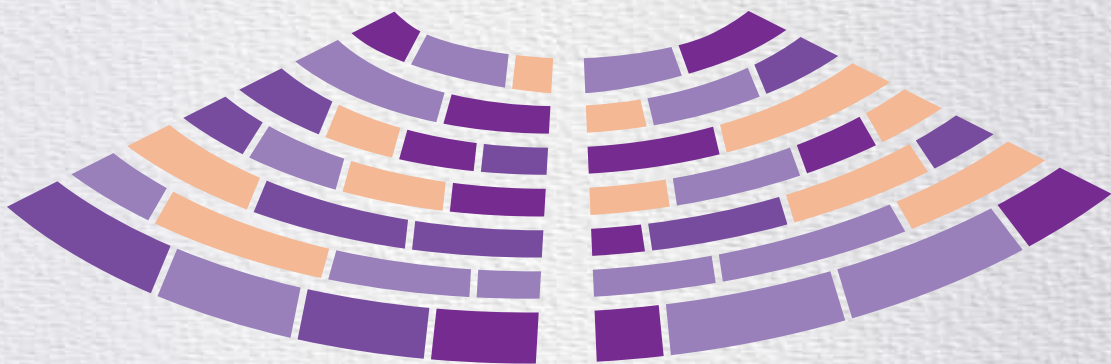


GENDER MATTERS!

Manual for Members of
Parliament and Parliamentary
Staff on Gender Equality
and Women's Empowerment



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The Assembly of the
Republic of North Macedonia

Title: GENDER MATTERS!
Manual for Members of Parliament and Parliamentary Staff
on Gender Equality and Women's Empowerment

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Foreword

Ambassador Clemens Koja, Head of the OSCE Mission to Skopje

The OSCE recognizes that equal rights of women and men are essential to foster peace, sustainable democracy and economic development. The OSCE aims to provide equal opportunities for women and men, as well as to integrate gender equality into policies and practices, both in the participating States and within the Organization itself. With local partners, the OSCE develops and runs projects to empower women, and build local capacities and expertise on gender issues. It co-operates with authorities in reviewing legislation and assists in building national mechanisms to ensure equality between women and men.

The OSCE Mission to Skopje has been supporting the reform efforts of the Assembly of North Macedonia since 2017. The priorities have been to create a more independent and representative Assembly that mainstreams a gender perspective into its work and is responsive to citizen's needs. Over the course of its last mandate, the Assembly adopted key legislation aiming at women's empowerment and the advancement of gender equality. Nevertheless, regular monitoring of the work of the Assembly has shown shortcomings with the potential for improving the regulations and practices of the Assembly in advancing gender equality beyond the question of parity.

During 2019, the Mission and the Assembly jointly conducted a self-assessment on gender sensitivity, looking into all aspects of the parliament's regulatory framework, practices and performance. As a result of the self-assessment, a narrative interpretation report was prepared, providing members of the parliament and its management with concrete recommendations on how to further improve the current situation. The report was presented to the Assembly in June 2019 and was recognised as a call for action. Based on the invitation of the Assembly's Secretary General and of the Committee on Equal Opportunities for Women and Men, our Mission, together with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the National Democratic Institute North Macedonia supported the drafting of a comprehensive Plan of Activities on Gender Sensitivity for 2020 and 2021, which was adopted by the Assembly's Committee on Equal Opportunities in January 2020.

This manual has been developed in order to support the new parliamentary composition and parliamentary staff in its work to advance gender equality in all its aspects, both internally for the institution as well as in its legislative work. The manual provides a theoretical overview of gender equality, how to draft gender-sensitive legislation and ways to improve oversight of gender equality. More importantly, it provides practical examples from North Macedonia and parliaments worldwide on gender mainstreaming in parliamentary operations. It will be complemented with training, awareness-raising and advisory activities. The OSCE Mission to Skopje is looking forward to supporting this process with its own expertise and to see the Assembly achieve new milestones in the area of gender equality.

Foreword

*Cvetanka Ivanova, Secretary General
Assembly of the Republic of North Macedonia*

Gender equality is a fundamental value enshrined in the Constitution of the Republic of North Macedonia. This fundamental value is embedded in numerous laws and bylaws, government strategies, institutional action plans and the Assembly's day-to-day work. Equal rights and opportunities are of high priority to us to advance the lives of women, men, girls and boys, thus contributing to a democratic and balanced society.

Ever since 2002, the Assembly of the Republic of North Macedonia has been continuously leading the way towards a gender-balanced society. As a former member of the Assembly, I was part of the group of courageous women who established and developed the Women Parliamentarians' Club. The Club was established on 7th March 2003, with the support of the international community (The Stability Pact – Centre for Gender Equality (GTF), NDI, OSCE etc.), civil society organizations – notably the Macedonian Women's Lobby and the National Council for Gender Equality - and the Department on Gender Equality of the Ministry of Labour and Social Policy. In the first legislative period until 2006, the Club ensured amendments to the electoral legislation and advancement of the already established 30 per cent gender quota. Thanks to our involvement, the first Law on Equal Opportunities of Women and Men was first drafted and later on approved by the Assembly.

Since 2017, I have been acting as Secretary General and leading the Parliament Service, continuously contributing to parliamentary reforms with particular emphasis on advancing the gender sensitivity of the Assembly. Over this period, we have implemented a number of national reforms to ensure that the constitutional role of the Assembly is further fully embraced by building mechanisms for a gender sensitive Assembly. With the support of the OSCE Mission to Skopje, NDI and OSCE/ODIHR we started mainstreaming gender into law making, representation and oversight. For this purpose, together with the Committee for equal opportunities for women and men and the Women Parliamentarians' Club we adopted the Plan of Activities on the Advancement of Gender Sensitivity of the Assembly for 2020/2021. The plan is of strategic importance to the Assembly as it contains measures and activities necessary to achieve a gender-sensitive Assembly.

