form a “community of any kind equivalent to family” because in Macedonia the latter is considered to be one formed by a man and a woman (article 6 of the Law on Family). What is lacking though is the consideration of the phenomena of the domestic violence as an act or a form of discrimination and violation of citizens, accordingly to the CEDAW Recommendation nr.19.<sup>411</sup> The law envisages a combined response to the domestic violence, on one side it regulates the protection of the victims and on the other, the proceeding against the perpetrators. According to art.101 “social services are those, who on the basis of the request of a member of the family or on proper initiative take adequate measures of protection of the family and the persons that are victim of domestic violence”.<sup>412</sup> The law enlists several measures of protection, i.e.”it guarantees sheltering for the victim for 6 months at most, leaving the possibility for prorogation to additional 6 months; it provide health protection and adequate psycho-social intervention and treatment, addressess victims to counselling services, in case there is a child in the family it allows for his/her continuation with regular schooling; offers any kind of legal assistance and representation, informs the adequate organs for persecution of perpetrators and starts the legal procedures for prosecution of criminal acts and undertakes all adequate measures for the resolution of the problem”. The social services are also legally authorised to require from adequate tribunals the indictment of temporary measures against the perpetrators of domestic violence for the duration of maximum one year with possibility of extension such as prohibition of any contacts with members of the family, their dismissal from the common dwelling independently of the property of the latter, their distancing from the dwelling, schools, or other places that members of family regularly frequent, oblige them to medical or psychiatric examinations, payment of expenses to family etc. (article 104 family law). The law foresees, however, that the adoption of the special measures has to be deliberated by adequate tribunals in short time periods, i.e. within seven days from the receiving of the request by the social services or even less, within three days in case there is a well-founded suspicion that the life and the health of a member of a family are threatened.<sup>413</sup> Ultimately, changes have been made also in the Criminal Code with which the perpetuation of a domestic violence has been legally recognised as criminal act. New provisions have

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<sup>411</sup>In this context the consideration of domestic violence as an act of discrimination against citizens is in conformity with the gender neutral terms used within the law. Within the CEDAW Convention it is explicitly referred to women and discrimination and violation of their rights. For further details, see Recommendation nr.19, Convention for the Elimination of all Discrimination against Women, [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/).

<sup>412</sup>Article 101.1, Law on the Family – *Clen 101.1, Zakon za Semejstvo*, Sluzben vesnik na RM, br.83/04, 24 noemvri 2004.

<sup>413</sup>Article 298, *Ibidem*.



been envisaged in the chapters referring to criminal acts against the life and the work of a person, as well as against the rights and freedoms of the citizen, while changes have been made within the existing chapter that sanctions criminal acts against sexual freedom and morality. Physical injuries resulted as acts of domestic violence have been considered as criminal act punishable with imprisonment from 6 months to three years, according to art.130.2, or from one to five years in case of harsh physical injuries according to art.131.2. Moreover, the criminal code foresees for such acts of physical violence committed in the familial domain a prosecution ex officio and not upon private suit.<sup>414</sup> The law considers also within the chapter regulating citizens rights and freedoms, certain acts of coercion exerted in the domestic sphere as criminal acts and therefore punishable under the norms of the criminal code. In fact, article 139 states that “whosoever by the use of force or serious threats forces another to do or not do something, or to support certain conditions ...and if these acts are performed in a context of a domestic violence, shall be punished by imprisonment from six months to three years”.<sup>415</sup> The violation of personal liberties and freedom of movement exerted in the familial domain is also considered as criminal act according to the law and implies six months to three years term of imprisonment (art. 140). Important changes have been made also within the chapter relating to criminal acts of sexual nature, such as rape or abuses inflicted to persons resulting with mental illness, mental disorder or physical disabilities and committed in a context of domestic violence. While in the 1996 criminal code a prosecution against these acts could have been undertaken upon a private suit, as already explained in the second chapter, the reformed law envisaged the prosecution ex officio as for the cases of acts committed within the familial domain.<sup>416</sup> The reformed Criminal Code foresaw also that the criminal act of sexual assault on a child can be performed in the frame of a domestic violence and envisioned a punishment by imprisonment of five years at least (art.88).

Social services are those that according to the reformed family law and criminal code bear the greater institutional responsibility in the protection of the victims, the initiation of the procedures against the perpetrators and the follow up of the implementation of the measures decided by the court (art.107 family law) in case of domestic violence. The non compliance of these duties burden the social services, either the physical persons or the juridical entity, with financial fines foreseen by the law (art. 304). The extent and the nature of these tasks however lead to the consideration that if the law is fully respected and implemented, the social services need to be adequately equipped and supported, since their activities require high competence in the treatment of such delicate problem as the domestic

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<sup>414</sup>Articles 130 and 131, Criminal Code – Clen 130 i 131, *Krivicen Zakonik*, Sluzben vesnik na RM, br.19/04, 30 mart 2004.

<sup>415</sup>Articles 139, Criminal Code – Clen 139, *Krivicen Zakonik*, Sluzben vesnik na RM, br.19/04, 30 mart 2004.

<sup>416</sup>Article 186-188, *Ibidem*.

violence. Financial and human resources as well as adequate structures and their continuous collaboration are needed so as the issue of domestic violence is properly affronted.

Finally, the ultimate changes that have been made within the family law concern the issue of property relations. While the individual relations of conjugal partners have been regulated in the frame of the extended family, the issue of conjugal or extra-conjugal property has been extrapolated from the family law and moved within the law of property relations, the latter being the legal code regulating all property relations among citizens and therefore also among spouses. It can be asserted that, even before the introduction of gender based equality measures, individual relations between men and women, considered as citizens, has been regulated in more detailed way only in the field of conjugal property. Despite the fact that this issue has been inserted in the code regulating all property relations, however, slight changes have been made with respect to the equivalent chapter contained in the 1992 law on the family. The sole article 70 (article 207 in the 1992 family law) contains some modifications concerning the management of the common property. While in the old legal provision it was stated that both spouses deal accordingly with the common property, the new law furnishes some additional guarantees. In the art.207 of the old family law, in fact, there was a rather vague norm prohibiting the management on behalf of one spouse her/his part of the common property, art.70.2 of the new law requires that the individual part of the common property of the spouses is first specified and then dealt with.<sup>417</sup> The same article in the new law on property relations envisages one further provision, which states that in case of sale of one part of the common property, “the rules guaranteeing precedence in acquiring to co-owners are applied”.<sup>418</sup> With this provision, in fact, the law is protecting first and foremost the interests of spouses, since for the law they are equalised as co-owners of the common holding and therefore have precedence in the acquiring of the part of the latter that one of the partners is intentioned on selling it.<sup>419</sup> The remaining part of the legal norms regulating the conjugal property remained practically the same as within the 1992 law on the family as described in chapter 2. Nevertheless, there is one provision regulating the division of the conjugal belongings, which remained unmodified with the Law on Property Relations, that may cause particular concerns under gender point of view. In fact, article 75 of this law (article 212 of the 1992 family law) states that conjugal partners agree mutually about the division of the common property and in case an agreement cannot be reached then it is the court that decide on the premise that the latter has to be divided on equal shares. However,

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<sup>417</sup>Article 207, Law on Family – Clen 207, *Zakon za Semejstvo*, Sluzben vesnik na RM br. 80/92, 22 dekemvri 1992 and Article 70.2, Law on Property Relations – Clen 70.2, *Zakon za Sopsstvenost i Drugi Stvarni Prava*, Sluzben vesnik na RM br.18, 5 mart 2001, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>418</sup>Article 70.3, *Law on Property*.

<sup>419</sup>See articles 31-58 referring to the regulation of the co-property, *Law on Property*.

the third paragraph of the same article allow for some exceptions, i.e. “on requests on one of the spouses, the court may decide to confer major share of the common property to one conjugal partner if he/she provides proofs that his/her contribution to the creation of this property has been major than the contribution of the other partner”.<sup>420</sup> In principle, this additional norm is ethically and materially justifiable, although it can cause some problems and put women in an unequal and unjust position. Namely, since the Macedonian laws have never paid particular concern or attention to social and cultural norms and therefore never valued the domestic and childcare work or stimulated, with particular provisions, the equal division of the working tasks and responsibilities in the familial sphere, the only proof that can be brought in front of the court can be the material/financial one. Therefore, there may be cases, especially in the rural areas, where women have contributed greatly (or equally) in the creation of the common property with their unpaid domestic (and field) work, but risk to remain unprovided or with less property, since this kind of work is not evaluated, it cannot be measured in material/financial terms and the division of the common property will depend totally on the evaluation of the judge whether to consider this work as contributory in the creation of this property.

#### V. Economic and Social Rights

The most important reforms pertaining to gender equality in the Macedonian internal legal system have been made within the Labour Relations Law. The reforms set up in this law, for what concerns gender equality followed in principle the CEDAW Convention (article 11) and the EU Directives regarding the equal pay principle (Directive 75/117/EEC), the one on equal treatment of men and women in the access to employment, vocational training and working conditions (Directive 76/207/EEC and amendments contained in Directive 73/2002/EC) and on the burden of proof in cases of discrimination based on sex. With respect to the previous laws on Labour Relations the attention paid to gender equality is evident within the new approved law, since in the outlining of the basic terms used within the latter, it is specified that “despite the fact that all references are in male grammatical form they though have to be considered as gender neutral, i.e. concern men and women equally”.<sup>421</sup> The proposal for the amendment of the Law on Labour Relations has been reviewed, directly and indirectly, under the gender perspective by the informal grouping of Women MP's, which was among the first initiatives of a kind.

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<sup>420</sup> Article 75, Law on Property – Clen 75, *Zakon za Sopstvenost i Drugi Stvarni Prava*, Sluzben vesnik na RM br.18; 5 mart 2001, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>421</sup> Article 5.2, Law on Labour Relations – Clen 5.2, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na Republika Makedonija, br.62, 28 juli 2005.

One of the basic changes that have been made to the labour relations law is the one related to the guarantee of equal opportunities in the access to employment in the working status and conditions. The 2005 Labour Relations Law introduces the principle of equal opportunities in terms of prohibition of discrimination.<sup>422</sup> According to art.6.1 in fact “the employer shall not put the employment candidate or the employee in an unequal position on the grounds of race, skin, sex, age, health condition or disability, religious, political or other affiliation, trade union membership, national or social origin, familial status, property, sexual orientation or other personal circumstances”. The equality principle is additionally reinforced on gender bases, since paragraph 2 of the same article affirms that “women and men shall have equal opportunities and equal treatment in employment, occupational advancement (career progressing), training, education, retraining, pay, leave from work, working conditions and hours and termination of employment contract”.<sup>423</sup> Although article 6 considers the unequal treatment on determinate basis as discrimination, the law however goes further and defines and regulates explicitly for the first time the term discrimination (direct and indirect) in the field of employment. Within the previous law on labour relations, as mentioned in the second chapter, gender neutral equality was affirmed in the access to employment, in the regulation of the rights of the employees and their working conditions and no special provisions banning discriminative attitudes on behalf of employers were envisaged (except for certain conditions related to maternity leave). The new law on labour relations, in conformity with art.11 of the CEDAW Convention and the EU Directive 2002/73/EC (amending the Directive 76/207/EEC), prohibits direct and indirect discrimination in cases indicated in article 6 and refer to discriminative practices towards applicants and employees. Article 7.1 defines direct discrimination as “any acting influenced by some of the grounds indicated in article 6 of this law and with which a person has been treated, is treated or could be treated in an unfavourable manner with respect to other persons in comparable situations”.<sup>424</sup> On the other hand, grounds for indirect discrimination exist according to the law when “an apparently neutral decision, criteria or practice, puts or could put an employment candidate or a worker in an unfavourable position with respect to other persons on the basis of particular trait, status, affiliation or beliefs as indicated in article 6”. The 2005 Law on Labour Relations sets forth explicitly the circumstances under which the discrimination is prohibited. According to art.7.4, in fact, the latter is banned with respect to employment conditions (including the criteria for selection of candidates for performing certain kinds of work in any branch

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<sup>422</sup>Open Society Institute, *On the Road to the EU – Monitoring Equal Opportunities for Women and Men in South Eastern Europe*, Network Women's Program, 2006, pg.67, [www.soros.org/initiatives/women](http://www.soros.org/initiatives/women).

<sup>423</sup>Article 6, Law on Labour Relations – Clen 6, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na Republika Makedonija, br. 62, 28 juli 2005.

<sup>424</sup>Article 7.2 *Ibidem*.

and at all levels of professional hierarchy), working promotion, access to all types and levels of vocational training, retraining, and in-service training, working conditions and all rights stemming from the labour relations established, including equal pay, the termination of the employment contract, the rights of members in workers' and employers' associations or in any other professional organisation, including the benefits of membership thereof.<sup>425</sup> The law considers harassment and sexual harassment as act of discrimination as intended in article 6 of the law.<sup>426</sup> According to the 2005 Labour Relations Law, “as harassment is considered any unwanted conduct caused on grounds of characteristics indicated in article 6 which purpose and result is a violation of the dignity of the employment candidate or of the worker and that causes fear or hostile, humiliating or offensive behaviour”.<sup>427</sup> Sexual harassment on the other hand is defined more specifically and in accordance with the EU Directive 2002/73/EC as “any form of verbal, non-verbal and physical conduct of sexual character that has as a purpose or generates a violation of the dignity of the employment candidate or of the worker and which creates hostile, humiliating or offensive behavior”. These new provisions enacted within the law, however, imposed the need to explicitly distinguish the acts of discrimination that may be inflicted towards the employment candidates or workers from actions of their differentiation on the grounds of certain criteria, so as the principle of equality is guaranteed either in the job seeking or in the working conditions. As the newly introduced article 8 states, in fact, “it can not be considered as discrimination the difference in treatment, exclusion or giving precedence for certain type of work, if the nature of the work is such or is performed in such circumstances that the characteristics indicated in article 6 represent a genuine and decisive requirement for the performance of the employment, under the condition that the objective that is supposed to be reached is justifiable and the requirement is proportionate. On the other hand, acts of special protection and assistance conferred to a particular/determinate category of workers, such as those with disabilities, older employees, pregnant women or female workers benefiting of some of their rights to motherhood, are not considered as discriminative, nor constitute, according to the law, grounds for discrimination.<sup>428</sup> Further gender equality provisions are envisaged within the 2005 Law in relation to candidate application for an employment position. Article 24, in fact, states that “the employer cannot make vacancy announcements for men or women only, nor make suggestions that the employer gives precedence to a determinate sex, except in case candidates sex represent an indispensable condition for the execution of

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<sup>425</sup> Article 7.4, Law on Labour Relations – Clen 7.4, *Zakon za Rabotnite Odnosi*, Sluzben vesnik na RM, br. 62, 28 juli 2005.

<sup>426</sup> Article 9, *Ibidem*.

<sup>427</sup> Article 9, *Ibidem*.

<sup>428</sup> Article 8, *Ibidem*.

the job”.<sup>429</sup> While on one hand, the prohibition of selective job announcements on the grounds of gender may be encouraging in the reduction of the gender based professions and working positions, on the other hand the individuation of workers' sexual identity as indispensable condition for the performance of certain types of work generates precisely the opposite effect, i.e. the maintain of gendered employments. The law does not specify explicitly what kind of employment can be considered as adequate, or that can be performed exclusively by one or another sex and this lacune may produce a narrowed interpretation of the law by employers, affected by misogynist social and cultural norms. Can we though say that there are employments adequate to one or another sex? On what grounds? Could it be possible that for certain type of employments, male workers may be indispensables, because the work requires harsh physical strength that women lack or demands extra hours of engagements, which married female workers with familial obligations risk to perform less professionally? Or that, for employments like those in the kindergartens for example, women are more requested because besides the professional preparation all candidates possess, they are considered to be more adequate for the role they exercise already in the familial domain? Are these actions in itself an acts of indirect discrimination on gender basis? Besides the fact that this legal provision is questionable, the lack of precise correlation between gender and types of employment may create additional grounds for discrimination, since the law is not clear neither about which actions could be considered as discriminative in the process of selection of candidates. Does for example, inquiries on marital or family status are allowed and can these than favour one candidate instead of the another? Can this action be considered as discriminative? While in the previous law on labour relations no special provision in this sense was envisaged, within the 2005 Labour Relations Law, article 6 specifies that inequalities caused by the candidate or employee familial status have to be considered as discriminative. Person's marital status is not considered explicitly as discriminative, although may be considered within the expression “other personal circumstances” contained in the same article. Nevertheless, the imprecise definition of these criteria may represent a concrete source for discrimination between men and women on behalf of employers. In this sense, it is not clear whether employers asking to candidates personal questions such as if they are married or if already have or intend to have children during job interviews can be considered as discriminative act or not and if the measures envisaged by the law as compensation for the damages sustained by a person as a result of discrimination can be applied. The law though foresees for the worker and the job applicant equally, the right to demand compensation for the damages experienced due to discrimination of up to five times

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<sup>429</sup>Article 25, Law on Labour Relations – Clen 25, *Zakon za Rabotnite Odnosi*, Sluzben vesnik na RM, br. 62, 28 juli 2005.

the average salary paid in the state.<sup>430</sup> This provision, although introduced following the principle of equal treatment delineated within the EU Directive 2002/73/EC is not completely conformable with the latter, since contrary to what the directive states, the 2005 Law on Labour Relations do fixes a prior upper limit for the compensation in case of discrimination. The Directive in fact requires that the compensation awarded is adequate in relation to the damage sustained and the determination of a prior limit may preclude this effective and adequate compensation.<sup>431</sup> Nevertheless, in case of presumed discrimination (direct or indirect) or harassment committed against an employee of an employment candidate, the 2005 Law on Labour Relations introduced a new clause which is in conformity with the Council Directive 97/80/EC and requires from the employer to demonstrate the non-violation of the equal treatment principle, i.e. "that there are no grounds for discrimination as delineated in articles 6 and 9, except if he/she proves that the differential treatment is made on the basis of cases indicated in article 8".<sup>432</sup>

With respect to the previous law, the reformed law on labour relations, envisages explicitly the need to guarantee equality in the remuneration for a work performed of equal value in line with article 11 of the CEDAW Convention, the ILO Convention 100 and the Council Directive 75/117/EEC. Article 108 of the 2005 Law on Labour Relations states that "the employer is obliged to provide equal pay for work of equal value to employees regardless of their sex", specifying ultimately that "if provisions of the working contract, the collective agreements and the acts of the employer are contrary to paragraph 1 of this article shall be declared void".<sup>433</sup> Inequality in the payment of salaries on the grounds of criteria indicated in article 6 of the law is considered as an act of discrimination and therefore punishable with payment of fines on behalf of the employer. Nevertheless, with respect to these international documents there are some lacunes in the 2005 Labour Relations Law regarding the definition and the application of the equal pay principle. The law, in fact, does not provide for a special job classification system setting the workers salary rates. Public administration employees are subject to a job classification system provided through the Civil Servants Act which is not gender specific, while the law on labour relations itself foresees the issuing of basic salary, additional wage (part of wage) for working successfulness and further contributions as set up by the collective agreements. The latter in fact, calculate certain coefficients inherent to the complexity of the type of work and working positions, but serve only to define the minimum wage and not to set up a classification system that could pose

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<sup>430</sup> Article 10, *Ibidem*.

<sup>431</sup> Directive 2002/73/EC of the European Parliament and of the Council of Europe of 23 September 2002 amending Council Directive 76/207/EEC, [http://europa.eu.int/comm/employment\\_social/gender-equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender-equality/index_en.html).

<sup>432</sup> Article 11, Law on Labour Relations – Clen 11, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na RM, br.62, 28 juli 2005.

<sup>433</sup> Article 108, *Ibidem*.

working men and women in comparable situations with respect to their skills and accumulated experience, their efforts and their responsibilities so as the equality of the value of their work is guaranteed.<sup>434</sup> The law moreover does not foresee additional mechanisms, besides the publication of the legal norms, by which the provisions relating to the right to equal pay principle and the application of the latter are brought to the attention of the employees, as the Directive 75/117/EEC states.<sup>435</sup> There are no specific legal means regulating the cases of violation of equal pay principle and the main institutions responsible for the implementation of the labour regulations and the equal pay principle are the labour inspectorates. The law envisages mechanisms that can be applied in case of general violation of labour rights through internal procedures between worker and employer, through internal arbitrary commissions or by lawsuits.<sup>436</sup> Nevertheless, without specific legal procedures regulating the equal pay principle and the lack of classification mechanisms that can compare a work of equal value, except for the public administration, the implementation of this principle can be barely operational, especially in the private sector.<sup>437</sup>

Finally, changes have been made within the 2005 Law on Labour Relations for what concerns the special protective measures to female workers and in general in relation to issues concerning the reconciliation of the working responsibilities of male and female workers and their family life. Differently from the previous law, the new law erased the special section containing specific protective measures addressing altogether female workers, minors and workers with disabilities. The 2005 Law on Labour Relations contains a special chapter with specific protective measures related to only female workers in reference to pregnancy and motherhood, which according to article 8 of the law are not considered as discriminative towards male workers. This special section contains some new provisions introduced with the 2005 Law on Labour Relations and other ones deriving from the previous law, which have been reformed. With respect to the new provisions, the 2005 Law on Labour Relations declares explicitly that “workers are entitled to special protection in their labour relation in case of pregnancy and motherhood” and that “the employer is obliged to facilitate the reconciliation of family and professional duties of his/her employees”.<sup>438</sup> In this context, it is appreciable that the categories of

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<sup>434</sup>Jasminka Friscik, Lidija Dimova, Na Patot kon EU – *Monitoring na Ednakvite Moznosti za Zenite i za Mazite vo Makedonija*, Akcija Zdruzenska, Skopje 2006; *Opst Kolektivni Dogovor za Stopanstvoto na Republika Makedonija*, Sluzben Vesnik na RM br. 76, 23 juni 2006.

<sup>435</sup>Article 7, Council Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, February 1975, [http://europa.eu.int/comm/employment\\_social/gender\\_equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender_equality/index_en.html) and Jasminka Friscik, Lidija Dimova, *Ibidem*.

<sup>436</sup>Articles 181-183, Law on Labour Relations – Clen 181-183, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na RM, br.62, 28 juli 2005.

<sup>437</sup>Jasminka Friscik, Lidija Dimova, *Ibidem*.

<sup>438</sup>Article 161, *Ibidem*.



workers that may need for special protective measures have been separated and that the new law requires explicitly from employers to ease the reconciliation of professional and family life. One problem however arises in relation to this provision, i.e. the law is not clear about the way in which this reconciliation can be realised and leaves much space for personal interpretation of the latter, risking therefore to become null and void. On the other hand, the protective measures that have been submitted to change are those related principally to female workers and in particular with regard to night and extra-hours work, hard physical work and maternity leave. For what concerns the night and extra-hours work, in the previous law it was prohibited to female workers to perform it during pregnancy and up to the second year of age of the child, except in the cases where it was requested expressly by the worker personally to be allowed to work extra-hours and during night shifts. The reformed law maintained the prohibition for the exertion of these duties but up to one year of age of the child. Moreover, it envisaged the legal possibility for female workers with a child in age from one to three years to perform such duties, not on the basis of personal requests, but only upon a written agreement.<sup>439</sup> The same rules may be though valid also for the father of the child or the worker that takes care of the child in case of death of the mother or of her abandonment of the child. For what concerns hard physical work, while in the previous law it was prohibited to female workers to perform these duties or to work underground or under water or other, the new law restricts the field of prohibited working tasks by indicating only underground work in the mines as banned for women, but with certain exceptions. This prohibition does not refer to “female workers that cover managerial positions or have higher responsibilities, that have to perform duties underground for vocational training or expertises, or to those employed in the field of health and social services that by the nature of their duties may have to go underground”.<sup>440</sup> In relation to the third aspect, i.e. the maternity leave, the 2005 Law on Labour Relation grants, for the first time, the possibility to fathers to take paternity leave in case of a birth of a child. In fact, according to article 167 “unless the leave for childbirth is not utilised by the mother/the female worker, than this right can be used by the biological or adoptive father of the child”.<sup>441</sup> Moreover, the new law prohibits the dismissal from work not only for female workers on maternity leave but also for male workers being on paternity leave.<sup>442</sup> The changes introduced within the Labour Law follow certain aspects of the Council Directive 92/85/EEC on the protection of pregnant workers and the Directive 96/34/EC on parental leave, but do not comply in all aspects with the latter and

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<sup>439</sup> Article 164, Law on Labour Relations – Clen 164, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na RM, br.62, 28 juli 2005.

<sup>440</sup> Article 160, *Ibidem*.

<sup>441</sup> Article 167, *Ibidem*.

<sup>442</sup> Article 101, *Ibidem*.

contain certain provisions that may be submitted to discussions and doubts. While it is appreciable that women that have given birth recently are protected by the law from working during night shifts and that if they are performing this kind of work although having a small child (from one to three years) it is because they have agreed to. The first impression that may be obtained is that with these changes the risk that female workers may be subjected to conditionings in exerting and acceding to certain type of works that require necessarily working in shifts has been reduced and that a choice (or free decision) is left to them, a different idea may emerge when considered more thoroughly. The law in fact does not allow for alternative measures, as the 92/85/EEC Directive does, such as transfer to daytime work or extension of maternity leave when a transfer is not feasible. Moreover, why the same criteria do not refer equally to the father of the child, i.e. to decide whether to perform night shifts in the period from the first to the third year of the child, since the objective of the law is to guarantee equal opportunities between men and women and employers are legally bonded to easen to workers (female and male equally) the reconciliation of professional with family life? The tendency of the Macedonian legislators to induce male workers to engage more actively in their responsibilities as fathers and reduce the alleged exclusive role of the mothers in the childcare is obvious within the new law on labour relations with the introduction of the parental leave. However, this provision risk to remain inoperable since lacks further specifications and guarantees to male workers and is transferable. Contrary to the provisions of the Directive 96/34/EC, paternity and maternity leave are transferable according to the Macedonian law on labour relations, i.e. that the male worker is entitled to the latter only in case the female worker does not use the maternity leave. Moreover, the duration of the paternity leave is not specified within article 167, except for the paid leave of seven days guaranteed for male workers only in case of a birth of a child (art.146), which is not considered however as part of the paternity leave. In relation to the latter, in fact, the law is not clear whether it refers to the total or the partial use of the period conferred legally for maternity leave, meaning if the nine months leave can be divided among both parents without loss of pay. In addition, the 2005 Law on Labour Relations does not confer to male workers any protective measure and guarantee for return to the same working position after the expiry of the paternity leave, which may act as disincentive in its applying. But the new law has not granted neither to female workers the right to return to the same job or to an equivalent position after maternity leave, as envisaged in the Council Directive 2002/73/EC and article 11.2 (b) of the CEDAW Convention. In fact in this sense the 2005 Law on Labour Relations did not brought any significant changes with respect to the previous one and lack of certainty in this sense remained for women

workers, which eventually do not dispose of any choice as male workers of whether to risk and therefore use their right to paternity leave or not.

Finally, the 2005 Law on Labour Relations introduced another protective measure referring to female workers during their pregnancy and one year after the child delivery. Namely, according to art.162, the law prohibits to female workers during this period “to perform jobs that may affect negatively their health and the health of their child. The classification of jobs that may be considered to be dangerous in the sense of paragraph 1 are decided by the ministry of labour and social policy in collaboration with the ministry of health”.<sup>443</sup> This provision approaches some of the norms contained in the Council Directive 92/85/EEC, which however have not been incorporated into national legislation.<sup>444</sup> The 2005 Law on Labour Relations, in fact, does not contain definition of pregnant worker, a worker who has recently given birth and a worker who is breastfeeding as envisaged by the Directive.<sup>445</sup> Moreover, although article 163 of the uppermentioned law requires from the competent ministries the classification of jobs that may be potentially dangerous for the health of the female workers, the Law that regulates the protection at the workplace does not contain a specially designed checklist for the protection of pregnant workers, workers who have recently given birth or those who are breastfeeding, as stipulated by the Council Directive in the Annex 1.<sup>446</sup> The 2005 Law on Labour Relations does not make it compulsory for employers to assess the working conditions and the assessments of risks of exposure to agents and of working conditions that may be dangerous for the safety and health of pregnant workers, those that have recently gave birth and breastfeeding female workers, as stated in the uppermentioned Directive and Article 11.2 (d) of the CEDAW Convention. The Macedonian labour legislation is also not conformable with the Directive 92/85/EEC for what concerns the ante-natal examinations. The 2005 Law, in fact, does not foresee the right to pregnant workers to temporary absence from work without loss of pay, in case such examinations must occur during working hours. Despite these observations, however, it was exactly in the field of employment that precedence was given for the introduction of gender equality policies, expressed through legal reforms since it was also in this field that the most apparent disparities occurred during transition. It has to be admitted that

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<sup>443</sup>Article 162, Law on Labour Relations – Clen 162, *Zakon za Rabotnite Odnosi*, Sluzben Vesnik na RM, br.62, 28 juli 2005.

<sup>444</sup>Jasminka Friscik, Lidija Dimova, Na Patot kon EU – *Monitoring na Ednakvite Moznosti za Zenite i za Mazite vo Makedonija*, Akcija Zdruzenska, Skopje 2006.

<sup>445</sup>Jasminka Friscik, Lidija Dimova, *Ibidem*, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, [http://europa.eu.int/comm/employment\\_social/gender-equality/index\\_en.html](http://europa.eu.int/comm/employment_social/gender-equality/index_en.html).

<sup>446</sup>Jasminka Friscik, Lidija Dimova, *Ibidem* and *Zakon za Zastita pri Rabota*, Sluzben Vesnik na RM, br.13/98, 18 mart 1998 and *Zakon za Izmenuvanje i Dopolnuvanje na Zakonot za Zastita pri Rabota*, Sluzben Vesnik na RM br.33/2000, br.29/2002.

gender equality policies cannot substitute the general strategy and pretend to resolve the problems of existing disparities, since these policies are created on the basis of registered inequalities, are written by experts and have temporary duration. The elimination of gender inequalities starts with the planning and the implementation of gender equality policies but, though, need to be proceeded in all fields considered to be important and within general policies.

## **II. Gender mainstreaming policy**

The policy of gender mainstreaming had its origin, as already mentioned, in the *Beijing Platform for Action* where it was commonly asserted by state parties that governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes. In that occasion, it has been recognised that the elimination of all inequalities between men and women, whose worldwide persistence was acknowledged at the Beijing Conference, represented a complex issue that required a complex response and solution. Through the adoption of a gender mainstreaming policy, state parties admitted that the issue of gender equality could not have been considered as women issue only, but as an issue that concerns and affects the society as a whole. As mentioned in the introduction, the gender mainstreaming policy regards all policies and requires the examination of the disparate impacts that certain - apparently gender neutral - policies may have on the lives of men and women. In this way, the gender mainstreaming policy recognises the human diversity and admits that because of the differences that exist among men and women, policies, not necessarily gender specific, could produce diverse effects on men and on women. Gender mainstreaming concentrates, therefore, on contemplating and analysing the relations between men and women and do not refer to men and women as two distinct social categories.<sup>447</sup> Experts consider that through the integration of a gender mainstreaming perspective in general policies and the assessment of the results of the latter on the well being of the citizens, a different approach in developmental policy may be embraced, which could differ from previous general policies (based on indicators as GDP and similar data considered neutral and expressed in average values) and adopt a more human approach in general development by involving and conferring a shared responsibility to men and women equally in removing the imbalances in the society.<sup>448</sup> A concrete gender mainstreaming policy, therefore, may contribute to the guarantee of more equity in the level of human development between men and women. The implementation of such a policy, however, requires, as mentioned, a complex approach

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<sup>447</sup> Group of Specialists in Mainstreaming, *Gender mainstreaming – Conceptual framework, methodology and presentation of good practice*, Council of Europe Publishing, december 1998.

<sup>448</sup> Group of Specialists in Mainstreaming, *Ibidem*, pg. 24.

and extended time, since it demands for the combined deployment of different tools such as analytical and educational ones and the coordinated action of different actors. It requires, in fact, an analytical work, i.e. the collection of quantitative and qualitative gender based data, the conduct of different researches, the assessment of the costs in financial terms and in human resources, as well as a broad band educational, informative and awareness raising campaigns, training initiatives and courses. Last but not least, the gender mainstreaming policy implies also the participation of plurality of actors, such as citizens of both genders, political parties, public administration employees, experts, NGO's and civil associations.<sup>449</sup> Consequently, in order to create a gender mainstreaming policy, what is necessary in first place is to recognise the need for the adoption of such a policy and secondly to demonstrate a firm political will and commitment to examine all the fields where these inequalities emerge and tackle the reasons for the latter.<sup>450</sup> The Macedonian state, through the sign of the Beijing Platform for Action, recognised such a need and committed to the implementation of an overall gender mainstreaming policy. Such commitment, though, was not only a pure result of the sign of this international document but was pressured from bellow, from the women informal groupings and political representatives and was highly recommended from above, from the international organisations and initiatives with the purpose to guarantee equity among citizens in the exercise of their rights and in this manner comply with the principles of good governance. Moreover, for an accession country as Macedonia, the adoption of a gender mainstreaming strategy represented one important segment of the EU policy of conditionality set up by the EU Treaty of Amsterdam. However, the strategy that was adopted, as it will be seen in the next few pages, followed the crucial areas of concern for gender equality individuated within the Platform for Action and contained a combined enactment of analytical and educational tools and foresaw the coordinated work of a plurality of actors.

The gender mainstreaming policy is complementary with the gender equality policies that have been analysed in the previous paragraph, meaning that the latter represent one part of the overall strategy aiming at eradicating gender inequalities. For explanatory clarity, however, the analysis of the gender mainstreaming policy has been divided in two parts (two separate stances), the National Action Plan where the overall strategy has been elaborated, and the Law on Equal Opportunities between Men and Women which has been considered as a far reaching legal instrument in eliminating all discrimination on gender basis and guaranteeing equity in all fields of citizens lives.

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<sup>449</sup>Group of Specialists in Mainstreaming, *Ibidem*, pg.27-42.

<sup>450</sup>Group of Specialists in Mainstreaming, *Ibidem*.

## II.I. National Action Plan for Gender Equality (NAPGE)

The core of the Macedonian gender mainstreaming policy is contained within the National Action Plan for Gender Equality which has as its objective the implementation of the *Beijing Platform for Action* and is conceptualised on the grounds of the crucial areas of concern enlisted within the latter. The National Plan for Action treats issues related to human rights of women and girl-child, politics and decision-making, economy, social policy, health, education, violence, armed conflicts, environment and media. For the planning and the implementation of this mainstreaming agenda constructed on these crucial areas of concern, the National Action Plan envisaged the need for analytical and educational activities, as well as the coordinated work of the governmental sector, political parties, the non-governmental sector represented by the women NGO's, civil organisations, researchers and experts in the related fields. For the purpose of the coordination and realisation of the NAPGE, however, a National Committee for the Implementation of the *Beijing Platform for Action*, reuniting mainly female representatives of the state political institutions and of the civil sector, as well as independent women experts in various fields related to the main areas of concern, has been instituted by the government. The Committee was supposed to act in close cooperation with the already existing Unit for the Promotion of the Gender Equality and operating in the frame of the Ministry for Labour and Social Policies.

### *a. Human rights of women and girl-child*

The National Action Plan for Gender Equality states, in conformity with the Beijing Platform for Action, that the human rights of women and the girl child are an inalienable and indivisible part of universal human rights and fundamental freedoms. The NAPGE basic premise is that “women rights are human rights and therefore the equality between sexes has to be promoted and protected”.<sup>451</sup> In favour to the realisation of the latter, eight strategic objectives and subsequent activities have been foreseen, i.e. the guarantee of the full enjoyment of the human rights and fundamental freedoms on behalf of women and girl-child and the elimination of all kind of discrimination; the overcoming of the gap between the guaranteed formal rights and freedoms to which women are entitled and their effective exercise; the creation of the basic conditions for the expression of the gender differences and specificities at all societal levels and the mainstream of the gender perspective in the process of the legalising and institutionalising of all policies and relations within the society; the acknowledgement of the need for the equal division of family responsibilities between conjugal partners; the recognition of

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<sup>451</sup>Unit for the Promotion of Gender Equality – Ministry for Labour and Social Policy of the Republic of Macedonia, *The National Action Plan for Gender Equality*, Skopje 1999 (unprinted version).

the right of women to control all aspects of their health, in particular their reproductive health; the reveal and affront of with the violence exercised upon women in the private and public life; the identification and the surmount of specific problems and barriers in the enjoyment of human rights of women from different ethnic and religious communities and the raise of awareness about the existence of these rights and their effective exercise. For the realisation of the uppermentioned objectives the National Action Plan envisaged the need for a coordinated realisation of certain activities between the governmental and the non-governmental sector. The precedence has been given though to educational and informative activities, whereas the spreading of knowledge about human rights and the acknowledgement about the mechanisms for their protection have been seen as first priorities. Within the latter, specific programmes for the education about the legal provisions, such as presentation of the national legislation and international norms and mechanisms for the protection of the rights of women, the mainstream of the human rights issues within the didactic programmes and plans in the primary and secondary education, have been classified as necessary. The educational activity, though, had to be extended according to NAPGE to the whole society through the enactment of campaigns for the promotion of the equality between men and women in the private and the public life, as well as by providing gender-sensitive human rights trainings to public officials, social workers and those working in the health sectors, teachers at all levels of the educational system, judiciary, politicians, etc.

In straight correlation with the educational activities, informative campaigns about the human rights of women have been foreseen, as well as the dissemination of information about international documents and instruments, presentation of the registered cases of violated rights of women and the acknowledgment with the mechanisms for seeking redress when the violation of the human rights occurs. Besides educational and informative activities, the NAPGE envisaged also the need to re-examine and reform the national legislation with the purpose to erase all discriminative norms and to review and amend criminal, managerial, labour, family and inheritance related legal regulations with provisions and mechanisms for the protection and the prosecutions of acts of discrimination and violation of the rights of women, regardless of the relationship between the perpetrator and the victim. The National Action Plan considers as necessary also the simplification of the administrative procedures and the organisation of free of charge legal counselling of women that are not able to provide for themselves in order to stimulate the legal regulation of the cases of violation of the rights of women. Finally, in order to guarantee the continuous follow-up of the problematics of the human rights of women and the implementation of the provisions envisaged by the Plan, it was deliberated to create

a cross-sector monitoring body composed of public officials and representatives of the non-governmental organisations.

*b. Women in power and decision-making*

The increase of women active participation in the institutions of political power has been individuated as priorital in easing and erasing gender inequalities. Therefore, for the overcoming of these inequalities and the increase of participation of women in the processes of decision-making the National Action Plan individuated three basic strategies, i.e. the elimination of all registered gender based inequalities through the creation of a set of institutional measures and special programmes, the guarantee of equal access to women in politics and in the structures of power and decision-making, and the increase of women capacities for their qualitative participation in the sphere of politics. In the realisation of these aims, the group of experts that worked on the preparation of the NAPGE, however, foresaw a combined action between the formal and informal political structures, such as governmental structures, political parties and non-governmental organisations. As it was seen in the previous chapters, the sphere of formal politics has been predominantly male since the independence of the state and the causes for the latter have been individuated in the electoral mechanisms, in the internal division of power within the formal political organisations, such as the political parties, and in the political culture of the Macedonian society. In this context, those women that had political interests and had intentions to participate in the political life of the country reversed within the informal sector, i.e. the non governmental organisations and civil associations. These structures had however limited or none influence in the processes of decision-making and their lobbying power was rather fable. Considering these circumstances it may be supposed that the group of experts that worked on the planning phase of the National Action Plan contemplated the need for a combined action of the formal and the informal sector if change in the gender imbalances in politics had to be introduced.

In this context, for the realisation of the first strategic aim, the NAPGE envisaged the need for the creation of a so-called “national machinery for gender equality”, intended as a set of institutional measures and special bodies created to eradicate the existent gender based inequalities in the field of power and decision-making. Main activities in this sense have been conferred to the central government to whom it was requested to render the National Committee for Gender Equality a permanent body by normatively defining the tasks and responsibilities of the representatives of the formal and informal political sector, as well as to promote and further develop the functioning of the existent Unit for the Promotion of Gender Equality. These two bodies have been identified as central in the coordination and realisation of the gender mainstreaming agenda. Among the further tasks that have been assigned to the



central government were also the institutionalisation of further bodies and figures attaining for gender equality, such as minister without portfolio, a parliamentary commission for gender equality and commissions formed at the level of local government, with the purpose to create a coordinated institutional structures at all levels that would work on the elimination of gender inequalities in the processes of decision-making. Besides this institutional aspect, however, the tasks assigned to the government went further and required a more close attention to the gender balance in the assignment of ministerial functions, the evaluation of the professional curricula of female public officials and the development of researches for the evaluation of the effects that gender disparities exert on the processes of decision-making. For what concerns the formal and the informal political sector, the National Action Plan conferred major tasks and responsibilities to the latter in the creation of the national machinery for the eradication of the gender inequalities. Before analysing these tasks in detail, however, it is necessary to make a brief observation in this instance about the fact that this strategy in itself represents a kind of a paradox, since formal political organisations, i.e. political parties, have been identified as major responsible for the creation of gender imbalances in the representative institutions and structures of decision-making, while the lobbying power of the civil sector has been considered as rather limited. By what means can then the National Action Plan change this order of things? For what concerns political parties, the NAPGE gave precedence to the creation of mechanisms for the promotion and the expression of women interests within these structures through the formation of women lobbies, women forums etc. Since no other specification was enlisted it may be presumed that the NAPGE required from political parties to introduce a kind of a voluntary gender quota, expressed through informal lobbying groups, by the means of which women interests could have been expressed. Major responsibilities were though conferred to non-governmental organisations to whom it was requested to create in first place a common strategy for gender equality among all registered organisations at national level, then to propose new ideas, solutions and projects to the National Committee for Gender Equality, and to continuously perform the activity of lobbying for gender equality in the Parliament, the government and the political parties.