In my capacity as Secretary General of the Assembly I welcome the publication of this manual which should serve as solid ground for capacity development of our staff and provide guidance to the new MPs who will be elected in the upcoming parliamentary elections. At the same time, my appreciation goes to all women MPs committed to the fight for gender equality and gender sensitive Assembly, to all men MPs who have been supporting us in our struggle and to the Service of the Assembly.

My strong appreciation goes to the authors and to the OSCE Mission to Skopje for the continuous support to our institution.

Foreword

*Robert Scott Heaslet, Senior Resident Director
National Democratic Institute North Macedonia Office*

The participation of women in politics helps advance gender equality and affects both the range of policy issues that are considered and the types of solutions that are proposed. As human rights activist and Nobel Prize laureate Malala Yousafzai said, “I raise up my voice - not so I can shout, but so those without a voice can be heard ... we cannot succeed when half of us are held back.”

There is compelling global evidence that suggests as more women are elected to office, there is also a corollary increase in policy making that emphasizes quality of life and reflects the priorities of families, women, and minorities. According to the 2019 findings of the European Institute for Gender Equality and Ministry of Labour and Social Policy, the country's gender equality index score is 62, compared to the EU which has a score of 67.4, citing “significant gender inequalities remain, especially when it comes to income and earnings, and the sharing of household responsibilities.” The political participation of women has profound positive and democratic impacts on communities, legislatures, political parties, and citizens' lives, and supports democracy delivering.

The National Democratic Institute has worked in North Macedonia since 1993, partnering with the Assembly, the executive, political parties, civil society and the media, emphasizing equal opportunities in both content and delivery. The Institute affirms that women are more likely to work across party lines; respond to constituent needs; influence a lasting peace; encourage citizen confidence in democracy and to prioritise education, health and other key development indicators. NDI has supported the Parliamentary Women's Club since its 2003 formation supporting strategic planning, policy development, and lobbying the leadership of the Assembly and government ministries on public policy issues, like pay equality.

Society should strive for women and men to enjoy the same opportunities, rights, and obligations, and the Assembly has an integral role in achieving this objective. “The deficiencies of equal pay for equal work and unpaid work are closely connected,” explained the Macedonian Women's Lobby, “due to women's reproductive role they are often overlooked for promotion or wage increases. The heavy burden of child and elderly care, which is unpaid, has traditionally been the primary responsibility of women in our society.” A parliament committed to sustainable development, economic prosperity, building a society of fairness and dignity, respect of human rights is a public institution committed to gender equality. Thereby, adjusting its decisions to reflect the needs of both women and men when passing laws and overseeing the implementation of a law or public policy.

NDI congratulates the OSCE on the publication of this manual. This is the first manual on gender equality that contains North Macedonia specific information to facilitate the advancement of gender equality and gender mainstreaming in parliamentary operations. The Institute values our sustained cooperation with the Assembly, the OSCE, and civil society, and these synergies maximize our common efforts for greater gender equality.

Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil society organization
EIGE	European Institute for Gender Equality
EU	European Union
IPU	Inter-Parliamentary Union
NAP	National Action Plan
NDI	National Democratic Institute
NGO	Non-governmental organization
NHRI	National Human Rights Institution
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
RIA	Regulatory Impact Assessment
UN	United Nations
UNDP	United Nations Development Programme
WPC	Women Parliamentarians' Club
WPS	Women, Peace and Security

Glossary

Gender

Social attributes and opportunities associated with being female and male and to the relationships between women and men and girls and boys, as well as to the relations between women and those between men.

Gender analysis

Critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect women, men, girls and boys in a given policy area, situation or context.

Gender balance

Human resources and equal participation of women and men in all areas of work, projects or programmes.

Gender equality

Equal rights, responsibilities and opportunities of women and men and girls and boys.

Gender equality training

Any educational tool or process that aims to make policymakers and other actors in the EU and Member States more aware of gender equality issues, build their gender competence and enable them to promote gender equality goals in their work at all levels.

Gender impact assessment

Policy tool for the screening of a given policy proposal, in order to detect and assess its differential impact or effects on women and men, so that these imbalances can be redressed before the proposal is endorsed.

Gender mainstreaming

Systematic consideration of the differences between the conditions, situations and needs of women and men in all policies and actions

Gender quotas

Positive measurement instrument aimed at accelerating the achievement of gender-balanced participation and representation by establishing a defined proportion (percentage) or number of places or seats to be filled by, or allocated to, women and/or men, generally under certain rules or criteria.

Gender parity

Numerical concept related to gender equality.

Gender parity concerns relative equality in terms of numbers and proportions of women and men, girls and boys, and is often calculated as the ratio of female-to-male values for a given indicator.

Gender responsive budgeting

Application of gender mainstreaming in the budgetary process. It entails a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures in order to promote gender equality.

Integration of gender perspective (Integration of gender equality perspective)

See term *gender mainstreaming*.

Intersectionality

Analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, like age, ethnicity, sexual orientation or disability, and how these intersections contribute to unique experiences of discrimination.

Institutional mechanisms for gender equality (gender machinery)

Bodies mandated to promote gender equality and support mainstreaming of gender equality into general policies in all areas, usually consisting of the central government body complemented with an inter-ministerial coordinating gender mainstreaming structure and contact persons or focal points responsible for gender mainstreaming in ministries.

Positive measures (affirmative measures)

Action aimed at favouring access by members of certain categories of people, in this particular case, women, to rights which they are guaranteed, to the same extent as members of other categories, in this particular case, men.

Temporary special measures

Measures aimed at accelerating the improvement of the position of women with a view to achieving substantive equality with men, and to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation for inequalities and harm suffered.

Tools for gender mainstreaming

Operationalized instruments that can be used separately or combined together to shape largely different programmes, in terms of aims, approaches and dimensions.

Chapter 1.

WHAT IS GENDER EQUALITY?