In the realisation of the second strategic aim, i.e. the guarantee of equal access to women in politics and in the structures of power, the coordinated three party strategy between the central government, the political parties and the non-governmental organisations has been confirmed. To the central government, among different issues, it was requested to re-examine the national legislation on gender basis and than to provide for the organisation and coordination of certain analytical and educational tools. In the first case, what has been individuated as priority was the re-consideration of the electoral

laws from gender perspective and the approval of a law for gender equality. In relation to the analytical and educational tools, the government was supposed to provide, according to NAPGE, for the creation of the complete statistical database under gender perspective, for the organisation of educational campaigns and training courses concerning the mainstream of gender perspective in the field of politics and decision-making and for the conferring of concrete financial support, from national and international sources, for the projects having as their aim the reinforcing of the national machinery for gender equality. Importance, also has been given to the more gender equilibrated nominations of public officials in diplomatic missions, international institutions and bodies. For what concerns the activities of the political parties in the promotion of gender equality in politics and the structures of decision-making the NAPGE confirmed the strategy of the stimulation of a kind of voluntary gender quota. In fact, it was required from the formal political organisations to treat the issue of gender equality as one of the main political objectives in their party programmes, to work for the greater inclusion of women in the highest bodies of party hierarchy, to democratise the procedures for candidates nominations and to increase the share of women candidates in the single member districts and in the proportional lists, as well as to stimulate women leadership. Since no precise mechanisms and instruments have been identified of how to stimulate party organisations to work on the realisation of the uppermentioned actions, it can be asserted that it is all left on their political will to act for the guarantee of gender equality. The introduction of quotas in the nomination of candidates has been treated as an ad-hoc solution. To the informal sector, on the other side, the National Action Plan conferred, besides the activity of lobbying for the major inclusion of women in politics and their election, also the organisation of awareness raising campaigns about the importance of participation of women in the processes of decision-making, their empowerment and the reinforcement of the confidence and self-perception of their political capacities and potentials. Moreover, to non-governmental organisations have been assigned also the activities of promotion of dialogue and coordination of all actions between the informal sector, the political parties, women MP's and ministers, the National Committee and the Unit for the Promotion of Gender Equality.

The experts working on the realisation of the National Action Plan have envisaged the need, expressed in the final strategic aim, to increase women capacities for qualitative participation in the field of politics. The perception that may be, though, gained by reading this final strategic aim is that the group of experts has admitted in some way that the inequalities that exist in the field of politics and the sphere of decision making are the result of some deficiencies of women in their political capacities (since they need additional activities for the qualitative improvement of their participation in politics) and not an

outcome of structural impediments (institutional and socio-economic) and social and cultural norms. In this sense, the activities that have been foreseen on behalf of the governmental structure for the achievement of this aim are the promotion of gender studies, the creation of basic conditions for the women's socio-economic autonomy as a precondition for their active participation in the political arena, the cooperation between international organisations and institutions in the training of women for political engagements. Political parties and non governmental organisations are supposed to engage, according to the NAPGE, in the organisation of workshops for women leadership and trainings for women participation in politics for what concerns the former and in the education of the proper membership about the impelling need for the participation of women in politics, the organisation of campaigns in the media about the public acknowledgment of this need and the institutionalisation of informative center for gender equality regarding the latter. It may be argued that the activities enlisted for the realisation of this final strategic aim, i.e. the increase of women capacities for qualitative participation in the sphere of politics, are addressed principally to women. But, if represented in such a manner does this not represent an oversimplification of the problem of gender inequalities in politics? Do these activities have to refer to women and men equally, so that women can be empowered politically and men made more aware about the women potentials in politics and educated about the importance of their participation in decision-making?

### *III. Women and economy*

Economic equality has been identified in the National Action Plan as the basic premise for all other forms of equality that could be achieved according to the latter through the full integration of women in the field of employment. The economic inactivity and unemployment have been outlined as the most acute problems emerged in Macedonia during the transitional period, which have affected women citizens in particular. The National Action Plan, therefore, envisaged certain long-term and short-term strategic aims and activities in the overriding of the gender based inequalities in the field of the economy. While the short-term policies are gender specific and address women in particular, the long-term policies are gender neutral and foresee activities that affect all citizens equally. The long term objectives are related to the macroeconomic policy of the state and comprise actions in the field of investments, savings, commerce and set out concrete interventions in the labour force market. They refer to the stimulation of savings through the consolidation of the financial system, the increase of investments and decrease of interests share, the change of the importation policy by supporting the imports of means of production through tax facilitation, the stimulation of small size business and family business, the provision of financial and institutional support for developmental programmes

aiming at creating more employment and increase of the mobility within the labour market through the creation of flexible forms of employment. The short-term strategic objectives, as mentioned, are gender specific, since are intended to remedy for the inequalities that have been created during the transitional period. In this context, among the first activities enlisted are some proposals having as objective the arrest of the progressive unemployment tendency in the country by providing support through wage subsidies in the process of restructuring of enterprises that are employing significant portion of women workers. Further activities concern the labour force market and target principally the state employment agency and its reconstruction as the starting point for the increase of women employment. What has been considered as indispensable in this sense was the provision of updated information about the share of unemployed women, the creation of accurate data base of the employment opportunities, the follow up of the development of male and female entrepreneurship, the evaluation of the professional curricula of the unemployed women and the assessment of the potential needs in terms of vocational education, trainings, empowerment, building self-confidence, the mapping of women fields of interest as potential sources for the creation of employment opportunities (crafts, trade, home-based employment, research work etc.) and the analysis of the motives that inspired economically successful women to enter the labour market. Further activities of the short-term strategy are those related to the development of the women entrepreneurship as part of the overall support for the development of the small-medium business. In this sense, the activities enlisted comprise the formation of the adequate infrastructure and the so-called incubators for women business centres, the development of programmes for the start up of small business where women might be the leading actors and the institution of informative point providing accurate data about the programmes that sustain women entrepreneurship, as well as the foundation of social structures and activities for women entrepreneurs that have children. Finally, the NAPGE foresees also the development of a special system of social protection for the most pauperised categories of unemployed women, which comprise counselling services, institutional care in terms of abilitating women for economic activity and guarantee of the right for being fostered in institutions of social protection, non-institutional care and social assistance for women considered unable to work or those temporarily unable to engage in employment activities, health protection etc. The issue of social protection has however been considered in more extensive manner within the specific paragraph dedicated to social policy, which treats also the question of employment and career progressing. Certain observation though can be made in relation to the upper mentioned strategic aims, as for example, the elaboration of short-term measures can be considered as quite positive in terms of limiting some of the effects of the transitional policies on women employment, in stimulating women increased enrolment in

the labour market through different awareness campaigns, vocational trainings, women entrepreneurship and in taking particular care of the most vulnerable categories. Nevertheless, important issues, such as those relating to the reconciliation of the professional and private life have not been taken into consideration neither in the long-term nor in the short-term measures. There are no proposals dealing with some kind of evaluation of the domestic labour, nor initiatives stimulating the increased sharing of responsibilities between men and women in the private sphere or provisions that allow for the increased use of paternal leave etc. The resolution of the problem of the “double burden” that traditionally is pending on women lives may be considered as equally important as any economic policy intended to stimulate growth and employment, when gender equality is concerned. This issue may be partially resolved also through initiatives contemplated within state social policy.

#### *d. Women and Social Policy*

The National Action Plan considers social policy as a multidimensional sphere that comprises different spheres such as employment, social insurance, education, consumption etc.<sup>452</sup> Therefore, the NAPGE foresees as its main strategic aims in this field the guarantee of equal treatment of both genders in employment, wages and career progressing in first place, secondly, the increase of women employment and finally, the special care for rural women, for marginalised women groups, for girl-child and for elderly people. In the realisation of the strategic aims within the field of social policy, the National Action Plan considered the combined action of the formal (the government) and the informal sector (non-governmental organisations) as necessary. Consequently, for what concerns the first aim, to the government have been conferred those activities that were considered as a priority in the guarantee of equal treatment in employment, wages and career promotion, i.e. the harmonisation of the labour law in line with the one of the European Union, the equalisation of rights in social and pension insurance, the creation and updating of statistical data base on gender grounds, the approval of programmes for vocational trainings and lifelong learning. On the other hand, the tasks assigned by the National Action Plan to the non-governmental organisations have been those related to the improvement of women legal knowledge about their civil rights (labour, family and inheritance law), the organisation of free of charge or low cost legal assistance in the protection of these rights, the elimination of gender based prejudices and stereotypes related to male and female occupations and the monitoring of the salary payments. Before proceeding with the analysis of the actions foreseen for the realisation of the second aim, reservations may be expressed for what concerns the competencies assigned to the NGO's and in

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<sup>452</sup> Unit for the Promotion of Gender Equality – Ministry for Labour and Social Policy of the Republic of Macedonia, *The National Action Plan for Gender Equality*, Skopje 1999 (unprinted version), pg.11.

particular to the responsibility that has been conferred to them in the monitoring of the salary payments and the elimination of the gender based prejudices and stereotypes related to male and female occupations. While it is true that NGO's may perform this task of monitoring the wage payments, however, the action in itself may remain futile if it is not backed up by additional measures undertaken by governmental structures, as by the labour inspectorates for example, or by trade unions. Most probably, the envision of a complementary action within the National Action Plan between the formal and the informal sector would have been more convincing. Moreover, regarding the gendered occupations, NGO's may contribute in the organisation of different awareness raising and educational campaigns within the society, but concrete institutional and legal measures in the field of education and within the labour market may be indispensable also, since the roots for these gender based employments reside not only within the society but have their grounds also in the institutions. The enlistment of specific governmental tasks, together with those of the informal sectors may would have been more adequate.

For the second strategic aim, i.e. the increase of women employment, the National Action Plan for Gender Equality compels from the government to eradicate illiteracy, to supervise the working conditions of women workers, to introduce tax relieves for enterprises that employ women whose children are younger than fifteen years of age and to create special programmes for re-employment of women that have been dismissed recently. Non-governmental organisations on the other hand, have been individuated as the most adequate actors for providing support for the programmes that offer assistance to families and solutions for children care, as well as for furnishing services that allow for time savings (openings of self-service restaurants, providing pre-cooked meals etc.).

Finally, the NAPGE confers special attention to rural women and their development, since it requires from the government the elaboration of accurate statistical databases about the female rural population, the organisation of educational campaigns about reproductive health, marriage and family, the increase of the females productive capacities through easier access to capital, credits and land, the promotion of programmes for the production and the distribution of safe food. The NGO's have been assigned as the main actors in supporting rural women pluriactivity and their legal education about the rights they are entitled to. Social care for elderly has been envisaged in the National Action Plan as another issue that had to be considered with particular attention and through specific policies, such as the institutionalisation of special centers for daily stay and the adoption of new legal provisions concerning the hospices on behalf of the governmental structures and the development of further care activities from the informal sector. Among the latter, in fact, to NGO's has been conferred a plural set of actions

directed to support and assist older people, such as formation of special groups for the performance of the care, creation of networks of volunteers, special assistance to elderly in the realisation of their rights and helping the latter to remain within the family. The ultimate activities foreseen by the NAPGE in the field of social policy concern the marginalised women groups and girl-child. The government tasks in this field consist in the creation of an adequate data base of this category of women considered as more vulnerable elaborated on the grounds of different criteria, such as familial status, handicap, unemployment, working abilities etc., then in the fulfilment of rights of women, guaranteed by the familial and the inheritance law, in case of divorce, in the psychosocial assistance of women in situations of risk, and in the institutionalisation of a center for crisis. Non governmental organisations, in this concrete field, have more limited responsibilities and concern mainly the provision of support to self-assisting women groups (those of women single parents, mothers of children with disabilities or illnesses etc.), the eradication of all prejudices, stereotypes, injustices and barriers on gender basis in the inheritance and the emancipation of Roma women, considered to be a particularly marginalised group. In the special protection towards girl-children, the governmental tasks are predominant and extend from the guarantee for the implementation of the national and international legal norms concerning girl rights to concrete actions providing protection to the latter. In the frame of the legal protection, what has been conceived as priority was the full implementation of the Convention for the rights of children, the strict respect and application of the national law for the asserted minimal age for marriage stipulation, the application of the ILO standards for the protection of young women at working place and the re-examination of the efficacy of the legal, administrative, social and educational measures envisaged for the safeguard of girls against physical and psychological violence, exploitation, sexual harassment, child pornography and prostitution. On the other hand, the concrete actions that the government might undertake according to the National Action Plan are the creation of programmes for the elimination of the practices of marriage and childbirth in young age, the guarantee of obligatory social insurance for employed girls, the introduction of strict punitive measures for the employment of young under the authorised legal age and for overriding the working hours as well as for the lack of provision of adequate health and sanitary conditions on workplace. The activities of the non-governmental organisations are directed on the building of self-respect and confidence among girl-children, the providing of certain activities for eradicating sexual intercourses in young age and offering special care to homeless children.

In overall, besides the reservations expressed in relation to the first strategic aim, further observations can be made in the field of employment and social policy (first and second aim) and to some extent

regarding the care activities for the specific groups such as rural women, elderly, marginalised women and girl-child (third, fourth, fifth and sixth aim). For what concerns employment, no provisions, actions or mechanisms have been foreseen in eliminating discriminative actions (direct and indirect) on gender grounds, either on the working place or in the search for employment. It may be supposed that these mechanisms would have been incorporated and implemented with the changes in the labour law, i.e. through the process of the harmonisation of the Macedonian labour law with the European one, but there are no clear indications on this. Moreover, also in this field little attention has been paid on the reconciliation of the private with public responsibilities as an important factor in the guarantee of equal treatment in the working place and in increasing women employment. The initiatives that have been envisaged by the National Action Plan in providing services or structures for childcare are those assigned to non-governmental organisations, whose success may be pending on their capacities to provide fundings. No contribution has been foreseen by the government alone, as for example in the evaluation of the functionality of the existent structures or in the assessment of the concrete need for restructuring or for introduction of further actions, or in collaboration with the non-governmental organisations. Finally, for what concerns the care activities, it can be noticed that certain educational and informative campaigns about sexual education, responsibilities in parenting, marriage and family have been addressed exclusively to women of young age or to those from the rural areas, without tackling men from the corresponding age or living areas. These issues, in fact, concern more directly gender relations than women exclusively.

#### *e. Women and health*

In the field of health, the National Action Plan for Gender Equality followed the strategic priorities individuated within the Beijing Platform for Action. Consequently, the aims defined and the activities envisaged are gender specific and concern in particular women reproductive health. In the implementation of the activities foreseen there are more actors involved, besides the government and non-governmental structures, also the private sector, the organisations of employers and employees, the international institutions and organisations, the health research institutes and pharmacy industry, as well as the mass-media, have been included. In the concrete, the strategic aims that have been enlisted are conformable with the ones indicated in the Beijing Platform for Action, even though the precedence and the importance that has been conferred to them is different, i.e. it is context based. The priorities that have been individuated within the National Action Plan were the improvement of the lifelong access of women to adequate and good quality health services, the successful enactment of specific initiatives related to women sexual and reproductive health as well as the provision of information and other



special services concerning family planning and maternity care. For the purpose of the realisation of these aims, further objectives have been individuated such as those to support researches in the field of women health, to increase funds for the follow up of the activities developed in this sector, to enact programmes for prevention of diseases and in particular the sexually transmitted ones, including the HIV virus. The activities that have been foreseen by the NAPGE consist in an attent analysis of the conditions of the existing health institutions and services and the elaboration of plans for adequate reforms and interventions in sectors where these are most needed and are in conformity with the objectives of the Plan. Particular attention is conferred to the preparation of informative campaigns about reproductive health, prevention and cure of sexually transmitted and other diseases on different ages (from 18 to 60 years and over). Further actions comprise also the revision on gender basis of the didactic programmes at the institutions of higher education with the purpose to confer greater attention to women health and to set up programmes for continuous education and updating in this field. Precedence, though, has been given to the action of collection of updated statistical data on national level about women health with the purpose to gain exact picture of the share of morbidity and mortality in the country. This activity has been considered by NAPGE as basic for the planning of further researches related to women health and for the reinforcing of the already existing programmes for the prevention and cure of illnesses provoked by malignant tissues (in particular breast and uterus cancer) and sexually transmitted diseases, including the HIV virus. It has to be observed that while in the NAPGE there is a clear indication about the order of priorities to be undertaken in the health sector, it is less evident about who are the actors to whom the responsibility for the performance of the latter has been assigned.

#### *f. Women and Education*

The strategic aims individuated within the National Action Plan and related to the issue of education have been mainly context based, directed to resolve the basic problems that women in particular, faced in the period examined. In this sense, among the priorities that have been set up were the elimination of women illiteracy in first place, the greater inclusion of all children in preschool facilities, the eradication of female dropouts from the higher classes of elementary education, the incitement for increased enrolment of female students from Albanian and Roma nationality and from the rural areas in the secondary education, as well as the introduction of gender studies within higher education. One final strategic aim that has been foreseen at all levels of education was the gender specific analysis of the didactic material and the elimination of all prejudicial, stereotyped and sexist content that could induce to gender based discriminative behaviour. For what concerns the objectives referring to the

resolution of problems such as the persistence of women illiteracy, the eradication of dropout phenomena and the increase of the female enrollment in the secondary education, the most important activities that have been envisaged by the National Action Plan were the adoption of adequate measures sanctioning the non compliance with the laws, the organisation of awareness raising campaigns, the provision of material contributions (school material, granting scholarships, opening of more school structures in the rural areas etc.) the assistance of the informal sector in fostering citizens of female sex to enroll in schools, to orientate towards vocational training or to a kind of education adequate to the needs of the labour market. Besides these actions directed to resolve the existing gender based inequalities in the field of education, the National Action Plan has foreseen also further activities so as to change the existing educational patterns or to introduce new items and issues in the educational programmes. In this sense, lifelong education and facilitation of women access to vocational training and expertise have been seen as specific aims to achieve through the inducement of women to continue some sort of specialisation or post-graduate studie and to follow specific and advanced trainings. Last but not least, the strategic aim that has foreseen the introduction of the gender studies in the frame of higher education represented a new issue in the field of education, to be implemented through the organisation of specific section of gender studies at the state university as well as through the interdisciplinary integration of gender studies within different educational fields, with previous formation of competent teaching staff. Finally, one last objective of the National Action Plan regarded, as mentioned, the complex issue of elimination of all gender discriminative content and behaviour in the educational system as a whole, resolvable through several activities such as the examination and erasure of all prejudicial, stereotyped and sexist references in the educational programmes, in the books and in other didactic materials, the education and training of the teaching staff of all educational levels for the elimination of all gender based stereotypes in the interpretation of the educational material and in the everyday communication. Besides the revision of the existing didactic material, the NAPGE envisaged also the need for the introduction of further subjects in the schools, such as sexual education, human rights and women rights and the enactment of initiatives and concrete actions that would remove all the standing barriers imposed to pregnant adolescents and young mothers in their access to education. The strategic aims and activities individuated in the National Action Plan tackle the most important issues that concern the educational system in Macedonia and leave no space for specific observations or argumentations, except for the fact that there is no clear indication about the division of tasks and responsibilities between the different actors involved and the order of temporal priority assigned for the realisation of these tasks.

*g. Women and Violence*

Violence on women and in particular domestic violence have been brought up into the Macedonian political agenda as relevant issues that required concrete legal and institutional attention through the National Action Plan for Gender Equality on the grounds of the Beijing Platform for Action. The NAPGE has in fact individuated four specific aims that extend from the admission and evaluation of the problem as such, the assertion of the causes and the consequences of the latter, to the undertaking of concrete measures for prevention and elimination of the phenomena. The fourth strategic aim of the NAPGE deals with another complex phenomena, i.e. the human trafficking and prostitution that extends beyond national boundaries. Within the realisation of the first three strategic aims that deal with violence against women, including also domestic violence, several activities have been foreseen that go from the range of legal and institutional measures to concrete field actions. In this context, for the assessment of the dimensions of violence against women, what has been asserted as necessary was the creation of statistical and other data about the victims and the type of violence experienced, as well as the gathering of information about the actions undertaken by the victims and the nature of assistance obtained by the competent institutions. In the prevention of the occurrence of this phenomena, the NAPGE envisaged two objectives, on one side, the assertion of the causes and the consequences of the violence exerted on women and the enactment of concrete measures of legal and institutional nature on the other. In the first case, the activities that could assert the causes and consequences of the violence with the purpose of their prevention according to the experts of the NAPGE, were the incorporation of special programmes within the didactic material at all educational levels with the purpose to develop a gender specific analysis and dismiss any prejudicial content or insinuation of superiority – inferiority between men and women, the innovations in the methods facing violence, the development of researches in this field as well as the creation of specific strategies addressing particular types of violence elaborated on the basis of different criteria. In the second case, i.e. the undertaking of concrete measures for the prevention and the elimination of all violence against women, specific interventions in the legal framework have been envisaged. Among these, the need for the implementation of the ratified international norms and instruments as well as of the CEDAW Convention with its alleged recommendations, the approval of a specific law regulating domestic violence or the re-examination of the existent provisions contained within the Criminal Code, the sanctioning of all type of violence within the labour and administrative legislation, the incorporation of norms directed towards the prevention of violence against women within the law for social welfare. Besides the legal measures, the NAPGE compelled also institutional measures such as the creation of a special body within the

Ministry of Internal Affairs dealing with this specific issue, the treatment of the violence against women in the framework of the special organisational units within national tribunals and public attorney offices, the creation of centers for protection and care for victims of violence, spreading of the SOS networks, facilitation of the access of the victims of violence to judicial means and structures and coordination of all activities between the police, the public attorney office and the courts. Finally, educational activities have been considered, such as training of public officials from the centers for social work and those for marriage and family counselling, the promotion of campaigns addressed to men and women equally for raising awareness for self respect, the elimination from the media of all contents leading to and presenting violent attitudes upon women and girls, as well as of pornographic material and all other forms of humiliating behaviour towards them and the organisation of informative campaigns about the rights of the victims.