Gender equality is the state in which women and men enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making, whereby the different behaviours, aspirations and needs of women and men are equally taken into consideration in policy development and implementation. While full gender equality has not been achieved anywhere in the world, countries like Iceland or Sweden are being mentioned as good examples where women and men enjoy equal rights and opportunities, and where family-friendly social policies equally benefit both genders. Achieving full equality of women and men in Europe requires a concerted effort by a variety of stakeholders, including state institutions, civil society, media, academia and others.*

Today's understanding of equality of women and men is strongly shaped by historical, economic, religious and other social institutions, developments and constructs. The way we discuss, tackle and address gender equality in South-Eastern Europe, Central Asia or Scandinavia will largely differ. Social movements aiming to advance gender equality between the First and Second World War, and what is happening today in North Macedonia look very different as well. An unemployed man from an underprivileged ethnic community, and an educated female manager from the majority community do not have the same opportunities. All these social and cultural elements also have a strong influence on how we understand the terms sex, gender, gender equality, gender parity, gender balance, gender quota, and other terms and concepts, and how we shape policies, institutions and community services.**

In order to better understand the gender relations and the life conditions of women and men in North Macedonia, the Ministry of Labour and Social Policy and the State Statistical Office, in co-operation with the European Institute of Gender Equality, developed the **Gender Equality Index for North Macedonia**. The data used for the calculation of the Gender Equality Index for North Macedonia refer to 2015 and are based on EIGE's Index methodology for 2017. This publication is a resource for civil society, media, policy makers and parliamentarians to get an overview of the challenges and the areas in which further actions by the state institutions are needed. The link to the publication can be found at the end of this sub-chapter.

Enhancement of gender equality requires a systematic consideration of the differences in conditions, situations and needs of women and men in all government policies and actions. This approach is being called **gender mainstreaming** or **mainstreaming a gender perspective**. In order to transfer gender mainstreaming into day-to-day work, different **tools and methods for gender mainstreaming** have been developed. The above-mentioned web page of the European Institute for Gender Equality presents plenty of examples from all around Europe on how gender considerations have been mainstreamed, for example into school programmes and textbooks, the provision of health services, urban planning and transport or the

*** Resource: World Economic Forum: Gender Gap Report for 2020**

None of us will see gender parity in our lifetimes, and nor likely will many of our children. That's the sobering finding of the Global Gender Gap Report 2020, which reveals that gender parity will not be attained for 99.5 years. North Macedonia is ranked at the 70th place out of 153 countries which are part of this Global Gender Gap Index. The full report is available at:

<https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality>

****Resource: European Institute for Gender Equality website**

The European Institute for Gender Equality (EIGE) was founded in 2006 by the European Union as an institution tasked to collect, analyse and spread data on the equality between women and men. The Institute has developed and publishes the Gender Equality Index for all EU member states and some candidate countries, including North Macedonia. The EIGE also maintains the most comprehensive European online gender equality platform offering gender mainstreaming tools and methods, but also a detailed online gender equality glossary and thesaurus, all available at eige.europe.eu.

development of the judiciary. Below is an overview of some of the gender mainstreaming tools.

Table: Overview of gender mainstreaming tools

Tool	Short description
Gender analysis	Critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect women, men, girls and boys in a given policy area, situation or context. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-analysis
Gender impact assessment	Policy tool for the screening of a given policy proposal, in order to detect and assess its differential impact or effects on women and men, so that these imbalances can be redressed before the proposal is endorsed. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-impact
Gender audit	Assessment of the extent to which gender equality is effectively institutionalised in policies, programmes, organisational structures and proceedings (including decision-making processes), and in the corresponding budgets. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-audit
Gender responsive budgeting	Application of gender mainstreaming in the budgetary process. It entails a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures in order to promote gender equality. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-budgeting
Gender training	Process of developing awareness and capacity on gender issues, to bring about personal or organisational change for gender equality. Series of activities that aim at strengthening people's skills and knowledge on a certain matter, in this case gender equality. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-equality-training
Gender planning	Active approach to planning that takes gender as a key variable or criterion and which seeks to integrate an explicit gender dimension into policy or action. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-planning

Tool	Short description
Sex-disaggregated data	Data collected and tabulated separately for women and men allows the measurement of differences between women and men in terms of various social and economic dimensions and are one of the requirements to obtaining gender statistics. Learn more at: https://eige.europa.eu/gender-mainstreaming/methods-tools/sex-disaggregated-data

Reference: Developed by the authors, based on information from eige.europa.eu

For further reading, we recommend:

- » Marija Bashevaska (2019): *Индекс на родова еднаквост во Северна Македонија 2019/Gender Equality Index for North Macedonia 2019, Skopje: UNDP/UN Women*. Available in Macedonian and English at: <https://eurogender.eige.europa.eu/events/launch-north-macedonian-gender-equality-index#resources>
- » *OSCE Mission to Skopje (2019): Barometer of Equal Opportunities, Skopje*. Available in English, Macedonian and Albanian: <https://www.osce.org/mission-to-skopje/439679>

Resource: OECD Gender Initiative website

The Initiative examines existing barriers to gender equality in education, employment, and entrepreneurship. This website monitors the progress made by governments to promote gender equality in both OECD and non-OECD countries and provides good practices based on analytical tools and reliable data. Different online tools, reports, resources and data are available at <https://www.oecd.org/gender/>

1.1 INTERNATIONAL STANDARDS AND INSTRUMENTS¹

A fundamental principle of the **United Nations Charter** adopted by world leaders in 1945 is the “equal rights of men and women”. Even though not considered unusual today, this was the first time an international document recognized the equality between women and men. The principle of gender equality was also confirmed in the Universal Declaration of Human Rights in 1948, as it included an affirmation of the “equal rights of men and women”. The Declaration paved the way to further strengthening of international commitments in the area of women’s rights, most comprehensively in the 1979 United Nations (UN) **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**. The Convention contains a “bill of rights” for women, defining what constitutes discrimination against women and setting up an agenda for national action to end such discrimination. A total of 189 countries, including 55 out of 57 OSCE participating States, have ratified CEDAW, and many of them followed through with the introduction of gender equality principles in their legislation related to, for example, health, education, employment, family and marriage, the prevention of trafficking in women and children, and criminal codes. **North Macedonia has been a party to the CEDAW since 1994**, as a successor to the Yugoslav ratification of the Convention in 1982.

¹ This chapter builds upon text from the 2017 OSCE/ODIHR publication *Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation*, pages 9-12. See bibliography.

TIPS FOR MPs AND PARLIAMENTARY STAFF:**Review of the progress by the CEDAW Committee**

As other UN member states parties to the CEDAW Convention, North Macedonia submits regular reports to the CEDAW Committee, an independent body in charge of monitoring the progress on the implementation of the CEDAW Convention. The Committee prepared Concluding Observations to the sixth report of North Macedonia in November 2018 and the country should report back on the implementation by November 2020. The Concluding observations are available on the OHCHR webpage: <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/MKIndex.aspx>

Considering this information, the **Assembly** should:

- » Build the awareness and capacity of MPs and staff to work on the implementation of the CEDAW Convention;
- » Oversee the Government's implementation of the Concluding Observations, and their integration in the new Strategy on Gender Equality;
- » Request regular reports and make appropriate follow-up requests to the Government.

Gender mainstreaming was established as an internationally agreed strategy for promoting gender equality through the **Beijing Platform for Action** adopted at the **Fourth World Conference on Women** held in Beijing in 1995. The Platform commits all stakeholders in developing policies and programmes – including United Nations entities, member states, the international development community and civil society actors – to take action “to ensure women’s equal access to and full participation in power structures and decision-making.” Furthermore, in 1997, the UN Economic and Social Council (ECOSOC) defined **gender mainstreaming** as follows: “Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetrated. The ultimate goal is to achieve gender equality.” (ECOSOC Resolution, Excerpt from A/52/3, Chapter IV, 1997)*

Hence, gender equality is an overarching and long-term development goal, while gender mainstreaming is a method consisting of context-specific, strategic approaches, as well as technical and institutional processes adopted to achieve that goal. Gender mainstreaming integrates gender equality considerations in national public and private organizations, in central or local policies, and in services and sector-specific programmes. In the longer run, it aims at transforming discriminatory social institutions, recognizing that discrimination can be embedded in laws, cultural norms and community practices that, for example, limit women’s access to property rights or restrict their access to public life. The **UN 2030 Agenda**

*** Resource: Web page of the OHCHR on UN treaties and obligations**

The UN Office of the High Commissioner for Human Rights (OHCHR) maintains a regularly updated website with information on all UN member states. The webpage on North Macedonia provides all interested readers with information on the UN human rights treaties, including the CEDAW Convention, but also the concluding observations of the various committees, including a) the committee on the rights of persons with disabilities, b) the committee on economic, social and cultural rights, and c) the committee on elimination of racial discrimination. These sources are of immense importance, bearing in mind the so-called intersectional approach to human rights and gender equality and the need to assess gender in relation to disability, age or ethnicity. The North Macedonia webpage is available at: <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/MKIndex.aspx>

for Sustainable Development reaffirmed the commitment to gender equality and mainstreaming, endorsing a number of goals, including Goal No. 5 to “achieve gender equality and empowerment [to] all women and girls”. *

Conflicts in the 1990s have also led to a shift in understanding the role and position of women and girls in conflicts, which led to the adoption of the **UN Security Council Resolution 1325 on women, peace and security**. Together with nine more follow up resolutions, UNSCR 1325 constitutes what we now refer to as the global Women, Peace and Security Agenda. Central to the agenda are issues related to participation, protection, prevention, and relief and recovery, recognizing the need for pro-active and meaningful participation of women but also for their protection, especially against conflict-related and other forms of gender-based violence. UN member states are invited to develop National Action Plans for the implementation of the Resolution. The first National Action Plan in North Macedonia was being implemented in the period from 2013 to 2015. A new one is currently being developed (see Chapter II).**

The developments in the **Council of Europe** are also of immense importance for North Macedonia. The **Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention), which the country ratified in 2018, is particularly worthy of mention. Based on the ratification, the Government adopted an ambitious Action Plan for the implementation of the Convention for the period 2018-2023. Among others, the Action Plan foresees the adoption of a new Law on Prevention and Protection from Violence against Women and Domestic Violence. The draft law has been submitted to the Assembly but it was not adopted by the latest composition. This will be the task of the new parliamentary composition after the 2020 elections. ***

The **European Union** endorsed gender mainstreaming as a guiding strategy toward gender equality and promotes the consideration of gender equality in all policy domains. In fact, as a principle, gender equality has been enshrined in the European Treaties since 1957, even before the adoption of the CEDAW Convention. In 1999, the Treaty of Amsterdam included the promotion of equality between men and women and the elimination of discrimination based on gender among the EU's fundamental tasks. Over the years, a number of additional gender equality-related directives were issued and in 2006, these were brought together in the so-called Recast Gender/Equal Treatment Directive. The EU has had a positive influence on the development of gender equality policy, not only on its member states but also in other European countries, where accession or other aid-related relationships require countries to work towards compliance with EU norms.