For what concerns the fight against women trafficking and prostitution and assistance to victims of violence, the NAPGE considered as priorities the implementation of the ratified international conventions regulating these issues, the creation and the updating of data basis related to this problem, the guarantee of legal protection for the victims, the enforcement of sanctions for enforced marriages and labour, the promotion of recovery programmes for the victims and the institutionalisation of center for care and protection of victims.

The issue of violence and in particular domestic violence is one of the most difficult ones to be confronted since it has been legally, institutionally and societally neglected for a long period of time. Special effort will be needed in the actualisation of the existence of this problem in the wider society and in particular in inducing the victims to face this problem and take the adequate measures. Moreover, trained personnel and adequate structures will be indispensable and put in place so as to intervene, assist and protect the victims and take all the legal measures for the punishment of the perpetrators. Consequently, it may be assumed that such a work will require a coordinated division of tasks and sharing of responsibilities between individual experts, representatives of governmental and judicial institutions as well as of the non governmental sector so as concrete results may be obtained. In this context, what can be though annotated is that the National Action Plan is imprecise in the individuation of the actors that should be involved and in their division of tasks and responsibilities.

#### *h. Women and armed conflicts*

The Macedonian National Action Plan for Gender Equality contemplated this issue within the proper gender mainstreaming policy, either because it has been individuated as one of the areas of concern of the Beijing Platform for Action, but also for the experiences that have been recollected on the

consequences suffered by the population in general and by women specifically, from the recent regional conflicts. The National Action Plan, in fact, enlisted the specific aims in which women could and had to be more included and whose contribution for the promotion of the culture of peace would have been significant. In this sense, the first strategic aim that has been individuated was the need to increase the participation of women in the resolution of conflicts at all levels of decision-making. Accordingly, it has been asserted that women have to be more included in the highest bodies and processes of decision-making on national level and within international organisations and forums that deal with conflict resolutions and peaceful activities. As second strategic aim, the NAPGE identified the reduction of the military expenses, the increased control over armement and the promotion of the non violent forms of conflict resolution. The most important activities individuated for the realisation of these aims were the redirection of the funds from military expenses to developmental and peaceful aims, the prohibition of the use of the Macedonian territory for aggressions against third countries and populations as well as the development of all diplomatic means for the peaceful resolution of conflicts and the creation of specific training programmes addressed to the citizens of all ages to use non violent means of resolutions of disputes and contrasts (within family, among neighbours, at working place etc.). Particular attention has been devoted to the consequences that armed conflict may produce on women lives and bodily integrity, by defining certain types of violence (such as rape, forced prostitution, physical violence) as crimes against humanity, on one side, and by improving the assistance and the protection offered to women refugees. The NAPGE finally underlined the specific contribution that women could offer in the promotion of the culture of peace through the introduction of educational programmes addressed to children and adults by the means of which, techniques of forgiveness, tolerance, reconciliation could have been transmitted. At the end it may be said that it is notable that the National Action Plan for Gender Equality recognises the contribution that women may give in the mediation and the adoption of peaceful resolutions of conflicts, but the success in the realisation of the uppermentioned strategic aims is strictly related and depending on the realisation of other defined objectives and in particular on the achievements obtained in the access to the structures of power and their active participation in the processes of decision-making.

*e. Women and Environment*

The National Action Plan treats the issue of gender equality in the field of environmental protection mainly in two basic ways, by considering women as equal factor in all decisions concerning the environment on one side, and by mainstreaming the gender perspective in the policies and programmes for sustainable development, on the other. In the first case, among different activities enlisted, such as

the increased inclusion of women in the planning, management, realisation and evaluation of the projects aiming at protecting the environment, women were individuated by the NAPGE as important actors in the identification of the needs within the public services, the spatial planning and more in general in indicating the acute problems that the state face in the protection of the environment. For what concerns the promotion of the sustainable development, the mainstream of the gender perspective should include, according to NAPGE, researches about the consequences of ecological disasters on the health of the population but in particular on women health in their period of pregnancy. Moreover, special importance has been assigned to the contribution that women could give in the sustainable development of the rural areas, through the production of healthy food, the protection of the soil, as well as through the preparation of the ecological programmes for education in the urban and the rural areas for the prevention, protection and preservation of healthy environment. The transnational collaboration between women NGO's has also been considered as mostly contributive in raising the ecological consciousness among the population. Although there is not any indication about how and by whom these strategic aims could be realised, however their realisation will depend on the degree of environmental consciousness that can be raised on national level and of women access to the processes of decision-making.

*j. Women and the Media*

The National Action Plan for Gender Equality recalls on the recent developments in the field of communication technology and on the impact that media exert on the public policy and the private attitudes of the citizens, so as to underline their potential to contribute in the advancement of women and the promotion of the principle of gender equality. In this sense, three strategic aims have been individuated, i.e. to increase the participation of women in the creation of the policy of the media in first place, to support the media in the empowerment of women and the realisation of the policy of gender equality, and finally to create an informative center for parity between men and women in the frame of the national committee for gender equality. In the realisation of the first objective several activities have been enlisted and concern in overall the review of the existing media policies and the integration of the gender perspective within the latter, but also within the appointment of personnel at all levels (advisory, management, regulatory or monitoring bodies) so that women full and equal participation in the media, including management, programming, education, training and research is promoted. The results attended from the incorporation of the gender perspective are to encourage these bodies to increase the number of specialised programmes for and by women, to promote the aims of the *Beijing Platform for Action* and to foster the creation of women's media networks for the promotion and the dissemination of

information, exchange of views and collaboration. Besides the need for more balanced participation of men and women in the creation of the media policy, another important objective consisted in giving significant support to the media in the individuation of the gender equality as priority. In this context, the activities that have been considered as most important are to promote gender-sensitive trainings for media professionals so as to encourage the media to use non-stereotyped, balanced and diverse images of women as well as to refrain from presenting them as inferior beings, as sexual objects and commodities. The media has been considered as an important mean for the promotion of the equal sharing of family responsibilities that emphasize gender equality and non-stereotyped gender roles of women and men within the family and to produce materials about women leaders as well as to disseminate information aiming at elimination of domestic violence, smoking habits and drug abuses. Decisive in the realisation of these activities has been indicated the increased participation of women in the decision-making at all levels in the media. Finally, for the successful implementation of the strategic aims, what has been considered as relevant within the National Action Plan was the institution of an informative center for equal opportunities between men and women within the national committee for gender equality. The main tasks of this body are to dispose and disseminate all information related to issues of gender equality, to integrate the gender perspective in all aspects of media presentation and communication, to follow up the implementation of the National Action Plan and to analyse under gender lens the policy of the media. Two observations can be made in reference to the strategic aims of the NAPGE; in first place, the Plan envisages the need for a coordinate activities between the government, the non-governmental organisations, the media, independent experts, as well as international agencies and organisations, but there is no clear indication about the division of tasks and responsibilities for the realisation of the latter. Secondly, the activities envisaged within the Plan underline the positive contribution that the media could give in terms of gender equality and therefore mainstream the gender perspective through informative campaigns, trainings and concrete activities, but it does not foresee any concrete action in the confronting the cases of inequalities or attitudes of gender based discrimination presented by the media. While the formation of an informative center for equal opportunities has been contemplated, no specific body has been nominated or assigned to whom the responsibility of the monitoring of the materials diffused by the media would be delegated.

In conclusion, it can be affirmed that the approval of the National Action Plan for Gender Equality represent a great step forward in the removal of the conventional conviction that gender inequality is not an issue in Macedonia, based on the simplifying fact that men and women are entitled to same rights and liberties and therefore dispose of the same opportunities. The mainstreaming of the gender

perspective within the indicated areas of concern has revealed that a wide range of activities and interventions are indispensable so that equal opportunities are guaranteed. The National Action Plan is in fact a complex and far reaching document whose realisation will though require a firm political will and the allocation of great resources in terms of financial and human capital for its realisation. Without the latter this document, being the first one expressing the state gender mainstreaming policy, risks to be transformed in a simple declaration of intent. Although some modest reservations have been expressed in relation to the content of the interventions individuated within the single areas of concern and which can be subject of subsequent revisions, the greater concern in this instance is directed towards the possible deficiencies that may occur in the functionality of the NAPGE. As formulated, the Plan lacks of several indications of organisational temporal and structural character, meaning that, out of numerous objectives individuated, only a restricted set of priorities have been assigned for the enactment of the mainstreaming agenda, while no information have been given on the time envisaged for the realisation of these priorities, nor for the implementation of the remaining aims of the Plan. Within the NAPGE there are no indications contained also for what regards the origins nor the amount and/or extent of the resources (material and human) allocated.

The overall priorities that have been singled out for the enactment of the gender mainstreaming agenda though consisted in re-examination of the existing legal norms and regulations under the perspective of equal opportunities and the development and the reinforcement of the “national machinery” for gender equality through the setting up of the operational structure. In this sense, it has been envisaged for the institution of a Parliamentary Commission for Gender Equality and the creation of Subcommittees related to each of the indicated areas of concern within the National Committee for Equal Opportunities and composed of experts and representatives of the formal and informal sector, appointed for the development of the strategic aims and the monitoring of their implementation.

#### IV.II.II. The Law on Equal Opportunities between Men and Women

As part of the state gender mainstreaming policy, besides the National Action Plan a new Law on Equal Opportunities between Men and Women has been approved by the Parliament in 2006. The Law, in fact, regulates issues that have their gender grounds in all sectors of the public sphere and to some extent of the private sphere of the citizens lives. Concretely, it contains basic and special measures towards the achievement of equal opportunities and sets forth regulations for legal practices for the determination of



unequal treatment on gender basis in the public and the private sector.<sup>453</sup> Main aim of the law is the promotion of the principle of equal opportunities between men and women in the political, economic, social and educational field, as well as in other segments of societal life, while the establishment of the equal opportunities is specified as an obligation of the whole society. The law on equal opportunities by clearly defining terms such as equal opportunities, discrimination (direct and indirect), harassment and sexual harassment has the legal ability to regulate and sanction all actions occurring within the uppermentioned fields and that are corresponding to the definitions outlined in the law. Before the approval of this law, only the reformed Law on Labour Relations treated issues such as discrimination and harassment, but all sanctions and legal provision were delimited within the employment sector. The concepts of discrimination (direct and indirect) and harassment defined in the present Law are conceptualised in more general terms but are corresponding to those provided within the Law on Labour Relations and the CEDAW Convention.<sup>454</sup> The Law on Equal Opportunities, however, goes further and defines other terms such as equal opportunities and equal treatment. With the term equal opportunities is intended the “promotion of the principle of mainstreaming equal participation of women and men in all fields of public and private sector, equal status and treatment in the realisation of their rights, in the development of their individual potentials, through which they contribute in the development of the society and in obtaining benefits from this development”. Equal treatment on the other hand is defined as “the absence of direct and indirect discrimination on the basis of sex, in line with the present or other law”.<sup>455</sup>

Having as its basic aim the guarantee of equal opportunities to men and women, the Law foresees the adoption of basic and special measures in conformity with the overall gender mainstreaming policy and the strategic objectives of the National Action Plan. The Law, in fact, considers as basic measures the

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<sup>453</sup> Article 1, Law on Equal Opportunities between Men and Women – Clen 1, Zakon za Ednakvi Moznosti na Zenite i Mazite, Sluzben Vesnik, br. 66, 29 maj 2006, [www.pravo.org.mk](http://www.pravo.org.mk).

<sup>454</sup> Under the term discrimination is intended as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition and enjoyment of human rights and fundamental freedoms. Direct discrimination signifies any unequal treatment exerted to different subjects on the basis of their sex through regulations and actions in same or comparable situations and in the recognition and enjoyment of their human rights and fundamental freedoms. Indirect discrimination means, under the terms of the law, the unequal treatment of persons of different sex through regulations, standards or actions that formally guarantee equal opportunities or are apparently neutral but are disparately applied dependently of persons' sex, except if such behaviour is considered as indispensable for the granting of special protection or is caused by the objective conditions and circumstances that are not directly related to persons sex. Harassment is any improper, immoral and indecent conduct that offends persons dignity and generates frightening, degrading, humiliating or offensive behaviour. Sexual harassment is any form of verbal, non-verbal and physical conduct of sexual character that has as a purpose or generates a violation of the dignity of the employment candidate or of the worker and which creates hostile, humiliating or offensive behavior. Article 4.3-4.7, *Law on Equal Opportunities between Men and Women*.

<sup>455</sup> Article 4, Law on Equal Opportunities between Men and Women – Clen 4, Zakon za Ednakvi Moznosti na Zenite i Mazite, Sluzben Vesnik, br. 66, 29 maj 2006, [www.pravo.org.mk](http://www.pravo.org.mk).

integration of normative provisions banning all acts of discrimination on gender grounds and creating all conditions for the guarantee of equal treatment of women and men as defined in the law. Besides normative provisions, the Law envisages also the adoption of policies or strategies on behalf of institutions of legislative, governing and judicial power, as well as legal persons that exert function of public interests and have as their aim the guarantee of equal opportunities.<sup>456</sup> The special measures have the same objective, but are of more limited temporal character and can be engaged in the implementation of policies for gender equality. Under the terms special measures, the Law on Equal Opportunities foresees the adoption of positive actions with the purpose to alleviate gender inequalities in the national, local and international institutions and organisations. The Law considers as unequal the representation of men and women in the uppermentioned institutions, when the registered presence of one of the genders is below 40 percent. Besides positive measures, also encouraging and programmatic measures are envisaged, which consist in the organisation of specific initiatives for consciousness raising, determinate activities and plans for the eradication of gender inequalities and the promotion of the principle of equal opportunities.<sup>457</sup>

For the realisation of its aims, the Law provides for the appointment of several actors, thus creating a rather complex network of central and local offices. In particular, while the government is the one that formulates the gender mainstreaming policy through basic and specific measures, the Parliament is the one that approves this policy through the adoption of the National Action Plan for Gender Equality. In the elaboration of the latter, however, the Law includes a vast net of actors, starting from the nomination of commission for gender equality in the Parliament and in the local municipalities, as well as the appointment of equal opportunities coordinators within all ministries.<sup>458</sup> This complex set of actors is supposed to be coordinated by and to work in close collaboration with the Ministry of Labour and Social Policy and in particular with the Unit for the Promotion of Gender Equality which is responsible for the affirmation of the principle of equal opportunities in all fields of societal life, for the mainstreaming of the gender perspective at all levels of policy, for the redaction of proposals, for the adoption of basic and special measures and for the elaboration of the National Plan for Action and for the exertion of control over the implementation of the measures adopted. No mention has been made within the Law about the competencies of the National Committee for Equal Opportunities and its Subcommittees as envisaged in the NAPGE. Differently from the National Action Plan, the Law on Equal Opportunities is more exigent from the political parties, since it requires from the latter the

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<sup>456</sup> Article 5, Law on Equal Opportunities between Men and Women.

<sup>457</sup> Article 6, Law on Equal Opportunities between Men and Women.

<sup>458</sup> Article 11, 12, 13, 16, Law on Equal Opportunities between Men and Women.

adoption of a bi-annual plan for gender equality within their programmes where they are supposed to define the methods and the measures for the promotion of equal opportunities within their structures and in the process of the nomination of candidates for parliamentary, presidential and local elections. Before adopting such plan the political parties are bound by the law to present the latter to the Unit for the Promotion of Gender Equality for an opinion.<sup>459</sup> Finally, the Law confirms the need for the planning and the implementation of the gender mainstreaming policy to be continued through the practice of the adoption of National Action Plan, but requires that the latter is organised and divided in periodical plans for the duration of a period of two years. This Law, in fact, allows for the review and the revision of the existing NAPGE, by the means of the periodical plans. It has to be appointed that the decision to further detail the National Action Plan for Gender Equality in more focused, short-term plans is a positive move toward successfully creating a realistic diagnosis of the aims to be realised within a certain period of time.

The new Law on Equal Opportunities gives a significant contribution in the creation of all premises for the implementation of the strategy of gender mainstreaming that has as its final aim the achievement of the substantial equality between men and women for several reasons. In first place, it defines and regulates actions that cause discrimination and harassment on gender basis and secondly it foresees precise, free-of-charge procedures for the denunciation of acts of unequal treatment and for the enactment of legal actions in case the latter occur. According to the Law, in fact, a person that considers to be a victim of unequal treatment on gender grounds (including direct and indirect discrimination, harassment and sexual harassment) exerted in the public sphere can denounce such fact to the appositely appointed Representatives within the Ministry of Labour and Social Policy (MLSP), whose task is to follow up on cases. If the representative of the MLSP determines that there is evidence of unequal treatment, she or he has to bring it to the attention of the competent labour inspectorates who are legally authorised to follow up on the case. The Law does not consider the private sphere in the initiation of this procedure. Such cases of violation in the private sphere are regulated by the Criminal Code and the Family Law as indicated previously. Moreover, the Law allows also for the possibility that associations, syndicates (trade unions) or other judicial figures to represent an individual in the denunciation and the prosecution of the case. In addition, another positive contribution of the Law on Equal Opportunities is that it envisages a precise deadlines for the initiation of the procedure for unequal treatment and its proceedings, which is alleviating the need to follow up on existing cases. Last but not least, the Law confirms the principle of burden of proof in case of presumed discrimination on

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<sup>459</sup>Article 18, Law on Equal Opportunities between Men and Women.

gender basis, i.e. it requires from the accused to demonstrate the non-violation of the “equal treatment principle”.

Nevertheless, besides these encouraging nouveautés, reservations exist, according to the author of this work, pertaining the applicability of this law. The Law allows for flexibility in interpretation and may lead to manipulations in relation to certain its aspects. For example, within the article concerning its aims, it is specified that the first objective of the law is the promotion of the principle of equal opportunities between men and women in the political, economic, social and educational sphere, whereas the establishment of the equal opportunities is specified as an obligation of the whole society. While on one side, the promotion of a principle not necessarily may imply concrete action, on the other side, there is no precise specification that the establishment of the latter, besides of the whole society, is first and foremost a duty of the state institutions. Moreover, further doubts can be assigned about the successfulness in its implementation, since the majority of the tasks for the realisation of the policy of gender equality has been assigned to the Unit for the Promotion of Gender Equality which is not an independent body that dispose of decision-making and financial autonomy, but is a part of a governmental structure, i.e. of the Ministry of Labour and Social Policy. While on one side, the work of the Unit may be conditioned in terms of human and financial resources by the priorities set up by the central government in a given period, which not necessarily may comprise gender equality, on the other, the transparency and the accountability of the work of this body in the prosecution of the cases of unequal treatment occurring in the frame of public institutions may be influenced by other governmental structures. Finally, objections may be made also to the section of the law where the final remarks are specified. The Law foresees the enactment of special measures and fines in case of omissions in the preparation of the provisional plans or in the assignment of ministerial coordinators or local commissions, but no precise indication has been given about who has been appointed to apply the sanctions envisaged. Article 41 states that the Ministry of Labour and Social Policy is responsible for the overall implementation of the law, so it may be assumed that it is the structure assigned for the applying of the uppermentioned sanctions.<sup>460</sup> Accordingly, one governmental structure, such as the MLSP has to apply certain punitive measures to other governmental structures in case these do not assign the coordinators or do not provide their part of the provisional plans within the terms and deadlines indicated within the law, an action that require high degree of professionalism, transparency and accountability. Last but not least, the Law does not contain any provision concerning the

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<sup>460</sup>Article 41, Law on Equal Opportunities between Men and Women – Clen 41, *Zakon za Ednakvi Možnosti na Zenite i Mazite*, Sluzben Vesnik, br. 66, 29 maj 2006, [www.pravo.org.mk](http://www.pravo.org.mk).

deficiencies or delays in the progressive implementation of the periodical plans or for the possible incorrect proceedings in the enactment of the legal actions in case of denouncement of unequal treatment.

In conclusion, it can be stated that the adoption of the gender mainstreaming strategy and the enactment of the initial gender equality policies represent a significant indicator in the assertion that such activities and measures are needed if equal opportunities are to be achieved. Important progresses though have been made in the introduction of normative reforms and the preparation of significant documents, such as the National Action Plan for Gender Equality. What remains to be seen is whether these reforms and documents will pass to the successive stadium of implementation and when and up to what extent the whole strategy is responding to the most impelling problems causing the inequalities not only between men and women but also within these categories, issues that will be discussed in the final chapter.