***Resource: Self-assessment of parliamentary engagement with SDGs**
The Inter-Parliamentary Union and the United Nations Development Programme (UNDP) have developed a self-assessment toolkit “Parliaments and the Sustainable Development Goals” aimed to enable parliamentarians to identify good practices, gaps, opportunities and lessons learned. This would equip parliamentarians to effectively institutionalize the new agenda and mainstream the various goals including Goal 5 to “achieve gender equality and empowerment [to] all women and girls” in the legislative and oversight function of the parliament. The conclusions of the self-assessment should allow parliaments to set priorities for reform in order to strengthen their response to the SDGs. The toolkit is available at: <http://archive.ipu.org/pdf/publications/sdg-toolkit-e.pdf>

****Resource: PeaceWomen Website**
PeaceWomen is the Women, Peace and Security Programme of WILPF - the Women's International League for Peace and Freedom, the oldest women's peace organization in the world. The website features information about women peace leaders, monitoring reports of the United Nations Security Council and other UN fora, and contains almost 30,000 resources on issues of gender, peace and security in the Resource Centre. The website is available at <https://www.peacewomen.org/>

*****Resource: Council of Europe Gender Equality Website**
The Council of Europe has been taking a lead on gender equality advancements in its member states. Beside the Istanbul Convention, of immense importance is the case law of the **European Court for Human Rights**. Some of the rulings from the last few years concern also the understanding of sex and gender in the national legal system, among others the case “X vs. former Yugoslav Republic of Macedonia” from January 2019. Learn more about it at: https://www.echr.coe.int/Documents/FS_Gender_identity_ENG.pdf
The Council of Europe also maintains a **Gender Equality website**, with different online tools, reports, resources and data available at: <https://www.coe.int/en/web/genderequality/home>

INTERESTING FACTS:**EU STANDARDS IN NATIONAL LEGISLATION**

The EU gender equality standards are transferred into the national legislative framework in North Macedonia, especially through the adoption of the **Law on Equal Opportunities of Women and Men (2012)**. The Government is working on a new Law related to gender equality, to be presented to the new composition of the Parliament at the end of 2020 or beginning of 2021, aiming at improving gender mainstreaming practices in policy making and implementation.

Finally, North Macedonia is also part of the Organization for Security and Co-operation in Europe (OSCE). The **2004 OSCE Action Plan for the Promotion of Gender Equality** directly links equal rights of women and men to “peace, sustainable democracy, economic development and, therefore, to security and stability in the OSCE region.” The OSCE Action Plan – the most comprehensive OSCE framework, to date, in guiding OSCE institutions and participating States on gender equality – emphasizes the need to “develop further and strengthen a continuous and sustainable gender-mainstreaming process.” The Action Plan commits the Organization to the objective of mainstreaming a gender perspective in all its programmes and operations, and of supporting the attainment of these objectives in the OSCE’s assistance to participating States. Since 2004, the OSCE has adopted additional gender equality-related commitments:

Table: Gender equality-related commitments of the OSCE

Meeting	Ministerial Council Decision	Key points
Ljubljana, 2005	No. 15/05 on Preventing and Combating Violence against Women	This Decision urges the participating States to take all legislative, policy and programmatic measures to prevent violence against women.
Ljubljana, 2005	No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation	This Decision integrates UNSCR 1325 into the Organization’s own obligations and provides for the OSCE to take action in the areas of recruitment, programming and reporting.
Athens, 2009	No. 7/09 on Women’s Participation in Political and Public Life	This Decision recalls the OSCE commitments for the advancement of gender equality, non-discrimination and promotion of men’s and women’s equal right to participate in political and public life.
Vilnius, 2011	No. 10/11 on Promoting Equal Opportunity for Women in the Economic Sphere	This Decision calls upon participating States to identify obstacles preventing women’s economic empowerment, create measures to address those issues and promote the sharing of domestic work, and parental and caregiver responsibilities.

Meeting	Ministerial Council Decision	Key points
Basel, 2014	No. 7/14 on Preventing and Combating Violence Against Women	This Decision strongly condemns all forms of violence against women and refraining from justifying it, and calls on the participating States to ensure protection and full respect of human rights and fundamental freedoms of all women through: 1) legal framework; 2) prevention; 3) protection; 4) prosecution and 5) partnership.
Milan, 2018	No. 4/18 on Preventing and Combating Violence Against Women	The Decision confirms existing commitments, and calls to challenge sexual harassment and new forms of violence, incl. online violence. It also calls for a stronger engagement with boys and men.

Reference: Developed by the authors, based on information available at <https://www.osce.org/ministerial-councils>

As an OSCE participating State hosting the OSCE Mission to Skopje, North Macedonia is dedicated to the implementation of and is politically bound to adhere to the aforementioned commitments.*

For further reading, we recommend:

- » Inter-Parliamentary Union (2003): *Confronting Discrimination. The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. Handbook for Parliamentarians*. Available in English: <https://www.ipu.org/resources/publications/handbooks/2016-07/handbook-parliamentarians-convention-elimination-all-forms-discrimination-against-women-and-its-optional>
- » UNDP (2019): *Parliaments as Partners supporting the Women, Peace and Security Agenda*. Available in English: <https://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/parliament-as-partners-supporting-women-peace-and-security-agend.html>
- » OSCE/LSE Centre for Women, Peace and Security (2020): *Implementing Women, Peace and Security Agenda in the OSCE Region*. Vienna: Organisation for Security and Co-operation in Europe. Available in English: <https://www.osce.org/secretariat/444577>
- » National Network against Violence against Women and Domestic Violence (2018): *Сè што ТРЕБА да знаеме за Конвенцијата на Советот на Европа за спречување и борба против насилството врз жените и домашното насилство!*, Available in Macedonian: <http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2013/11/IK-22.11.pdf>
- » Inter-Parliamentary Union and UNDP (2017): *Parliaments and the SDGs: A Self-Assessment Toolkit*. Available in English: <http://archive.ipu.org/pdf/publications/sdg-toolkit-e.pdf>

***Resource: OSCE-led Survey on Violence against Women**
 The documents on this webpage present the cross-regional, comparable findings of the OSCE-led Survey on the Well-being and Safety of Women, which was conducted in 2018 in selected countries in South Eastern Europe and Eastern Europe, including North Macedonia. The OSCE-led survey included quantitative and qualitative components and was undertaken with the goal of providing comparable data on different forms of violence women experience in their childhood and throughout the course of their lives. Every report includes a list of key conclusions and proposed action points for a variety of actors from civil society, the OSCE participating States and the OSCE executive structures. Learn more about the project: на: <https://www.osce.org/VAWsurvey>
 The 2019 Report on North Macedonia is available in English, Macedonian and Albanian at: <https://www.osce.org/secretariat/419264>

1.2 NATIONAL POLICY AND LEGISLATIVE FRAMEWORK

The Republic of North Macedonia has set up a strong framework for enhancing gender equality. North Macedonia is part of all major gender equality-related international policy frameworks: the UN's Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), UN's Beijing Platform for Action (1995), and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (ratified in 1997) and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, ratified in 2018). The country also expressed its commitment to the UN's Women, Peace and Security Agenda (i.e. UN Security Council Resolution 1325 'Women, Peace and Security' and follow up resolutions), even though at the moment there is no valid National Strategy and/or Action Plan on the implementation of the 1325 Agenda.