## **V. Evaluation of the applicability and the sustainability of the state gender mainstreaming agenda in eradicating inequalities in Macedonia**

This final chapter aims at examining the potentials of the gender mainstreaming policy in resolving the gender based inequalities that occurred among Macedonian citizens in the fulfilment of their capabilities during the transitional period. As it was seen in the previous chapters, people although entitled to equal rights, disposed of unequal opportunities and disparate freedoms to exercise their citizenship. It was assessed that the reason for these inequalities had to be searched in the universalising citizenship formula that transcended different aspects of men and women's lives and which though conditioned, directly or indirectly, the exercise of their citizenship rights and affected their development. As it was mentioned in the introduction, the main hypothesis advanced was that concrete gender based policies were needed so that equality in opportunities between men and women is guaranteed. These gender based policies, however, were supposed to tackle all aspects of citizens lives and consequently question the universalising citizenship formula.

The purpose of this chapter is to evaluate whether the gender based policies adopted by the Macedonian government presupposed a process of engendering of citizenship, i.e. whether they contemplated actions and measures that positively acknowledged difference between men and women and within these categories, if they questioned and went beyond the boundaries of private and public and whether they pledged political participation of men and women equally, by supporting women's presence within the state representative institutions and by stimulating social dialogue between formal political organisations and informal social groups and citizens organisations.

Moreover, as mentioned in the introduction, this chapter aims also at assessing whether the gender mainstreaming agenda is context based. For this purpose, the envisaged strategic aims and measures of the agenda are confronted with the inequalities registered among citizens in their capabilities to exercise their political, civil and social rights through the case study reported in chapter 3. In addition, the objective here is not only to analyse whether this strategy is context based but also to evaluate its sustainability and receptivity among citizens. Nevertheless, a just assessment of the sustainability of the gender mainstreaming agenda should be made on the basis of the results of its implementation, work, though, that cannot be realised in this instance since all policies have been adopted some time before or contemporaneously with the writing of this research. However, despite the fact of the recent date of the initiation of the implementation of the gender mainstreaming agenda, the sustainability here is analysed, in first place, through the examination of the type of priorities given in the realisation of

determinate activities with respect to the overall objectives of the agenda and the outcomes of the analysis of citizens' human development. Secondly, its sustainability is examined also through an evaluation of the receptivity among citizens, i.e. their knowledge about some of the policies approved and their opinions about the enactment of determinate interventions affecting the balance of powers in the gender relations.

This research has been based on the discussions raised around two theoretical conceptions, one related to the notion of citizenship and the other to the concept of human development, analysed in the first chapter. The referral to both concepts has been made because of the advantages that offered for a gender based analysis; the first one for the discussions raised by gynocentric and feminist scholars about the universalising principle of the citizenship formula and the second for the potentials recognised within the human development approach in measuring the economic well-being of the population by considering further factors that are not deriving directly from the market settings and the concrete economic policy of the state. Since the advantages that the latter offer for a gender based analysis have already been explained in the first chapter, in this instance what is important is to recall that both concepts outline one common premise, i.e. the need to positively recognise human diversity so that equality is guaranteed. It is assumed in this research, in accordance with Ruth Lister, that this recognition of diversity can be realised through a process of engendering of citizenship<sup>461</sup>, where all these aspects of men and women's lives can be contemplated by a means of reconceptualisation of the citizenship concept and the redefinition of citizens rights and duties, either through revision of national laws or through special measures and affirmative actions.

As it was seen in the previous chapters, although the gender neutral citizenship formula entitled women and men to same rights and liberties, inequalities were registered in Macedonia not only between both genders but also within these social categories in the exercise of their political, civil and social rights. The low presence of women in the structures of decision-making, their increased unemployment and economic inactivity in a period of economic recession, their progressive lagging behind in the level of education or in vocational training were not considered as a causal combination of circumstances or a free expression of choices. In fact, it was sustained that the causes for these inequalities were to be searched in the rights conceptualisation in first place and than in the examination of other social, cultural and institutional factors that directly and indirectly created disparate opportunities and freedoms among citizens.

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<sup>461</sup>Ruth Lister, *Citizenship, Feminist Perspectives* (Second Edition), New York University Press, New York, 2003.

The citizenship formula in Macedonia failed to recognise different aspects of men and women's lives constituting the gender relations, either in the frame of the family, or in the field of public sphere of education, employment, politics. The neglect of these different aspects of men's and women's lives overlapped with the conventional division of public and private matters, i.e. with the public/private dichotomy, which was openly criticised and debated by feminist scholars. As it was analysed in the first chapter, feminist scholars (egalitarian, gynocentric and deconstructionist) contested the conceptualisation of citizenship on the basis of the sole aspects of public life, such as employment and political activity, considered as prevailing for citizenship and the neglect of the private sphere and the familial domain retained as irrelevant to citizenship and therefore freed from state intervention. But, as it was seen in the previous chapters, the private sphere was not freed from the acting of the public sphere, since the state regulated determinate facets of the familial domain through the family law. Moreover, aspects of citizens' private life were though relevant to citizenship because affecting the extent of their performances in the public sphere. This dichotomy between public and private, in fact, was confirmed as being one of the factors generating gender inequalities in Macedonia, since as outlined in the analysis of the fulfilment of human capabilities, women were lagging behind in different fields in the frame of the public sphere because of their traditional relegation to the tasks and responsibilities in the private sphere, determinate by patriarchal patterns of behaviour. But, as it was seen, these inequalities although having their solid gender grounds did not concern men and women exclusively as separate social categories. Disparities, in fact, were registered also on the basis of the living area and citizens' ethnic belonging, facts that led to the conclusion that social and cultural factors, as well as structural or material conditions, affected also in unequal manner citizens' performances in both spheres.

For these reasons, the process of engendering of citizenship through the positive recognition of diversity must initiate from the reconsideration of the boundaries of the private/public and the division of powers that characterise the latter.

But, does the engendering of the citizenship formula, i.e. the integration of human diversity within the latter, mean the abandonment of the principle of equality? No, quite on the contrary, by recognising diversity between men and women in certain biologically and socially conditioned traits, equality can be more easily achieved than through the neglect of the latter. In what manner? Does it mean that if women are those who are having children, then this basic diversity has to be regulated in a way that it is recognised as their exclusive function and as such has to be protected? No, this diversity has to be acknowledged and regulated in a manner that it does not condition women and enclose them in their



social category, but serves as a premise for preventing that differences represents a ground for generating inequalities. If giving birth is exclusively a function performed by women and therefore represents one of the basic biologically determined traits that distinguishes men from women, the function of childcare is a socially constructed habit that conditions women performances in the so-called public sphere of politics and employment. In this sense, if gender equality is to be guaranteed, the positive recognition of diversity and consequently the challenging of the boundaries of the public/private have to be contemplated within the process of engendering of citizenship, whose realisation is related and requires strong political activity.

The Macedonian state recognised that gender sensitive policies were indispensable so that gender equality is granted. Therefore, an overall gender mainstreaming agenda was adopted where determinate areas of concern were individuated as basis for further development of concrete gender equality policies to be realised in short and long term. As analysed in the previous chapter, the first priorities enlisted in the National Action Plan of the Macedonian government regarded precisely the conceptualisation of the citizenship rights since, on one side, a gender specific examination of the national legislation aiming at eliminating all grounds for gender based discrimination was envisaged and, on the other, the adoption of affirmative actions or concrete measures pertaining at correcting the existing gender inequalities were foreseen.

What is important to understand in this chapter though, is whether the gender mainstreaming agenda, being a long term political commitment intervening in all spheres of citizens lives, aims at engendering the main citizenship formula and at mainstreaming further aspects of citizens lives, transcended by the universalising formula, within the reformed laws and affirmative policies. In this sense, it is relevant to verify whether the Macedonian gender mainstreaming agenda contemplates human diversity, whether it addresses women as a uniform social category with respect to men or is centred on the prevalent gender relations, whether it goes beyond the boundaries of private and public, and whether it confers importance to political participation and in what manner. Furthermore, what is imperative to verify also is the responsiveness of the Macedonian agenda i.e. the ability of the National Action Plan for Gender Equality to remedy the inequalities registered. For this purpose, the priorities that have been assigned by the National Action Plan and the initial policies that have been implemented are confronted with the outcomes revealed by the Case study in the third chapter. As mentioned, the aim of this analysis is to measure the sustainability of the gender mainstreaming agenda and the level of its initial receptivity among citizens.

## V.I. Evaluation of the process of engendering of citizenship through the analysis of the gender mainstreaming policy

As it was seen in the previous chapter, the Macedonian government with the adoption of the National Action Plan recognised the impelling need to mainstream the gender perspective in all state policies and programmes so that equality between men and women is guaranteed. In this sense, the priorities that have been assigned in the realisation of this process were the revision of determinate laws that although apparently gender neutral were exerting disparate impacts on citizens lives and the approval of short term gender equality policies. In overall, the gender mainstreaming agenda foresaw a process of engendering of citizenship by recognising, among its strategic aims, the importance of recognising human diversity, by acknowledging the disparate power relations within the familial domain and by conferring priority to political participation of citizens. The issue that generate interest here is in which way and by what means the actors of the mainstreaming agenda intended to treat the diversity, the public/private dichotomy and to support the active engagement of citizens in politics.

### *a) The integration of human diversity within the gender mainstreaming agenda*

The positive recognition of human diversity has been identified within the gender equality agenda as one of the basic traits of people's human rights. Within the strategic aims of this area of concern it was underlined, as mentioned in the previous chapter, that all conditions needed to be created so that the expression of difference is allowed. For what concerns gender relations, the acknowledgment of difference in a political agenda of equality is an important political act, since it moves away from the conceptualisation of equality as sameness. Citizens in one state belonging to different social categories enjoy disparate opportunities and if diversity is not properly recognised it risks on perpetuating inequalities. Without neglecting its contribution in women's enhancement, the socialist policy of equality was though, as already mentioned in the first chapter, intended as sameness and was integrated with, as far as gender concerns, certain protective measures that in overall contributed in maintaining or deepening the already existent inequalities between men and women. While equality intended as sameness is conceptualised on the universalising principles based on male norms which neglect various aspects that concern women in particular, protective measures, on the other hand, can contribute to enhance women position towards equality but also to discriminate against. In the analysis made in the second and the third chapter, it was demonstrated that the universalising citizenship formula, reinforced with certain protective measures, applied especially in the employment legislation,

did not erase the inequalities between men and women. Therefore, taking into account the arguments advanced in this work in relation to the issue of equality and difference, the main question that has to be posed here is in which manner difference has been expressed and integrated within the gender mainstreaming agenda. In other words, the issue is to understand whether this expression of diversity meant recognition of determinate women collective rights or signified a provision of gender inclusive citizenship rights that take into account men's and women's different social positions and group affiliations but at the same time enable the latter to perceive themselves and act as equal individual members of the polity.

As it was demonstrated from the analysis made in the third chapter, main differences in women's and men's social positions in Macedonia have their grounds in the care activities, which are not contemplated within the citizenship formula and whose "weight" on citizens' lives in terms of rights and opportunities is rarely valued, but which though exert their influences on the performances within the public sphere. As it was reported, women are those who prevalently perform the unpaid domestic labour, the caring activities and consequently have less time to exert their citizenship, i.e. to engage in politics, to cover working positions that require increased responsibilities, to dedicate to lifelong learning etc. The reasons for this state of things are to be searched, as already explained, in the normative, institutional, but also social and cultural factors. In this sense, any political agenda that aims at achieving gender equality through the recognition of difference should take into account these factors in order to avoid the interchanging of equality with sameness. Moreover, in the concrete case of the Macedonian society, it has to take into account the plural character of diversities that concern, as demonstrated in the third chapter, not only citizens' gender identity, but also their ethnic affiliation and place of residence.

The first political acts attempting in recognising difference have been realised through the reforming of the national legislation that regulate important segments of citizens private and public life, i.e. the family law, the labour relations law, the electoral law etc. In first instance and recalling the analysis made in the previous chapter, it can be affirmed that more significant changes were made in the field of employment and political activity with respect to the sphere of familial relations. In the uppermentioned fields, gender difference has been treated more in terms of recognising and consequently repairing the inequalities that such difference has generated and may generate in terms of opportunities than incorporating specific men's and women's values and rights. In politics, difference has been acknowledged by the integration of gender electoral quota referring to both genders and

aiming at amending the disparate opportunities that women faced in actively exercising their political rights in a gender neutral and universalising context.

Within the law on labour relations, thanks to the process of harmonisation of the national legislation within the one of the European Union several norms have been integrated which allowed for the recognition of the principle of diversity and for more concrete regulation of disparities emerged on gender grounds. In the frame of the uppermentioned law, in fact, the legal provisions sanctioning discrimination and harrasment were the first important steps in recognising the fact that despite the universalising and equal principles contained in the previous law, not all citizens had the same opportunities in applying for jobs or in career progressing and that further legal norms were needed to guarantee equality. Moreover, by defining any form of verbal, non verbal and physical conduct of sexual character as sexual harrasment, it has been recognised that job applicants or employed persons of each sex may be exposed to conditionings of sexual nature and that such attitude needed to be sanctioned. But, as it was seen in the third chapter, women due to the fact that occupy lower ranking working positions and/or are those who result in major share economically inactive and unemployed are more frequently exposed to potential acts and conditionings of sexual nature within the working place than men. The law in fact goes further and prohibits the gender specific announcements for jobs and the giving precedence to a determinate sex, it explicitly guarantees equal opportunities and equal treatment to men and women in employment, career progressing, training, pay, working conditions etc. The legislators have, in fact, admitted through these provisions that the inequalities within the field of employment were a result of disparities in opportunities that existed between men and women and felt the need to integrate additional guarantees so that these disparities are eradicated. It has to be noticed though that, despite this recognition of disparate opportunities through antidiscriminative norms, the law does not provide for further measures that would positively recognise differences, except for the introduction of paternity leave, for which it will be discussed further. While it is true that any gender based discriminative distinction in terms of employment may occur because of the unequal power relations between men and women, it is also true that any attempt to integrate the gender principle within the law must contemplate the differences that exist between the latter and which create inequalities in opportunities. Without falling into the trap of essentialism, it has to be said that there are socially constructed functions conferred to men and to women differently, which if not properly recognised and regulated by the law would render futile also the anti-discriminative measures. In many cases women can not even apply for working positions or have little chances to win because of the inflexibility of the working time, of their familial status and age, or for the lack of financial capacity to

afford the payment of care structures, for the lack of vocational training or insufficient educational attainment etc. In this case, we may not talk about discrimination made by the employer but by the society as a whole. As it has emerged within Chapter 3, for example, economic difficulties, technical obstacles or simply patriarchal cultural habits caused lower attainments of women in the field of education and/or their orientation towards gender specific working sectors, which than conditioned further the achievements in the labour market.

While any change of the social and cultural patterns of the society requires extended period of time, the legal provisions could assist in eliminating discrimination by recognising the differences in opportunities that exist between men and women from different social and ethnic categories and by providing adequate measures to unease the latter and create equal conditions for citizens to act as individuals. In this sense, if significant changes were to be made through the recognition of difference in the legislation regulating the field of labour relations, than paternal leave should have been non transferable and its duration defined precisely, home based work and flexible working time (where possible) for women and men with small children allowed, the guarantee to men and women equally to return to the equivalent working position after paternity/maternity leave guaranteed. The law does envisages the use of paternity leave, the home based work and flexible working time, but all these measures are left on a voluntarily basis, i.e. depend on the proper decision of the employee or on mutual agreements between employee and employer. In a society affected by prolonged economic crisis where the offer of labour force is elevated and where patriarchal patterns of behaviour are well integrated, the involvement of men in caring responsibilities and the introduction of alternative ways of job performing with the purpose to favour women professional attainments may be very hard if left on voluntary basis. The main point in this affirmation is that, as long as aspects related to caring activities are not acknowledged as those that are generating differences and if they are not integrated within the citizenship formula through the laws regulating different rights and responsibilities of citizens and displaced from the exclusive feminine sphere of competence, than equality can be hardly granted in the sphere of employment and politics.

What can be though asserted for what concerns the labour relations law is that the most significant changes that were made within it were, as already stated, in terms of prohibition of discrimination which, though had its origins in unrecognised differences in opportunities that created disparities among citizens. Further gender inclusive measures that integrate positively gender difference between men and women and within these categories and that reconcile both roles of citizens' life, the one of the earner and the other of the carer, were not envisaged.

It has to be noticed that any concrete change towards positive recognition of difference made in the field of employment is closely connected to the occurrences in the familial domain and viceversa. The basic concepts of gender relations concerning the distribution of power and the division of labour are originated within the family, so any change in the relations within the domestic sphere will inevitably affect relations also in the world of employment. As mentioned, the state legislation regulates the relations within the family only concerning determinate aspects, such as property relations, children's custody etc. and does treat only marginally the marital bonding between spouses. Policies and interventions that would lead to changes in the basic behavioural patterns within the family are, though, most difficult to realise since they require, on one side, the challenging of different social and cultural norms that construct the relations between men and women and, on the other, require from men to voluntarily renounce to some of their privileges and equally participate in the performances of the everyday duties of family life. But, positive recognition of difference means exactly this, the adoption of legislative measures or of specific policies that would interfere in this private sphere of cohabitation in order to allow to women to enjoy fully their civil rights. For Luce Irigaray, women will be able to fully exercise their rights as citizens only when the family is reformed and the privileged position of the traditional family is revalued.<sup>462</sup> The revision of the Macedonian family law did not tackled, as it was seen in the previous chapter, the basic concept and structure of the family and neither treated more thoroughly the relations between spouses and their rights as equal citizens. By doing this, in fact, the law did not change the concept of the family as an extended community of a man a woman, their children and all relatives living in a common dwelling and left the issue of shared responsibilities in the performance of domestic tasks and caring responsibilities to be decided on the ground of voluntarily intentions between all members of the family. While on one side, the legislators avoid on interfering through the law in the relations between conjugal partners for what concerns the sharing of responsibilities in childrearing and domestic labour, on the other side they did intervened in these relations with the revision of the law in the matter of common property by approving further guarantees for its management on equal basis.

What can be though asserted concerning the gender sensitive revision of the laws on the labour relations and on the family in Macedonia, is that there is a modest initiation of integration of gender difference within the basic norms regulating citizenship rights. The formula that has been applied though was the one of integrating certain equality measures that stem from difference and that aim at guaranteeing equal access to opportunities among all citizens. No community rights have been

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<sup>462</sup>Luce Irigaray, *La Democrazia comincia a due*, Bollati Boringhieri, Torino, 1994.

recognised on gender grounds. While the difference stemming from ethnic belonging was fully recognised by envisaging group rights (language, culture, religion) to the larger ethnic communities, the one deriving from gender identity was only partially acknowledged by integrating certain guarantees aiming at improving equality in relations that are formed in the public sphere (through quotas, anti-discriminative measures) or in those within the private sphere by intervening in issues that have market values (common property) and that can be measured and disputed by conventional economic means. What remains non affronted, though, are those aspects of gender relations formed in the familial domain that have no market value and whose neglect help maintaining the public/private divide and condition disparately citizens own development by limiting their capabilities in exercising their civil, political and social rights.

*b) Challenging the public/private divide?*

One of the greatest difficulties that a project of engendering of citizenship may encounter is to challenge the public/private dichotomy, since on the grounds of the interaction between these two spheres that citizenship has been constructed. Tackling this divide actually means questioning the boundaries that delimitate both spheres and with it, revisioning the consolidated patriarchal gender relations. In this sense, a process of a deconstruction of the public/private dichotomy would presume a change in the power relations between men and women, by lifting the main barriers to women's exercise of their citizenship and their easier access in the public sphere of employment and politics and by reducing the men's exclusivity in managing the relations of power in both spheres. Main question that can be posed here though is whether the legal changes in the uppermentioned laws did challenged in some way the boundaries of the public/private spheres. By reviewing the analysis of the gender mainstreaming agenda made in the previous chapter it can be asserted that most significant and concrete political interventions challenging this divide were made in the field of the legal reforming and concretely in the frame of family and labour relations law.

Two basic provisions were approved in the uppermentioned laws, the first extending the public intervention within the familial domain in favour of the guarantee of women bodily integrity and the second affecting the sexual division of the caring activities. Within the family law, the phenomena of domestic violence has been legally recognised as offence and consequently regulated. The public regulation of an issue belonging to familial domain represented the gender mainstreaming agenda's most important move in "crossing the line" within the private sphere. Previously, in fact, violent acts and abuses within the family were considered by the law as private matter, as already described in the

second chapter. With the revision of the family law, disrupted relations within the domestic sphere became matters of public interest and treated as criminal act. Coherently with the Macedonian conception of extended family, the regulation of the disrupted relations concerned not only conjugal partners and their children but also all further members -relatives living in the common dwelling.