The **Constitution** (Article 9) provides for equality of all citizens regardless of sex, race, skin colour, national and social origin, political and religious beliefs, property and social status. However, unlike the constitutions of some EU member states (for example, Finland and Germany), it does not have a separate provision on equality between women and men. One of the competences of the Constitutional Court is to provide for protection of freedoms and rights of citizens, including the prohibition of discrimination on grounds of sex.

The country adopted multiple gender equality laws, the latest being the **Law on Equal Opportunities for Women and Men**, adopted in 2012 (Official Gazette No. 6/2012) with several slight subsequent amendments. The table below presents key features of the law.

Table: Key features of the Law on Equal Opportunities for Women and Men

Topic/issue	Key issues
Purpose of the Law	To establish equal opportunities for women and men in the political, economic, social, education, cultural, health, civic and any other area of societal life.
Scope of the Law	Public and private sector, in all spheres of life
Gender quota	The Law doesn't introduce a quota explicitly but defines equal representation as equal to the representation of each of the sexes in the population. Gender quotas are mentioned as a form of specific measures that can be taken.
Definitions and legal institutes	The Law defines the following legal institutes: <ul style="list-style-type: none"> » Discrimination, including direct and indirect discrimination; » Harassment; » Sexual harassment; » Equal treatment; » Full equality of women and men; » Equal representation; and » Gender mainstreaming;
Legal protection	In cases of discrimination based on sex, cases can be reported to the Ombudsman, Commission for the Prevention and Protection from Discrimination and Legal Representative/Gender Advocate within the Ministry of Labour and Social Policy (not appointed). Cases can also be brought before the courts.
Type of measures to achieve equal opportunities	The Law prescribes general and specific measures. There are three forms of specific measures: affirmative, empowering and programmatic measures
Institutional mechanisms on the central level	<ul style="list-style-type: none"> » Assembly: Committee on Equal Opportunities for Women and Men, as a standing working body of the legislature; » Government: Department for Equal Opportunities in the Ministry of Labour and Social Policy and Intersectoral/Inter-ministerial Consultative Body; » Ministries and other state administration institutions: required to appoint a Coordinator and a Deputy Coordinator, among existing staff.
Institutional mechanisms on the local level	<ul style="list-style-type: none"> » Council: Committee on Equal Opportunities for Women and Men; » Administration: appoint a Coordinator and a Deputy Coordinator, among existing staff;
Policy	The Assembly adopts an eight-year Strategy for Gender Equality, prepared by the Government. The Government adopts and implements multi-year Action Plans for the implementation of the Strategy. Annual Reports are being prepared and are presented to the Assembly's Committee on Equal Opportunities for Women and Men.
Public awareness	Public and private broadcasters are obliged to report in a gender-sensitive manner and to develop non-discriminatory programmes. The Broadcasting Council of North Macedonia is obliged to conduct an analysis on reporting practices and to submit an annual report to the Assembly.
Data collection	All authorities are obliged to collect and analyse statistics in a sex-disaggregated way and submit them to the State Statistical Office.
Political parties	With internal documents parties define the way and activities for the advancement of equal participation of women and men in the bodies of the party. Political parties are also obliged to adopt special measures, aiming at ensuring equal treatment of women and men.

Reference: Developed independently by the authors

Since its adoption, the Law has ensured a government-wide approach, aiming at abolishing discrimination and promoting equal opportunities and equal treatment. Nevertheless, continuously evolving challenges remain. The Department for Equal Opportunities within the Ministry of Labour and Social Policy has limited human and financial resources. The Government did not manage to introduce basic and specialized capacity development for the administration. Effective and efficient specific measures (affirmative actions, empowerment and programmatic activities) are rare and local self-government units lack support from the central level in the implementation of the Law. Overall, even though sex-based discrimination is present in society, it is not adequately reflected in the number of cases on grounds of gender at quasi-judicial and judicial instances. These are just some of the reasons why the Government has decided to **work on a new Law on Gender Equality during 2020**.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

Development of the new Law on Gender Equality in North Macedonia

The Assembly and especially the Committee on Equal Opportunities for Women and Men could, among others, conduct the following activities in support to the adoption of the new law:

- » Further develop awareness and skills on the shortcomings in existing laws and on international standards and best practice in the area. For this purpose, the OSCE Mission to Skopje has commissioned two reports for the Ministry of Labour and Social Policy in 2019, available at the following link: <http://www.mtsp.gov.mk/rodova-ramnopravnost.nspix>
- » Ensure the involvement of women's movements into the process, by facilitating country-wide consultations;
- » Analyse if the new law will ensure strengthening of the institutional mechanisms on central and local level and propose amendments, based on consultation with experts, if needed;
- » Establish an efficient and effective oversight process on the implementation of the Law.