The political act of recognition of the domestic violence as criminal offence punishable under the law has contributed in exporting into the public arena, issues of injustice and mistreatment that otherwise would have remained unnoticed and would have left unchallenged the consolidated power relations. Violent relations within the domestic sphere though affect victims bodily integrity, their self confidence and consequently their autonomy in performing any activity outside of the boundaries of the private sphere. In fact, as long as violence in the private sphere in Macedonia was not brought to public attention by womens' non governmental organisations and associations in the late transitional years, this phenomena would have continued to persist as “inexistent”.<sup>463</sup>

This legal change, though, actualised the issue of where the line has to be drawn, i.e. where the public sphere ends and where the private one starts. The boundaries though have never been exclusive and fixed, their delimitations have been historically and culturally specific. In fact, as it was already discussed in the previous chapter, the state intervened several times in regulating different aspects of the private sphere, such as the modalities of the marital contractorship, the relations between spouses for what regards their properties, the custody of the children etc. These provisions have never been given for granted from the beginning, meaning that different issues have been object of further consideration and renegotiations. In this sense, it can not be asserted precisely where the line can be drawn, since the boundaries of both spheres are in constant renegotiation. In this context, the issue of domestic violence has been affecting women self confidence and the treatment of this issue as private matter contributed to the undermining and the neglect of this problem, affecting undoubtedly their proper consideration as equal citizens and their exercise of the rights to which were entitled. With the new legal provision, the right to be freed and protected from domestic violence has been considered by the gender mainstreaming agenda as basic human right and provisions and actions were envisaged for dealing with perpetrators and for the protection of the victims.

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<sup>463</sup>While there were public awareness campaigns about domestic violence in Macedonia, organised by women non governmental organisations since 1994, the first written report containing a survey on domestic violence was published for the first time in 2000 by the Association for Emancipation, Solidarity and Equality of Women – ESE. The survey realised on 850 women demonstrated that high share of the interviewed women has been victim of some kind of violence, i.e. 70 percent of psychological violence, 25 percent of physical and 5 percent of sexual violence perpetrated by proper husband/partner. See Violeta Caceva, *Semejnoto nasilstvo vo Makedonija*, ESE, Skopje, 2000, [www.esem.org.mk](http://www.esem.org.mk).



Likewise for the domestic violence, further issues can be extrapolated from the exclusive treatment within the private, familial sphere and dealt with through public measures. In this sense, the mere conception of the family, the sexual division of labour, the relations between spouses etc. can be object of further legal consideration, where the civil rights of the latter can be reinforced and the family as institution reformed.

One step in this direction has been made through the provisions enacted within the labour relations law, where the exclusive relegation of women within the private sphere due to childcare activities has been further challenged, with the introduction of the paternity leave. It has to be admitted that in Macedonia, as already mentioned in the first chapter, women have never been exclusively dedicated to the function of childcare, but though were more relegated to the private sphere than men because of the sexual division of domestic labour governed by patriarchal rules. The exclusive relegation of women to the private sphere due to the care of children has been contested with the conferment of this duty also to men. Paternal leave, in fact, can be applied as an instrument for contesting the rigid sexual division of labour in the private sphere and the disparate relegation of men and women to the public and the private sphere. In other words, it can enable women to participate more actively in the public sphere of employment and politics and allow men to take part more directly in the care for their children. In this context, in fact, what can be challenged of the public/private dichotomy is its sexualised meaning, i.e. the traditional relegation of the women with the latter and of men with the former, governed by patriarchal social and cultural values.

In Macedonia, the well confirmed social policies of which women have been the main or the sole beneficiaries, although aiming at reconciling the public/private life, contributed though in reinforcing the stereotypes concerning the parents' roles and supported furthermore gender inequalities that bestowed in maintaining vivid the public/private dichotomy. As it was analysed in the second and the third chapter, in Macedonia the main social policies concerning care responsibilities were addressed to women only, which helped in confirming the traditional gender specific roles in the performance of these tasks among the respondents of all ethnic communities and residence areas, producing, though, disparities in time disposal and unequal female involvement in the field of economic, civil and political activity.

The extension of these social policies to men and women equally can represent one concrete mean in the deconstruction of the public/private dichotomy and the rigid division of tasks the latter imposes, only when the conditions for their application are created. What is intended by the latter, is that the extension of these policies through sole legislative provisions can be insufficient or remain inoperable

if left on proper initiative or if not backed up by concrete measures and actions. The introduction of the paternity leave is the most concrete political act undertaken within the field of labour relations that is contesting the gender specific roles, but is rather fable to challenge the private/public dichotomy. As already explained in the previous chapter, fathers are entitled in first place to seven days paid leave for childbirth and to additional paternal leave which is attributable to them only in case the mother of the child is not using the maternity leave. In this sense, while seven days paid leave are insignificant for any concrete involvement of fathers in the care responsibilities for their children, the use of paternity leave defined in these terms risks on remaining barely utilised, because left on voluntarily basis and conditioned by the maternal use of the latter.<sup>464</sup> In societies as the macedonian one, paternal leave can become an instrument of equality, i.e. can challenge the public/private dichotomy only when it will be additionally reinforced by further measures stimulating male workers to enjoy this right and when it will be freed from employers' discriminative and gender stereotyped conservative attitudes. The lack of such measures within the law limits the potentials of the paternal leave in the process of deconstruction of the dichotomy but leaves space for further legal and political actions aiming at gender equality. Much though is depending on the fact whether issues such as gender specific care responsibilities and sexual division of domestic labour which are at the core of the private/public dichotomy will be brought into the political agenda and discussed further. In this sense, what is crucial is the increased presence within the institutions of political power and the active engagement in politics of those who are more directly concerned with these issues, i.e. women.

*c) More equitable political representation for women's active citizenship?*

The issue of political representation was the one that received greatest relevance within the macedonian gender mainstreaming agenda. Although important rule for the latter exercised the Gender Task Force of the Stability Pact, nevertheless, it has to be asserted that the political project of women political empowerment found a critical mass of favourable citizens and non governmental organisations.

The most important result of the coordinated action of all these actors was in fact the adoption of the gender electoral quotas, intended as temporary affirmative measure aimed at amending the gender inequalities in the exercise of the political power and at supporting women's political activity. The gender electoral quotas, in fact, favoured women politics of presence, i.e. it contributed in increasing the number of women MP's in the representative institutions, by reaching the share of 30 percent at the

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<sup>464</sup>At the moment of the writing of this work (mid 2007) no statistical data are available about the use of the paternity leave, mainly due to the recent approval of the Labour Relations Law.

2006 parliamentary elections. The importance of the quantitative aspect of women presence within state institutions is unquestionable and represents a great achievement for the women rights activists in Macedonia. Crucial, in fact, to any project of engendering of citizenship and, consequently, of favoring womens' human development, is their presence in the institutions of political power so that issues stemming from gender difference, which are overriding the boundaries between private and public and which are not measured by the conventional economic means receive some political attention. In this context, the political activism of women representatives in rendering these issues politically relevant is needed and cannot be neglected. At this point, though, several difficulties are arising from the fact that the critical mass of women political representatives have been elected by the means of the gender electoral quotas. Before exposing the difficulties it has to be said that, the adoption of gender quota represented a just and democratic mean for the remedy of the political barriers that women in Macedonia faced in entering the representative institutions at the beginning of the years of state's political pluralism.

Women's impediments in the exercise of their political citizenship, as already shown in the second and the third chapter, were of social, cultural but also institutional nature. Besides the fact that the disregard of the gender differences within the citizenship formula and the maintain of the strict boundaries between private and public affected women active involvement in politics, there were additional institutional factors, i.e. the electoral system and the political parties policy and organisation that kept women distant from the sites of political power. As reported in the third chapter, political parties as principal gatekeepers in the nomination of candidates were the main responsible for the low representation of women in the processes of decision-making. In this context, considering that a spontaneous women's political empowerment and their active inclusion in formal politics would have required long time, the adoption of one temporary measure such as the gender electoral quota was one of the best solutions that could have been taken. The recourse on such measures opened to female MP's the possibility to enter the institutions of political power and actualise issues related to gender equality and the conditions that affect disproportionately citizens' human development.

Nevertheless, the adoption of electoral quotas may generate several difficulties in women political empowerment. In first place, the main conception of the quotas as political instrument may be deviated, i.e. they may be considered not as means for the remedy of existent injustices, but as privileges conceded to women. In fact, several male representatives in the macedonian parliament, (from conservative but also liberal democratic parties) headed by the members of the liberal democratic party were reluctant in accepting the introduction of the double gender electoral quota proposed within the

revision of the electoral law in 2006 because considered by them as too generous towards women and discriminative of the principle of free elections, as already explained in the previous chapter.

Secondly, the adoption of special measures as quotas may presume the representation and the promotion of “women interests” and in this way burden female representatives with a double responsibility, i.e. to act politically on the basis of their gender identity and on the ground of their political orientation. In Macedonia the representation of women group rights may encounter several difficulties since, as it emerged in the third chapter, there are significant disparities in the level of human development among women from different ethnic communities and place of residence. Consequently, the latter face difficulties in fulfilling their capabilities and a common policy addressing all women as uniform social category can contribute in exacerbating further the existent inequalities. But, as the results of the questionnaires revealed, there were, however, issues concerning education, social policies, culture and health, which generated a common feminine interest to actively engage in politics. In addition, a feminine consensus has already been reached among women MP's in the Macedonian parliament, regardless from their ethnic belonging, on issues related to maternal leave<sup>465</sup>, on the adoption of woman friendly policies concerning women health<sup>466</sup> and on the approval of the double gender quota and the law on gender equality. It has to be said, though, that this inclination of the creation of inter-party women coalitions has encountered certain success, because it has not tackled issues challenging the consolidated distribution of power and therefore faced limited opposition on behalf of male representatives within state institutions. Paradoxically, differently from male representatives, female MP's were double bonded in the exercise of their political citizenship, because of their election realised thanks to the application of gender electoral quota, which in their turn has been adopted as measure aiming at repairing injustices inflicted to women. How much macedonian female MP's will succeed in compensating both tasks still has to be seen; nevertheless, what is important is that their active participation in the processes of decision-making is though fundamental for achieving gender equality, since it represents the only way to actualise issues that reflect the different opportunities that citizens face in the fulfilment of their rights on one side, and probably to confer different perspective on political issues that are not necessarily related to gender relations.

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<sup>465</sup> Women MP's from all political parties, strongly supported by the political activism of the macedonian women lobby and the women non-governmental organisations and associations, opposed any proposal for the shortening of the duration of the maternity leave debated in the frame of the revision of the labour relations law in 2005.

<sup>466</sup> An active political campaign has been conducted in the Parliament for the state allocation of funds for the early detection of breast and uterus cancer and the promotion of free of charge check ups for the entire female population. Interview with Ms. Liljana Popovska, president of the Macedonian Women Lobby and Chair of the Parliamentary Commission for Gender Equality, held on 24<sup>th</sup> of September 2007.

Finally, one last difficulty that can emerge from the application of the gender electoral quota is their transformation from short-term to long-term political measure. The purpose of the recourse to quotas is to temporarily support the project of women political empowerment so that a critical mass of female politicians, keen on reforming the prevailing gender neutral citizenship formula, is created. In case quotas lose their meaning of temporary means for achieving certain results and in their turn become the final outcome, then their aim will be distorted and their results poor.

Quotas are supposed to support for certain time being the political mobilisation of women in the frame of political parties and representative institutions; their potentials are though limited and cannot produce further results if not backed up by other political interventions tackling the balances of power within the political parties, challenging the prevalent cultural patterns forming the ideal political representative and easing other exclusive female responsibilities that are affecting their time disposal. Quotas can increase in significant way the share of women representatives in the political institutions, as for example from 4 to 30 percent in the Macedonian parliament and contribute in the adoption of women friendly policies, but they cannot guarantee by themselves women's political empowerment.

Crucial in this concrete case is the interaction between formal and informal politics, the coordinated political activity between female MP's and representatives of the women civil associations and non governmental organisations. Through this interaction, in fact, the latter can be enabled to enter indirectly the political processes at local and national level and introduce issues that will represent women in their diversity as equal citizens. In Macedonia, all important achievements that were gained in the field of gender equality were obtained thanks to this coordinated political mobilisation from above, i.e. of the women representatives in the institutions and political parties and from below, i.e. of the Macedonian Women Lobby and women associations<sup>467</sup>. But, even though numerically the share of women MP's has increased in the late transitional years their political power is however limited and dependent on the political will of the political parties to which they are related and which are still male dominated. For this purpose, the collaboration with the informal sector is very important, since all female civil and political activity has been performed by the women associations and non governmental organisation during the years of transition. This new way of democracy, which can bring into political agenda many issues that derive from the feminist discourse on equality and difference and can actualise questions that may change or lift the boundaries between private and public has been envisaged in fact within the National Action Plan for Gender Equality. How this two fold collaboration is organised and

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<sup>467</sup>Interview with Ms. Liljana Popovska, president of the Macedonian Women Lobby and Chair of the Parliamentary Commission for Gender Equality, held on 24<sup>th</sup> of September 2007.

whether the issues envisaged as political priorities within the latter do respond to the different needs of citizens and up to what extent are context based and accepted (shared) by the population will be analysed in the next paragraph.

## V.II. Applicability and sustainability of the gender mainstreaming agenda

It has been sustained in this work that the aim of gender equality can be reached only through a clear political commitment, where the process of engendering of citizenship represents one of its projects. Through the analysis of the capability approach it was asserted that inequalities, based basically on gender grounds, existed in the level of citizens' human development. But, as it was demonstrated in the third chapter, these inequalities were plural, they did not occurred only between women and men but also among women from different ethnic communities and place of residence. The gender mainstreaming agenda represented the political commitment for reaching gender equality of the Macedonian government. In the previous paragraph it was analysed whether the gender mainstreaming agenda presupposed a process of engendering of the main citizenship rights to which citizens were entitled. With the purpose to examine the latter, within the last few pages, an analysis of the part of the gender equality agenda referring to the reforms within the legislation was made.

In the next lines what will be examined is the remaining part of the agenda related to the programmed actions and measures for the achievement of gender equality. The aim of this analysis is, as mentioned in the introduction of the chapter, to assess whether these actions and measures are able to produce concrete results in the enhancement of citizens human development by uneasing the disparities that have been assessed in the third chapter. Therefore, the work that will be made is to confront the inequalities registered within the chosen list of capabilities with the measures and actions envisaged within the National Action Plan so as to verify whether the most vulnerable issues generating inequalities and affecting citizens human development are affronted and in that way evaluate the potentials of the Plan to mainstream the gender perspective in all general policies. Although, as mentioned in the previous chapter, the objective of the mainstreaming of the gender perspective in a given policy is to guarantee that the effects of policies are more gender neutral and therefore does not take the actual gender imbalances as the starting point for development policies, it though recognises that diversities among citizens must be contemplated so as to avoid that policies not necessarily gender specific produce diverse effects on men and women. The purpose of this final analysis, therefore, is to verify whether these diversities have been considered in the Plan, i.e. whether the latter is context based

and consequently if it can contribute in the guarantee of more equity in the citizens human development.

*a) Physical health and bodily integrity*

In overall, the priorities that the Macedonian National Action Plan for Gender Equality (NAPGE) assigned within the health sector corresponded to the issues that emerged as most impelling in the analysis made in the third chapter on the capability referring to physical health and bodily integrity. The NAPGE underlines the need for the improvement of the health care services and structures whose accessibility, as it was demonstrated, was unequal for citizens living in different areas in Macedonia. Nevertheless, besides this general and long term intent, the Plan treats more concretely issues concerning women's health. In particular, it envisages the enactment of specific initiatives related to women sexual and reproductive health and of programmes for prevention of diseases.

In relation to these strategic aims, certain annotations though must be made for what regards the content and the methods of implementation of the planned initiatives. In first place, the fact that the National Action Plan for Gender Equality addresses all women as if they represent a uniform social category can be treated with certain caution. While such policy can be applicable for programmes that envisage prevention of diseases of sexual nature, which though should be covering all citizens indistinctively, the same affirmation can not be made for what concern reproductive health. Initiatives comprising preventive actions, in fact, have already been realised in Macedonia with the approval of special programmes related to women health, introducing a one-per-year free of charge preventive check ups for uterus and breast cancer.

The situation is though different for what concerns the specific programmes relating to sexual and reproductive health where, as demonstrated in the third chapter, significant disparities emerged among women from different ethnic communities and where any initiative addressing all the female population indistinctively may be counterproductive. The results of the analysis of the capability approach related to physical health and bodily integrity showed that differently from the other, Roma women were entering in marital relationship and were having children in very young age. As concluded in the third chapter, such state of being can with certain difficulty be considered as a result of proper choice but as a consequence of further social and cultural conditionings. In fact, in this particular case there was a positive correlation between the phenomena of early childbirth and poverty, low level of education and economic inactivity. But, besides the educational and social conditionings, cultural factors exerted their influences too. For this reason, it is sustained here that on contrary from the

National Action Plan, initiatives referring to reproductive health cannot address women only, but also men in order to challenge the cultural patterns that influence people's sexual behaviour. In relation always to reproductive health it is not clear whether in the frame of the envisaged special initiatives of NAPGE any concrete actions, as the facilitation of the use of contraceptives, have been foreseen. As it was seen in the third chapter, the use of conventional contraceptive means has been reduced during the transitional period and, even if decreasing, there was a continuous tendency to use the abortion as contraceptive. Although their contribution in terms of reproductive health are not negligible, in Macedonia conventional contraceptive means have been excluded from the positive list of medicines whose use is either free of charge or discounted and explicit intentions in their integration have not been expressed neither in the Plan.

Besides the use of specific measures, NAPGE envisages the organisation of informative campaigns about reproductive health and sexually transmitted diseases. The contribution of such campaigns, though, may be brief if not accompanied by long-term educational initiatives, which are however foreseen by the Plan through the revision of the didactic programmes at the institutions of higher education. Without neglecting or undermining the importance of the improvement of the higher education didactic programmes, however, as it emerged in the third chapter, the need for education about reproductive health is more expressed in the lower levels of education. The phenomena of early marriages and childbirths is present among young women between the age of 14 and 18, which have no opportunity to enroll in higher education. Considering, as mentioned above, the positive correlation between the greater incidence of early childbirth and marriage and low level of education, any gender sensitive educational campaign in the field of reproductive health and sexually transmitted diseases in Macedonia has to start with compulsory and long term didactic programmes from the lower classes and it has to refer to young women and men equally.

#### *b. Education and knowledge*

For what concerns education, it has to be said that thanks to the availability of certain gender disaggregated data on national basis, the NAPGE faces promptly the most delicate issues within this field, which though emerged as decisive in men's and women's human development through the analysis of the capability approach. As already explained in the previous chapters, the most vulnerable fields where gender based differences were encountered were in the share of illiteracy, in the disparate level of enrollment in primary and secondary education and in the gender specific educational fields. The actions foreseen within the Plan are numerous and were already described in the previous chapter.



In this instance, what is important to understand is whether and in what manner the NAPGE affronts the gender disparities registered in the field of education. In reference to the persistence of illiteracy, the analysis made in the third chapter revealed that this phenomena tackled differently citizens, affecting disproportionately women in general and in particular from Roma and Turkish communities as well as those from the rural areas. The causes for the persistence of illiteracy were assigned, besides to socio-economic and cultural factors also to institutional factors, such as the lack of adequate punitive measures for the non-compliance with the law, imposing the compulsory primary education for all children indistinctively. Consistently, the National Action Plan recognised as well this institutional aspect as responsible for the perpetuation of illiteracy and envisaged the need for the adoption of adequate sanctions within the law aiming at eradicating this phenomena. The NAPGE also foresaw a context based measures for what concerns the emerging tendencies in the enrollment in primary and secondary education. The outcomes of the analysis of the capability approach, in fact, revealed progressive emergence of female dropouts in higher elementary classes and in the secondary education, with significative differences in the ethnic affiliation and place of residence. The Plan faces the problem of the dropouts selectively, addressing female students mostly affected by this phenomena, i.e. the ones belonging to Albanian and Roma communities and those living in the rural areas. The causes for this gender specific phenomena of dropouts resided, as outlined in the third chapter, in the combination of the difficult socio-economic conditions and the lack of adequate structures - this in particular in the rural areas-, as well as the impact of cultural influences which affected the further educational development of female students. The NAPGE, though, proposes actions that intervene in the temporal remedy of the difficult socio-economic conditions, by offering the provisions of material contributions and the opening of further structures on one side and by organising informative and awareness raising campaigns, whose realisation was assigned to the women non governmental organisations.

Finally, one last issue that was analysed in the third chapter was the persistence of gender specific educational fields, which contributed further on in generating female and male professions and influenced undoubtedly the creation of gendered employments also. The NAPGE deals with the gender based stereotypes by requiring the re-examination of all educational programmes. It indirectly envisages the need for eradicating the gender based educational fields by foreseeing the inclusion of increased number of female teaching staff within male professions, but it does not tackle directly the cultural patterns that contribute greatly in creating the male and the female professions. No specific actions stimulating the increased enrollment of female students in male educational sectors and

viceversa are envisaged, nor awareness or informative campaigns challenging the cultural norms that affect men and women's educational choices are programmed. The gender specific educational fields contributed in creating the gendered sectors of employment, which were, as already analysed, indicated as one of the causes for the inequalities emerged in the field of employment. Consequently, without concretely challenging the cultural patterns, any intervention directed to eliminate the gender based prejudices and stereotypes related to male and female occupations programmed within the field of employment and social policy will be difficult to realise.

### c. Economy and social policy

The field of economic activity was the one, as already analysed, where the transitional policies generated the most expressed gender inequalities. The National Action Plan recognises this fact and envisages measures that concern the employment sector and the correlated social policies, by entailing a close collaboration between the formal and the informal sector. Without going into details of the planned interventions, work that has already been made in the previous chapter, some annotations need to be made in relation to the latter, if the results of the analysis of the human capabilities concerning economic activity are taken into consideration.

Main observation that need to be made in relation to the strategic aims of the NAPGE is that it considers only one aspect of citizens economic activity, the market based one, i.e. the one referring to the public sphere of employment. Moreover, the Plan is mostly women centred, i.e. all interventions are directed and refer to women only and finally it does not treat fully the diversity that exist among citizens in the field of public employment.

In relation to the first annotation, the Plan contemplates interventions, such as wage subsidies or tax reliefs for enterprises in process of restructuring that employ women workers, stimulation of women entrepreneurship, facilitation of their access to vocational and lifelong training etc. that however are concentrated to the sole public sphere of employment. In support to these interventions, the NAPGE foresees a corresponding social policy aiming at guaranteeing equal treatment between men and women in employment, wages and career progressing, through the equalisation of rights in social and pension insurance, the improvement of women legal knowledge of their rights, the offering of free of charge legal assistance, the monitoring of salary payments etc. As it may be noticed, in the realisation of more equalised access in the labour market and in the job progressing, other aspects of citizens life related to the conventional private field of responsibilities have not been considered. These aspects though count in people's job accessing and career progressing, since as it was seen in the third chapter,

women due to their domestic responsibilities and the activities of care suffered in greater extent than men the consequences of economic recession. In fact, the reasons that have been outlined for the differential treatment between men and women that resulted in generating inequalities lied in the fact that women have been considered as expensive workers because of the generous maternal leave and because of the general perception about the impact that the function of care may exert on their job performance. In this sense, all interventions may have limited power in guaranteeing equality in job accessing and career progressing if the sexual division of labour is not questioned and if further initiatives reconciling private responsibilities with public engagements are not envisaged and enacted. Some modest actions in this direction have been included with the Plan, such as for example support for programmes offering assistance to families, providing solutions for children care and services for time savings etc. which are lifted from the governmental responsibilities and devolved to the non-governmental organisations whose potential in the realisation of the latter are limited due to their restricted financial possibilities. Moreover, if initiatives for the reconciliation of both professional with private life (some examples of such initiatives have been given in the previous paragraph) are foreseen, these have to entail women and men equally, if traditional patriarchal patterns of gender relations are to be challenged.

Consistently, the second annotation that has been made to the Plan was its women centred interventions. In fact, as the third chapter demonstrated, men are usually those who manage the power relations within the labour market since they occupy prevalently higher working positions. Therefore, any programme or initiative that aims at increasing the women's inclusion in the labour market and at supporting their career progressing have to take into consideration the consequences that such actions may produce on men's positions within the world of employment and in the frame of private sphere of responsibilities and act accordingly. The NAPGE delegates certain responsibilities from exclusive domain of women's tasks to the non-governmental organisations, bypassing completely men's involvement. Such actions are limited in their sustainability and do not affront the cultural patterns imposing to men and women gendered tasks. If we consider the results from the queries about the low percentage of women on high level public functions made in the third chapter, where respondents indicated the lack of confidence in women's capacities, the existence of hidden barriers placed by men and working obligations in the domestic sphere, than any intervention concerning the citizens performances in the public sphere must necessarily deal with the cultural patterns, which contribute in creating the uppercited effects. The disregard of the latter can produce results in terms of gender equality not dissimilar of those reached during the socialist period, since the private sphere is not

tackled and men's responsibilities in the performance of tasks in the familial domain have been still devolved, not any more to the state institutions, as it was in the previous system, but to the civil sector, represented in this case prevalently by women associations.

One final observations that was made in relation to the NAPGE measures aiming at guaranteeing gender equality in the field of employment and social policy was the one concerning human diversity. The Plan foresees, as already explained, measures and initiatives aiming at increasing women employment and entrepreneurship by mapping their fields of interest and by assessing their needs for vocational trainings. What lacks in the plan is the expressed intention to contemplate the differences that exist among women and to shape the interventions based on these differences. According to the results gained from the analysis of citizens capabilities in the sphere of the economic activity it emerged that inequalities among women persisted because of their disparate level of educational attainment and of social positioning/status which affected undoubtedly their achievements in the field of paid employment and consequently their individual human development. In this sense, the capabilities of ethnic Macedonian women and of Roma and ethnic Albanian women or of those in the urban with respect to the rural areas in the development of their entrepreneurship and the initiation of small business are disparate either because of the differences in their educational level or because of the social and cultural conditionings. Therefore, different measures and actions need to be adopted to face these differences and to create the conditions for their individual building/enforcement of capabilities. The Plan actually foresees one intervention in this sense, by delegating to the Labour Agency/Bureau the task of assessing/registering women's needs of special assistance in terms of education, training, financial and technical help, etc. so as to enable them to enter the labour market. While it is positive that before planning particular policies the registration of women needs are required, however it would have been better off for them that all interventions were directed towards the development of their capabilities, since women, dependently of their social and cultural conditionings, may have limited perception of their needs and their potentials.

Finally, in relation to the issue of diversity it has to be recognised that the Plan though contains one strategic aim addressing the most vulnerable groups of women, such as Roma women and those living in the rural areas. The Plan recognises the difficulties that women in rural areas face in terms of their economic independency, i.e. in generating their proper income and therefore envisage initiatives such as promotion of programmes for production of safe food, facilitation of the access to capital, credits and loans, favouring the development of women pluriactivity etc. For what concerns the latter, the interventions are less precise, i.e. the Plan contains a vague intention of emancipation of Roma women,

whose realisation is conferred to the non-governmental organisations. The activity of emancipation may include also their political empowerment and their greater inclusion in the processes of decision making at local and/or national level. While the latter is more difficult to realise, since political parties are organised, as already mentioned, principally on ethnic basis and the possibility that a woman is elected in the national parliament as a representative of the Roma community is rather limited<sup>468</sup>, their active participation in local politics, though may be supported. The issue of active participation of women in politics and in the processes of decision-making, besides the changes in the legislation and the adoption of positive measures, have been treated further on by the NAPGE.

*d. Participation in formal politics and engagement in civil society*

The field of politics and participation in the decision-making processes is the one where gender principle has been most successfully mainstreamed, thanks to the coordinated activity of political lobbying of the non governmental organisations, the female MP's in the national parliament and the support of the Gender Task Force of the Stability Pact for Southeastern Europe. In fact, the contribution of the adoption of quotas in terms of increasing of female representatives within the national and local institutions has already been explained, while its significance and potential analysed in the previous chapter. In this context, what need to be add or paid attention to is how the gender mainstreaming agenda is dealing with the institutional and cultural barriers which were decisive for the low share of women's participation in formal politics, on one side, and how does it stimulate women interest in involving in politics, since as it was demonstrated in the third chapter, such interest was much lower among women than men.

For what concerns the first issue, one point of success that need to be recognised to the NAPGE is the continuous tendency in maintainment of the three fold coordinated activity between the two actors of the formal politics, i.e. governmental structures and political parties and women associations and non governmental organisations representing the field of informal politics. As the Plan envisages, all three actors are supposed to collaborate closely in the realisation of the three strategic aims directed at elimination of the gender based inequalities, the guarantee of equal access in politics and structures of

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<sup>468</sup>Due to the fact that political parties are basically organised on ethnic basis, the share of representatives of Roma parties within the national parliament is low (usually one representative) and reflects the portion of Roma population in Macedonia. With the change of the electoral system from majority rule in proportional one and the adoption of the gender electoral quota, the number of female candidates increased, but no woman has been though elected up to 2006 parliamentary elections. In fact, in order to be elected a female representative from the Roma parties should be placed in the top of the electoral lists, which has still not occurred. For further information about the parliamentary elections in Macedonia, see [www.dik.mk](http://www.dik.mk), [www.sobranie.mk](http://www.sobranie.mk) and [www.osce.org/odihr](http://www.osce.org/odihr).

decision making and the increase of women capacities. Without going inside the single measures already analysed in the previous chapter, what need to be said here is that the NAPGE deals more firmly with the obstacles of institutional nature than with those of cultural provenience. The Plan, in fact, recognises the existence of institutional barriers to women active participation in politics and consequently, besides requiring changes in the legislation, it foresees a set of institutional measures aiming at eliminating the inequalities and supporting the increased female involvement in the processes of decision-making. The NAPGE, actually, provides a project of institutional mainstreaming of gender perspective through the formation of several specific bodies for gender equality within national and local representative and governing institutions, such as parliamentary commission for gender equality, coordinators for gender equality within ministries and commissions within structures of local government. It has to be noticed that such political action has not been envisaged for the political parties, where all activities aiming at eliminating the inequalities in power relations within their hierarchical structures and in the nomination of candidates has been left on the good political will of these organisation or on the political empowering and the lobbying of their female members.

But, in this context, one vulnerable aspect of women empowering and their active engagement in politics is, as the sample from chapter 3 demonstrated, their low interest in joining formal political organisations and participating in the processes of decision making. In correcting this low interest for politics among women, most of the responsibilities have been assigned to the non-governmental organisations, as for example the organisation of informative and awareness raising campaigns explaining the importance of participation of women in the process of decision-making, the building of their self-confidence etc. While the contribution of the informal sector in the achievements already attained in the field of politics is undeniable, however one important aspect can not be undermined, i.e. the political and financial support that women associations received from the Gender Task Force of the Stability Pact and other international donors.<sup>469</sup> The NAPGE does not foresee any precise governmental support to the informal sector in the field of these three fold cooperation so as the project of women empowerment is promptly realised.

The increase of women's interest in politics and in overall their political empowerment is important for the creation of a critical mass of women politicians and the contribution in this sense of quotas is evident but not sufficient, as already explained in the previous paragraph. Therefore a governmental support to the informal sector in the creation of this critical mass, which has to be formed not only in

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<sup>469</sup>The Organisation for Security and Cooperation (OSCE), foreign national governments, like the Swedish, the Norwegian, the Finnish, the Dutch, as well as foreign foundations, as Soros, Kvinna Till Kvinna and others have funded NGOs projects addressing gender issues.

the national parliaments but also within the political parties and other state institutions, is significant for the achievement of concrete results. In this sense, a concrete example can be useful. The political act of the adoption of positive measures such as electoral quotas and the results that it could produce was publicised by women associations through national and local media, through newspapers and all related network of bodies and associations and, if results from the Questionnaires used for the Case study are taken into consideration, still the information did not reached one portion of the population. Respondents, in fact, were asked whether they knew about the gender electoral quota on national and local level. From the answers given, as reported in Table 52, it emerged that around 36 percent of respondents, were not aware about the integration of this positive measure within the electoral law.

			sex of the interviewed		Total
			male	female	
Knowledge about the existence of 30%electoral quota	yes	Count	83	147	230
		% within sex of the interviewed	61,0%	66,2%	64,2%
	no	Count	53	75	128
		% within sex of the interviewed	39,0%	33,8%	35,8%
Total		Count	136	222	358
		% within sex of the interviewed	100,0%	100,0%	100,0%

Moreover, as Tables 53 and 54 show below, while between the respondents from rural and urban areas there are not great differences, these are more evident among citizens belonging to different ethnic communities.

place of residence			knowledge about the existence of 30%electoral quota		Total	
			yes	no		
countryside	sex of the interviewed	male	Count	26	7	33
			% within sex of the interviewed	78,8%	21,2%	100,0%
		female	Count	18	12	30
			% within sex of the interviewed	60,0%	40,0%	100,0%
	Total		Count	44	19	63
			% within sex of the interviewed	69,8%	30,2%	100,0%
town	sex of the interviewed	male	Count	57	46	103
			% within sex of the interviewed	55,3%	44,7%	100,0%
	female	Count	129	63	192	

			% within sex of the interviewed	67,2%	32,8%	100,0%
	Total		Count	186	109	295
			% within sex of the interviewed	63,1%	36,9%	100,0%

**Table 54 Knowledge about the existence of 30%electoral quota \* nationality \*sex of the interviewed Crosstabulation**

Nationality	sex of the interviewed			30%electoral quota		Total
				yes	no	
macedonian	sex of the interviewed	male	Count	43	29	72
			% within sex of the interviewed	59,7%	40,3%	100,0%
		female	Count	104	44	148
			% within sex of the interviewed	70,3%	29,7%	100,0%
	Total	Count	147	73	220	
		% within sex of the interviewed	66,8%	33,2%	100,0%	
albanian	sex of the interviewed	male	Count	20	6	26
			% within sex of the interviewed	76,9%	23,1%	100,0%
		female	Count	25	16	41
			% within sex of the interviewed	61,0%	39,0%	100,0%
	Total	Count	45	22	67	
		% within sex of the interviewed	67,2%	32,8%	100,0%	
roma	sex of the interviewed	male	Count	2	10	12
			% within sex of the interviewed	16,7%	83,3%	100,0%
		female	Count	0	10	10
			% within sex of the interviewed	0,0%	100,0%	100,0%
	Total	Count	2	20	22	
		% within sex of the interviewed	9,1%	90,9%	100,0%	
turk	sex of the interviewed	male	Count	6	4	10
			% within sex of the interviewed	60,0%	40,0%	100,0%
		female	Count	8	0	8
			% within sex of the interviewed	100,0%	0,0%	100,0%
	Total	Count	14	4	18	
		% within sex of the interviewed	77,8%	22,2%	100,0%	
other	sex of the interviewed	male	Count	12	4	16
			% within sex of the interviewed	75,0%	25,0%	100,0%
		female	Count	10	5	15
			% within sex of the interviewed	66,7%	33,3%	100,0%
	Total	Count	22	9	31	
		% within sex of the interviewed				



		% within sex of the interviewed	71,0%	29,0%	100,0%
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This simple example demonstrates in reality how the work of conducting informative and awareness raising campaigns needs to be more exerted in prolonged periods and require the implication of sizeable amount of resources, either financial or human. Accordingly, in a coordinated gender mainstreaming strategy between the formal and the informal sector, as the National Action Plan for Gender Equality is propagating the activity of promotion of dialogue, coordination of activities and spreading of information can not be left only to the non-governmental organisations. The maintain of this coordinated political acting between the formal and the informal sector, as the achievements in this field have already demonstrated, is fundamental if issues gender specific, already affronted by the non-governmental organisation during the transitional period, are to be brought into the political agenda and integrated within the political discussions on local and national level.

After having reviewed the Macedonian gender mainstreaming strategy intended as a set of measures aiming at integrating the gender perspective in all policies and at resolving the main inequalities detected in the analysis of the level of citizens human development, several conclusions may be drawn. In first place, for what concerns the sustainability of the agenda it can be affirmed that the priorities that have been assigned to the latter, i.e. the reforms in the legislation and the adoption of positive measures in the field of decision-making, permit its systematic realisation and its long term duration. By conferring the prime importance to the gender specific changes in the legislation regulating citizens political, civil and social rights, in fact, the basic grounds for the implementation of all further policies and interventions have been laid. Moreover, the adoption of positive measures aiming at gender equality, such as quotas, and the institution of specific bodies as the Unit for the Promotion of Gender Equality, allowed for the actualisation of issues related to equal opportunities between men and women and the approval of important laws such as the one on gender equality and the double gender quota. Nevertheless, the sustainability of this gender mainstreaming project is, though, depending on the process of engendering of citizenship. In other words, while solid grounds for the achievement of gender equality are laid, its prosecution and duration in time is pending principally on the clear political intentions and the increase of women political power in order to realise important changes in the main citizenship rights and duties.

Secondly, a process of engendering of citizenship has been somewhat initiated. But, in relation to the latter, while in the field of active participation of women in politics greater results may be expected, the integration of diversity and the challenging of the public/private dichotomy raise more doubts. These

two processes, indispensable for the realisation of any project of engendering of citizenship, have to challenge the already well affirmed power relations, which require greater inclusion of resources, human and financial, and impose a change in the patriarchal cultural patterns that have traditionally affected gender relations.

Similar annotation can be confirmed also for the further measures and interventions envisaged within the National Action Plan for Gender Equality. The main lacking of the latter are, in fact, its disregard of the private aspects of citizens lives and of the gender relations. More precisely, the NAPGE foresees interventions in the economy that are directed exclusively on the public sphere of employment, which are backed up by actions of support in term of social policies whose realisation is however devolved to the non-governmental organisations. Moreover, the Plan is overwhelmingly women centred, it envisages numerous interventions directed to female citizens so as to unease the gender inequalities that exist in the field of economy, social policy, health, politics and it neglect male citizens, whose contribution in the creation of such inequalities is significant. To address actions also to men means to challenge the established gender relations and with it to tackle the socio-cultural patterns that regulate the latter. But, this is a necessary passage if concrete results in terms of gender equality are to be attended.

The fields of interventions are plural, from sexual division of labour in the private and the public sphere to the informal barriers that women face in the world of employment and formal politics and the time to be dedicated to this process extended, but positive expectations may be attended. While the sexual division of labour in the private sphere and the responsibilities in the performance of the day-to-day caring activities are more difficult to challenge directly, indirect interventions through new policies and specific measures can contribute greatly in a process of engendering of citizenship and the elimination of inequalities. As the outcomes in the third chapter demonstrated, in fact, even though high share of respondents disagreed with the opinion that domestic labour is exclusively a female responsibility and considered the sexual division of labour as a mere social construction, a product of societal constraints and human behaviours, women were those who prevalently performed the domestic tasks. An indirect challenge to this unequal division of tasks can be performed through certain initiatives that have already been included in the reformed legislation, such as paternal leave or by the means of the introduction of other policies, as flexible working time and home based work etc. Such initiatives allow for better reconciliation of working tasks in the frame of paid employment and those in the familial sphere and presuppose a greater inclusion of men in the performance of the latter.

In this sense, through the Questionnaire one final attempt has been made to assert citizens willingness and orientation to accept such proposals aiming at engendering of citizenship. In particular, their opinion has been examined about the introduction of paternal leave and about the adoption of further initiatives aimed at facilitating the reconciliation of the professional with the private life, by permitting flexible working time, home-based work, teleworking etc. As table 55 shows, the share of respondents, men and women equally, which totally agree or agree with the introduction of non transferable paid paternal leave exceed those that totally disagree or disagree.

**Table 55 Opinion about the introduction of paternal leave \* sex of the interviewed Crosstabulation**

			sex of the interviewed		Total
			male	female	
opinion about introduction of paternal leave	totally agree	Count	35	45	80
		% within sex of the interviewed	25,7%	20,3%	22,3%
	agree	Count	38	75	113
		% within sex of the interviewed	27,9%	33,8%	31,6%
	not sure	Count	16	40	56
		% within sex of the interviewed	11,8%	18,0%	15,6%
	disagree	Count	41	57	98
		% within sex of the interviewed	30,1%	25,7%	27,4%
totally disagree	Count	6	5	11	
	% within sex of the interviewed	4,4%	2,3%	3,1%	
Total		Count	136	222	358
		% within sex of the interviewed	100,0%	100,0%	100,0%

Significant differences are not visible neither among respondents from the urban and the rural areas, while on the basis of nationality, respondents from Roma and Turk nationality are more reluctant towards the introduction of such nouveautés (Table 56 and 57).