At the moment, the country is implementing the **Strategy for Gender Equality for 2013-2020** and its **National Action Plan for Gender Equality 2018 to 2020**. The goals of the Strategy are: a) to ensure systematic support for the integration of gender issues into policies and financial instruments, b) to strengthen the effective functionality of institutional mechanisms, c) to advance gender equality in decision-making processes, d) to raise awareness, amend legislation and strengthen capacities of professionals to tackle violence against women and gender-based violence, e) to advance policies and activities to overcome barriers against increased employment of women, f) to increase gender equality in education, g) to increase gender equality in the health sector, h) to advance the culture of gender-sensitive reporting of media, and i) to establish coordination and co-operation between the public, private and civic sector in the implementation

of the Law on Equal Opportunities. As the **current strategy will expire in 2020**, the **Assembly needs to ensure** that the Government develops the new Strategy based on an independent evaluation of the implementation of the existing one. The Committee on Equal Opportunities for Women and Men in the new parliamentary composition should also get involved in this process once appointed.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

Ensuring protection from discrimination with the Law on Prevention and Protection from Discrimination

North Macedonia adopted a new Law on Prevention and Protection from Discrimination in 2019, which was declared unconstitutional in May 2020. Compared to the previous Law (from 2010), the new Law was fully in line with international standards and especially with the European Union equality directives, offering a legal framework which goes even beyond the EU minimal standards. The law covers 25 grounds, including sex and gender, in an open-ended list of grounds. Also, the Law introduces public sector duty to promote equality, including gender equality, and provides for duty to collect data segregated on variety of grounds of discrimination. A new **Commission for Prevention and Protection from Discrimination** had to be appointed six months after the adoption of the Law. The new parliamentary composition after the 2020 elections will need to ensure that a new Law on Prevention and Protection from Discrimination is adopted as soon as possible, filling the current legal vacuum. After the Law is adopted, it will also need to appoint the Commission for Prevention and Protection from Discrimination.

Other laws regulating the work of the army, police, judiciary or public administration are also of importance for gender equality. The following laws and by-laws are to be highlighted as they are of special importance to ensure gender equality in different areas of private and public life:

- » Law on Protection from Harassment at the Workplace (Official Gazette No. 79/2013) and its amendments;
- » Law on Labour Relations (Official Gazette No. 62/2005) and its amendments;
- » Law on Volunteering (Official Gazette No. 85/2007) and its amendments;
- » Law on Voluntary Fully Funded Pension Insurance (Official Gazette No. 7/2008) and its amendments;
- » Law on Social Protection (Official Gazette No. 79/2009) and its amendments;
- » Law on Protection of Patients' Rights (Official Gazette No. 82/2008) and its amendments;
- » Law on Public Health (Official Gazette No. 22/2010) and its amendments;

- » Law on Health Protection (Official Gazette No. 43/2012) and its amendments;
- » Rulebook on minimum standards for safety and health at work of pregnant workers, workers who have recently given birth or are breastfeeding (Official Gazette No. 119/2011).

When it comes to gender equality in political participation specifically, the country introduced a gender quota in the **Electoral Code**. Article 64 foresees that at least 40% of candidates in a candidate list for the parliamentary elections (but also local level councils) should be of the underrepresented sex, obliging political entities additionally that “at least one out of every three places shall be reserved for the underrepresented sex, with at least one additional place out of every ten places.” See more on representation of women in the parliament in the next chapter.*

***Resource: Inter-Parliamentary Union Knowledge Hub on Women in Politics**

The IPU maintains an interesting platform with different types of statistics, research, reports and rankings on the issue of women in politics with a focus on women in parliaments. The knowledge hub is available at:

<https://www.ipu.org/our-impact/gender-equality/women-in-parliament/ipu-knowledge-hub-women-in-politic>

It is also important to highlight that women are **only better represented in institutions for which the gender quota is applied** – such as the Assembly and local-level councils. In all other situations, such as senior Government appointments (only 5 female members of the Government out of a total of 25 members in March 2020) or mayors (only 6 female mayors out of 81 local-self-government units), women’s representation remains low and under the 40% target set by the **Council of Europe’s Recommendation Rec(2003)3** of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

New Women, Peace and Security National Action Plan in development

North Macedonia is at the moment the only country in Western Balkans without a valid National Action Plan. The first Action Plan was implemented from 2013 to 2015, focusing on a) the integration of a gender perspective into the countries’ security and defence policy, b) increased participation of women in international, civilian and military missions, and c) prevention of violence against women in times of peace, conflict and humanitarian disasters.

In 2020, under the coordination of the Ministry of Defence, a new multi-year National Action Plan is being developed. The Assembly of North Macedonia, based on the example of Montenegro, might establish an ad hoc monitoring mechanism, aiming at overseeing the work of the Government on the implementation of the new 1325 National Action Plan.

For further reading, we recommend:

- » Biljana Kotevska (2019): *Country Report - Gender Equality. Republic of North Macedonia 2019*. Brussels: European Commission/DG Justice and Consumers. Available in English: <https://www.equalitylaw.eu/downloads/4996-republic-of-north-macedonia-country-report-gender-equality-2019-pdf-1-14-mb>

- » Zhaneta Poposka and Lazar Jovevski (2017): *Антидискриминациско право. Скопје: OSCE Mission to Skopje*. Available in Macedonian: <https://www.osce.org/skopje/300736>
- » Marija Savovska (2019): *Извештај за проценка на спроведување на законот за еднакви можности на жените и мажите на локално ниво. Independent report, commissioned by the OSCE Mission to Skopje for the Ministry of Labour and Social Policy*. Available in Macedonian and Albanian: <http://www.mtsp.gov.mk/rodova-ramnopravnost.nspX>
- » Neda Chalovska-Dimovska (2019): *Извештај за проценка на спроведување на законот за еднакви можности на жените и мажите на централно ниво. Independent report, commissioned by the OSCE Mission to Skopje for the Ministry of Labour and Social Policy*. Available in Macedonian: <http://www.mtsp.gov.mk/rodova-ramnopravnost.nspX>

1.3 NATIONAL GENDER EQUALITY INSTITUTIONAL MECHANISMS AND INDEPENDENT INSTITUTIONS

Institutional mechanisms for gender equality (or gender machinery) are bodies mandated to promote gender equality and support mainstreaming of gender equality into general policies in all areas, usually consisting of the central government body complemented with an inter-ministerial coordinating gender mainstreaming structure and contact persons or focal points responsible for gender mainstreaming in line ministries. The obligation to set up an efficient and effective institutional mechanism stems from the Beijing Declaration from 1995. The institutional mechanisms in North Macedonia are set up in accordance with the Law on Equal Opportunities of Women and Men.