**Table 56 Opinion about introduction of paternal leave \* place of residence \*sex of the interviewed Crosstabulation**

place of residence			opinion about introduction of paternal leave					Total	
			Tot. agree	agree	not sure	disagree	Tot. disagree		
countryside	Sex	male	Count	6	12	2	11	2	33
			% within sex	18,2%	36,4%	6,1%	33,3%	6,1%	100,0%
		female	Count	3	11	2	13	1	30
			% within sex	10,0%	36,7%	6,7%	43,3%	3,3%	100,0%
	Total		Count	9	23	4	24	3	63
			% within sex	14,3%	36,5%	6,3%	38,1%	4,8%	100,0%
town	Sex	male	Count	29	26	14	30	4	103
			% within sex	28,2%	25,2%	13,6%	29,1%	3,9%	100,0%
		female	Count	42	64	38	44	4	192
			% within sex	21,9%	33,3%	19,8%	22,9%	2,1%	100,0%

	Total	Count	71	90	52	74	8	295
		% within sex	24,1%	30,5%	17,6%	25,1%	2,7%	100,0%

**Table 57 Opinion about introduction of paternal leave \* nationality \*sex of the interviewed \*Crosstabulation**

Nationality			opinion about introduction of paternal leave					Total	
			Tot. agree	agree	not sure	disagree	Tot. disagree		
macedonian	sex of the interviewed	male	Count	22	18	9	20	3	72
			% within sex	30,6%	25,0%	12,5%	27,8%	4,2%	100,0%
		female	Count	26	53	25	42	2	148
			% within sex	17,6%	35,8%	16,9%	28,4%	1,4%	100,0%
	Total		Count	48	71	34	62	5	220
			% within sex	21,8%	32,3%	15,5%	28,2%	2,3%	100,0%
albanian	sex of the interviewed	male	Count	6	12	5	3	0	26
			% within sex	23,1%	46,2%	19,2%	11,5%	0,0%	100,0%
		female	Count	13	13	8	5	2	41
			% within sex	31,7%	31,7%	19,5%	12,2%	4,9%	100,0%
	Total		Count	19	25	13	8	2	67
			% within sex	28,4%	37,3%	19,4%	11,9%	3,0%	100,0%
roma	sex of the interviewed	male	Count	2		1	9		12
			% within sex	16,7%		8,3%	75,0%		100,0%
		female	Count	0		6	4		10
			% within sex	0,0%		60,0%	40,0%		100,0%
	Total		Count	2		7	13		22
			% within sex	9,1%		31,8%	59,1%		100,0%
turk	sex of the interviewed	male	Count	3	1	1	5		10
			% within sex	30,0%	10,0%	10,0%	50,0%		100,0%
		female	Count	3	4	0	1		8
			% within sex	37,5%	50,0%	0,0%	12,5%		100,0%
	Total		Count	6	5	1	6		18
			% within sex	33,3%	27,8%	5,6%	33,3%		100,0%
other	sex of the interviewed	male	Count	2	7	0	4	3	16
			% within sex	12,5%	43,8%	0,0%	25,0%	18,8%	100,0%
		female	Count	3	5	1	5	1	15
			% within sex	20,0%	33,3%	6,7%	33,3%	6,7%	100,0%
	Total		Count	5	12	1	9	4	31
			% within sex	16,1%	38,7%	3,2%	29,0%	12,9%	100,0%

Respondents positive attitude is confirmed also towards the introduction of special measures that would facilitate the reconciliation of working tasks in the labour market and in the domestic sphere. According the table 58 the share of those who agree with the introduction of such measures is very high among men and women equally; even though women exceed slightly over men in their opinion that female workers should be the exclusive addressee of such measures.

Table 58 Introduction of special policies related to parental leave (part-time, home based work, telework) * sex of the interviewed Crosstabulation			sex of the interviewed		Total
			male	female	
introduction of special policies related to parental leave (part-time, home based work,telework)	yes, ok for women	Count	60	118	178
		% within sex	44,4%	53,6%	50,1%
	yes, but valuable for men and women equally	Count	56	82	138
		% within sex	41,5%	37,3%	38,9%
	No	Count	19	20	39
		% within sex	14,1%	9,1%	11,0%
Total	Count	135	220	355	
	% within sex	100,0%	100,0%	100,0%	

These examples are indicative about citizens receptivity of some of the reforms introduced or of possible interventions that can be made with the purpose of achieving gender equality. What will be the concrete results of such measures still has to be seen, and depend greatly of the degree of the implementation of the gender mainstreaming agenda. Problems, though, may emerged in the realisation of the agenda because of its overcomplexity, i.e. it envisages numerous interventions within the single areas of concern in relatively short period of five years, which if not reorganised on the basis of the context based priorities is risking on leaving these interventions unattained or unrealised.

## Conclusion

The present work was organised so as to answer to the main hypothesis raised in the introduction, which stated that the universalising formula was not sufficient to guarantee equal rights and opportunities and that gendered aspects of citizens' lives needed to be mainstreamed not only within the main citizenship concept but also within all state policies and at all institutional levels so that equality is achieved. The analysis was restricted to the concrete case of the Macedonian state in a period of the transformation from the socialist system of governance to the one of parliamentary democracy and was grounded on two theoretical conceptions, the concept of citizenship with the related feminist critiques, and the one of human development. Both concepts were used with the purpose to evaluate the extent of the transitional policies on gender equality, since the latter is one of the main pillars of human development, and equality of rights and freedoms of the principle of universalising egalitarian formula. Through the critical review of the main assumptions of both theoretical concepts, it was then evaluated whether the adopted citizenship formula was at the origin of gender inequalities in Macedonia, in which fields the latter emerged and how they affected citizens' human development. From the analysis of the feminist discourse, it was concluded that the main reasons for the perpetuation of gender inequalities resided within the conceptualisation of the citizens' rights and freedoms, these likewise conditioned by cultural, social or institutional factors. Western feminist scholars (humanist-egalitarian, gynocentric and deconstructionist) and former Yugoslav ones were equally critical on the universalising and apparently gender neutral citizenship formula, either in its liberal-democratic or in the self-managed form, revealing that it granted formal rights and freedoms to women, it disregarded the gender based differences, it separated the so-called private from the public sphere of citizens' lives and it did not pledge participation. Besides these common premises, however, the feminist interpretations of the causes and the solutions proposed for the eradication of gender inequalities were different and consequently taken into consideration. As analysed, humanist-egalitarian feminists, even though favourable to the universalising gender neutral formula were critical of the lack of the just conceptualisation of civil and social rights, which they saw as the main reasons for the unequal enjoyment and exercise of citizenship. Gynocentric and deconstructionist feminists contested the universalising citizenship formula because based prevalently on male principles and disregarding of the differences that existed among citizens. Both groups of feminists, gynocentric and deconstructionist, sustained, though, that a reconceptualisation of the main citizenship formula through the integration of difference to be the main response for eradicating inequalities. But, as it was seen, gynocentric feminists strived for the recognition of group rights and based their critiques on the contraposition of

the difference that existed between women and men, while deconstructionist discussed on the existence of plural differences deriving from the diverse social positionings of citizens and were skeptical about the interchanging of the abstract universalism with particularistic identity politics. It was assumed that common consideration of western feminists and former Yugoslav feminists was that within the main citizenship formulas equality has been interchanged with sameness, by the means of which male principles were rendered as universal. Moreover, it was argued that where equality could not have been guaranteed on the principle of sameness, additional protective measures, addressing predominantly women were envisaged. Such measures, though contributed in creating “the other” citizen, the one that required additional guarantees so as to be able to enjoy their proper citizenship. The identifying of equality with sameness, in fact, rendered incompatible the role of labourer with the one of childrearer and where attempts have been made to reconciliate both roles without tackling the prevailing citizenship concept, further inequalities have been generated, as the socialist experience has demonstrated. Therefore, according to the author of this research, what has been considered as fundamental for the elimination of gender based inequalities in a context of universalising citizenship formula was its reconceptualisation on gender grounds. With the reconceptualisation of the citizenship formula was intended its engendering, i.e. it presupposed the integration of difference, the consideration of aspects of citizens private life which have no market value but condition their human development and the support for major participation in the processes of decision-making, through the increased coordination of formal and informal political structures. It was concluded that the process of engendering of citizenship is crucial in the remedy of the inequalities in the level of citizens' human development caused mainly from their unequal access to opportunities to exercise the rights and enjoy the freedoms to which they were entitled. Such assertions were then confirmed as trustworthy when the analysis on the main citizenship formula and the exercise of the citizenship rights and freedoms on behalf of the Macedonian citizens was carried out. The review of the Macedonian constitutional and legal framework allowed for the assumption that the basic citizenship rights and freedoms were conceptualised in an androgynous terms that guaranteed to citizens equality in the exercise of the latter irrespectively of their sex, race, skin colour, national and social origin, political and religious beliefs, social or property status. But, as it was analysed in the second chapter, the universalising gender neutral formula led to the disregard by the national legislation of issues with highly gendered character in first place, and secondly it envisaged additional protective measures for women so as to enable them to participate on equal footing with men in the public world of employment and politics. In this sense, the presumed and declared equality of rights between a man and a woman within the familial domain

codified by the family law, was compromised either by legislators' detachment of regulating the individual rights of spouses or by its patriarchal conception of extended family. The law on the family regulating the rights and freedoms within the domestic sphere was in fact formulated on the grounds of the public/private dichotomy. The boundaries between both spheres were delimited on issues measurable under the conventional economic terms, such as those related of conjugal property or concerned questions that were tackling the family as basic institution of the society, such as the regulation of rights and duties of spouses towards their children. Individual relations of spouses, whose union was not considered as familial since family was created with the birth of the children, were treated only marginally within the uppermentioned law. It was assumed, though, within the second chapter that the disengagement of the state in the regulation of gender relations within the familial domain was not justifiable with the fact of the respect of privacy and private life, since such interference was contemplated for the regulation, as already mentioned, of the property relations among spouses and their rights and duties over their children. The detachment of the state from the regulation of the relations within the delimited sphere of private life brought up to the neglect of questions highly gendered such as the phenomena of domestic violence, which was affecting person's psychological and bodily integrity. While in fact the property relations between spouses were considered as issue that required public regulation, the question of domestic violence was reputed as needless of state interference. Legal regulation of abuses of sexual nature were envisaged within the criminal law when committed in the public sphere as was the case with rape committed by third party or at working place in case of the abuse of proper employment position. The latter norm, as annotated in the second chapter, was however reductive since it sanctioned only cases of enforcement in sexual intercourse or other sexual activities, but not in case of acts of harassments, intimidation or verbal offences committed on gender basis on working place. The legislation regulating the employment relations was conceptualised on equal basis, foreseeing though special protective measures for female workers, minors and employed with disabilities. Within the field of employment, in fact, it emerged more evidently how equality has been interchanged with sameness, and how additional guarantees were needed for female workers in order to grant to the latter equal opportunities, at least apparently, within the labour market. What has been observed in the second chapter, actually, was that while the law envisaged several special protective measures specifically for women in order to regulate and reconciliate their reproductive function and their acting as equal actors in the labour market, it did not contemplated provisions banning any discriminative attitude of employers in the selection of candidates and in the working environment, referring here to career progressing and the guarantees of return to



same working positions after maternity leave. The principle of equality was though not extended as for what regards paid leave for childbirth, since paternity leave was not conceded and protective measures due to maternity rendered women as the expensive workers, the ones that needed additional guarantees and treatments, workers economically not convenient to invest in their upgrading. The principle of equality guaranteed through gender neutral provisions was applied also within the laws referring to education and political activity. But, as it was seen within the second chapter, for what concerns education the principle of equality in education required adequate sanctions so as to be fully respected by all citizens. In relation to politics, on the other hand, the changes realised in the electoral formula demonstrated how the formal entitlement to the right to vote and be elected was not sufficient for guaranteeing equal engagement of all segments of the society within the processes of decision-making. The analysis carried out in the third chapter, demonstrated in fact that differences in citizens' participation in the political and economic life of the country reflected the diverse level of their human development. In conformity with the objective of this research, though, the assertion of the inequalities in the level of human development of the Macedonian citizens was realised through the selection of several capabilities relevant for a gender based analysis. The human development approach was applied since in the assessment of the persons' well being, i.e. its state of being and doing, it ponders also criteria that are not measurable through conventional economic formulas but are though relevant for a gender based analysis. What it emerged, in fact, was that the equality of rights and freedoms, guaranteed under the universalising and apparently gender neutral formula, was not enabling citizens from different social groups to participate actively in the processes of system change during the transitional period. Inequalities that had their gender grounds were registered in the field of reproductive health, bodily integrity, education, domestic labour and care activities, which inevitably transposed themselves within the fields of paid employment, political and civil activities. Such disparities that affected practically the totality of citizens' lives, were registered between women and men, but also among women from different ethnic communities and place of residence. What can be, though, concluded is that this plural facet of registered inequalities revealed the lack of positive consideration of the pervasive diversity that existed among citizens, which had solid gender grounds and which influenced their human development. The disregard of the differences that countersigned citizens of both sexes within the universalising gender neutral formula and its conceptualisation on the basis of the private/public dichotomy were the main factors for the disparities in their human development. In addition, in conditions of economic recession, which affected the Macedonian society during the transitional period and compelled citizen to make forced choices in the procurement of

certain basic needs and services, customary cultural and social norms exert their additional influences producing high gendered costs. Equal rights in education and relative legal sanctions in the respect of the educational law were not sufficient for preventing the female dropouts in primary and secondary education of female students from Roma and Albanian nationality and for those from the rural areas. The combination, in fact, of lower economic power (financial capacity) and patriarchal cultural patterns seizing women's role in the society were decisive in limiting their development in further fields, such as those of paid employment and political activity. The patriarchal cultural patterns assigning to women the primary role in the performance of the domestic and care activities within the family, which, in fact, were predominantly exerted by them as the questionnaires demonstrated, precluded women's perspectives in the level and type of education, their employment opportunities and career progressing. Such patriarchal norms were not challenged by the legislation constituting basic citizenship rights and freedoms, since the latter conferred to the family, and with it to women, the main responsibility in the care for the children and the elders. But, women's extensive engagements in the familial domain and their relative time poverty were asserted as one of the main, but not the sole factors for the inequalities generated in the field of economic and political activity. Within the employment sector, the basic formal equality of rights combined with the protective measures conferred to women, did not protect the latter from increased economic inactivity and latent unemployment. The economic recession and the increased offer of labour force, on one side and the reputation of women as expensive workers and non suitable for conferring them high responsibility functions on the other, caused their progressive exclusion from the formal labour market. As the questionnaires have revealed, in fact, women resulted as economically more dependent than men, either because earning less, since they were covering principally lower paid positions, or because of their greater share of economic inactivity. In the field of political activity, besides engagements in the familial domain, institutional and cultural factors contributed also in the lower participation of women in the processes of decision-making. In the first case, the majority rule electoral formula and the acting of political parties as the main gatekeepers in the candidates nominations, precluded to female citizens the equality in exercising their political rights through the active involvement in national and local politics. In the second case, patriarchal cultural models helped in creating the prevailing opinion of a man as the ideal political candidate and the diffidence in women's political capacities, as the responses from the questionnaires showed. The analysis of the capability approach demonstrated in fact that citizens human development is directly conditioned by the citizenship formula, since citizens' opportunities in enlarging their life chances are depending on the manner in which rights are conceptualised. In this concrete case, it can be concluded

that the universalising gender neutral formula failed to guarantee the equality that was propagating, since different traits that distinguish between female and male citizens were not contemplated and cultural influences not challenged. Consequently, as the fourth and the fifth chapter revealed, further guarantees that would complement the universalising citizenship formula were needed, so that equal opportunities are guaranteed. The fourth chapter analysed the Macedonian political commitment towards gender equality enacted by external initiatives, such as the Gender Task Force of the Stability Pact for South-Eastern Europe, and supported and further developed by the civil sector, where all female political and social acting was reversed during the years of transition. It can be assessed, though, that the greatest contribution of both groups of actors resided in the actualisation of the gender based inequalities, and in the imposition of the formulation of a political strategy, conforming to the international commitments that the state had undertaken, and aiming at the remedy of such inequalities. The analysis carried out in the fourth chapter, through the author's proper classification of the gender agenda in gender equality policies and in overall gender mainstreaming strategy, had, in fact, its objective to critically examine the content of the latter. As it was seen, the adoption of temporary measures and the reforming of the national legislation tackled some of the universalising gender neutral provisions, demonstrating in fact that its principles were not gender neutral but conceptualised on patriarchal patterns with male specificities as basic reference. Among the first and most important gender equality policies that have been introduced, for which the Macedonian women lobby fought thanks to the strong support of the Gender Task Force was the gender electoral quota. The latter in fact proved that the democratisation processes and the conferment of equal political rights were insufficient for guaranteeing women active involvement in the processes of decision-making and that protective measures needed to be adopted in order to bypass the obstacles that women faced and to ensure their just representation. It has been asserted that political participation has an intrinsic value for human life and well-being and that women absence in its exercise was not an expression of lack of political interest, since it was not possible that half of the population had no political interests, but a result of the structural, social and cultural impediments. In this sense, quotas brought about temporary improvements in the gender balance within the institutions of political representation, but further legislative and political actions were needed so as to eradicate the upper mentioned impediments. One move in this direction was to intervene within the legal codes regulating citizens civil and social rights, by approving additional guarantees in order to repair normatively, the existing inequalities and allow that determinate categories of citizens are enabled to enjoy the rights to which they were formally entitled. Gender based reforms were made within the family and the labour relations law, through the

recognition of domestic violence as criminal offence for what concerns the former, and the insertion of anti-discriminative provisions and gender equality measures, such as guarantee of equal pay principle, paternal leave and the burden of proof in cases of discrimination, in relation to the latter. But, for equality to be guaranteed, besides these equal opportunities policies and measures, which were created to directly address the inequalities registered, a more general approach was needed so that the gender perspective is mainstreamed in all general policies and programmes, and differentiated impacts of policies not necessarily gender specific on men's and women's lives are avoided. The critical analysis that was carried out in the fourth chapter in reference of the National Action Plan on Gender Equality and the Law on Equal Opportunities revealed in fact that Macedonian government has produced a complex document that was following the principles individuated within the Beijing Declaration and Platform for Action and was envisaging interventions in the ten strategic areas of concern. But, even though the gender mainstreaming agenda is concerned with general policies and therefore by itself is a complex political project that necessarily addresses plurality of fields related to citizens political, civil and social rights, it was assumed that such interventions need to be necessarily context-based in order to affect citizens human development and guarantee one of its basic pillars, i.e. gender equality. For this purpose, the fifth chapter was organised to examine in first place whether the equal opportunities policies envisaged a process of engendering of citizenship, since the latter was individuated as one of the basic instruments for guaranteeing gender equality, and to evaluate their applicability and sustainability with respect to Macedonian factual situation, as far as gender was concerned. The critical analysis of the gender equality policies carried out in the fifth chapter demonstrated in fact that only a modest initiation of a process of engendering of citizenship has been enacted through the anti-discriminative provisions and the positive measures. What has been observed, though, was that although the gender mainstreaming strategy was conceptualised in a manner to incorporate gender inclusive citizenship rights so that citizens are enabled to perceive themselves and act as equal individual members of the polity and not to guarantee collective rights which is, according to the author of this research, appreciable since differences in Macedonia are plural and, even though, common issues and interests do exist among women, however any attempt to regroup them in a unique category and propose single solutions risk on perpetuating further the inequalities registered. Nevertheless, the gender inclusive mainstreaming strategy contained several lacunes in the process of engendering of citizenship if examined on the basis of the threefold criteria, i.e. the integration of difference, the challenging of the public/private dichotomy and the support for more equitable political representation. While human diversity has been contemplated through the introduction of measures and provisions

which would have prevented that such differences become the causes for inequalities among citizens, however basic critical annotation within this process resided in the continuing legal inconsistency of the citizen, the earner, with the one the carer. In other words, there is a lack of integrated provisions, which would acknowledge the differences that the caring activities impose to citizens' opportunities (political, civil and social). Consequently, the lack of positive recognition of human diversity helps in keeping vivid the private/public divide, although, as already demonstrated with the legal regulation of the domestic violence, its boundaries can be changed. The only way to succeed in the latter, as it has been concluded in the fifth chapter, was to actualise both issues in the political agenda thanks to the increased presence of female representatives in national and local institutions. It has been recognised that step ahead in realising this project reside in the continuation of the close political communication between the formal and the informal sector, except if, within the former pitfalls do not occur, i.e. the use of quotas is rendered insignificant and the women presence in politics an appearance. Women political activity, moreover, is crucial for the realisation of the gender mainstreaming agenda through the National Action Plan for Gender Equality, although its objectives and envisaged activities have been reputed as complex (overambitious) and its implementation questionable/doubtful. Considering that the National Action Plan followed the Beijing Platform for Action, the second part of the fifth chapter questioned its applicability and sustainability with the purpose to evaluate whether the latter can brought in significant changes in the citizens' human development. Judging from the results obtained from the analysis of citizens' human development, it has been annotated that in the field of physical health and bodily integrity the NAPGE envisaged measures concerning reproductive health addressing all women, eventhough differences in sexual education and behaviour were registered among young women from diverse ethnic groups and living area. Within the field of education, the Plan faces the most impending issues and treats several problems, as those related to dropouts, selectively, intervening where the phenomena was more pronounced. In the sphere of employment and economic activity, the NAPGE is concentrated on interventions that concern the sole public sphere, despite of the fact that the performance of domestic labour and care activities were at the fore of the gender inequalities in job accessing and career progressing. It was also assessed in all areas of concern that the initiatives are women centred, i.e. they are addressing prevalently or exclusively women, seizing, in this way, their impact on gender relations. The National Action Plan as such envisages many just interventions in plurality of fields, necessary for the achievement of gender equality. According to the opinion of the author of this research, its success, though may be limited either because of its complexity, or because - and this is far more important - it fails to challenge the main pillars on which

the patriarchal values are sustained. In the first case, the realisation of the gender mainstreaming agenda requires many financial and human resources, which the Macedonian government may not be willing to allocate, considering the negative economic assets caused during the transitional period and therefore the NAPGE may remain only a written declaration of intent or of a document expressing a good political will. In the second case, without the integration of differences, the challenging of the private/public dichotomy and the political empowerment of women any policy can produce little change in the citizens level of human development, as far as gender equality is concerned. Potentials for concrete changes in terms of gender equality in Macedonia though exist, not only for the results demonstrated in the field of political representation and the coordinated activity of the formal and the informal political sector, but also for the positive attitudes of citizens towards some of the ideas/proposals having as objective the engendering of citizenship.

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