Table: Gender Equality Institutional Mechanisms

Central level	<ul style="list-style-type: none"> » Assembly: Committee on Equal Opportunities for Women and Men, as a standing working body of the legislature, and informal Women Parliamentarians' Club (also called Parliamentary Women's Club); » Government: Department for Equal Opportunities at the Ministry for Labour and Social Policy, and the Intersectoral/Inter-ministerial Consultative Group; » Ministries and other state administration institutions: Coordinators and Deputy Coordinators, appointed from the existing staff of those ministries/institutions;
Local level	<ul style="list-style-type: none"> » Council: Committee on Equal Opportunities for Women and Men; » Administration: Coordinators and Deputy Coordinators, appointed from the existing staff of the municipalities and the City of Skopje;

Reference: Developed independently by the authors

Resource: OECD Toolkit for Mainstreaming and Implementing Gender Equality
 Even though North Macedonia is not part of the Organisation for Economic Co-operation and Development (OECD), it is advisable to use the excellent resources developed by it. One of the best toolkits which presents standards, best practice and lessons learned on how to ensure gender mainstreaming in judiciary, public administration, parliaments and government can be found at: <http://www.oecd.org/gender/governance/toolkit/>

The **Committee on Equal Opportunities for Women and Men** of the Assembly of the Republic of North Macedonia plays a central role related to gender-sensitive law-making and oversight of the implementation of international obligations and national legislation. The Committee consists of 11 members, including the chairperson. As all other working bodies of the Assembly, the Committee is composed of representatives of all political parties. Unfortunately, participation of men has been very low in the last composition from 2016 until 2020, as only one of the 11 members was male (data from January 2020). Gender equality is an issue of both women and men and therefore, men should also be part of the Committee composition.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

The Committee on Equal Opportunities plays a central role in ensuring that:

- » law proposals are reviewed from a gender perspective, using information provided by the Government and based on research from different units of the Parliament, including the Parliamentary Institute;
- » the Government timely submits the National Strategy and Action Plans for Equal Opportunities to the Assembly for consideration;
- » national legislation and international obligations are implemented in a manner that enhances gender equality in different areas of life;
- » parliamentary oversight activities are conducted using all available oversight tools and methods for the benefit of women and men, girls and boys and different groups among them;
- » the Committee is working in close co-operation with other committees for the purpose of mainstreaming gender into all law-making and oversight activities of the Assembly;
- » the Assembly conducts its own promotional and other activities, including the implementation of the Assembly's Plan of Activities on Gender Sensitivity for 2020 and 2021;
- » initiatives and activities against existing gender stereotypes and prejudices in the society are taken by the Assembly, and
- » the Assembly is cooperating with employers' associations, trade unions, non-governmental organizations and associations active in the field of equal opportunities.

The Law on Equal Opportunities assigns the role of governmental gender institutional mechanism (gender machinery) to the **Ministry for Labour and Social Policy**, which has therefore set up a Department for Equal Opportunities. While the list of tasks assigned by the law to the Ministry is extensive, financial or human resources allocated to the Ministry to implement these tasks are limited. This has also been highlighted in the regular reports of the European Commission and in the 2018 Concluding Observations of the CEDAW Committee. Nevertheless, the Ministry is conducting a wide range of activities, which include:

- » development of new gender equality legislation, including of a new law on gender equality during 2020;
- » supporting the development of legislation, by-laws and standard operating procedures, so that a gender perspective is included in the drafting process;
- » development, implementation and monitoring of implementation of central policy documents, including the National Strategy and its Action Plans on gender equality, but also the action plan for the implementation of the Istanbul Convention and the National Strategy on Equality and Non-Discrimination;
- » preparing annual reports on the implementation of the Strategy for Gender Equality, for the consideration of the Assembly's Committee on Equal Opportunities;
- » raising awareness and training of professionals on different issues related to gender equality and gender-based violence;
- » raising public awareness on gender equality, anti-discrimination and countering gender-based violence.

BEST PRACTICE:

Co-operation between the governmental institutional mechanism, civil society and parliamentary committee on legislative initiatives in Bosnia and Herzegovina

In 2015 the Agency for Gender Equality, the NGO Sarajevo Open Centre and the Gender Equality Committee in the state-level Parliamentary Assembly partnered in promoting the need for legal amendments to the Electoral Law. The Agency and the NGO together developed a detailed paper and legal amendments which were discussed and adopted at a public session of the Committee, with the participation of other NGOs and relevant national and international stakeholders. The amendments foresaw the introduction of a 50% zipper system gender quota for electoral lists. Unfortunately, the amendments were not adopted in the first reading, but the co-operative process can be seen as an excellent way of civil society involvement in law-making. Learn more about it at: <https://soc.ba/en/the-orange-report-2016-annual-report-on-the-state-of-womens-rights-in-bosnia-and-herzegovina-2/>

The appointed **Coordinators and Deputy Coordinators** in the ministries and state administration institutions are also of great importance. Unfortunately, as they are not full-time staff but only appointed focal points, the level of their interest, knowledge, skills, access to information and decision-making varies between institutions, leaving a lot of space for improvement. Similar conclusions can be made at the local level, where unfortunately not all municipalities have appointed Committees on Equal Opportunities for Women and Men in the Councils, nor Coordinators and Deputy Coordinators in the municipal administration. This of course has strong influence on the performance of the municipalities and their institutions, as the existence of key institutional mechanisms is a precondition for any work around gender equality enhancement.

TIPS FOR MPs AND PARLIAMENTARY STAFF:**Strengthening institutional mechanisms with the new Law on Gender Equality**

The Assembly and especially the Committee on Equal Opportunities for Women and Men could, among others, conduct the following activities to support the strengthening of institutional mechanisms during the process of the development of the new law:

- » Study different central and local level models for institutional mechanisms existing in neighbouring countries and the broader region;
- » Consider positioning the governmental institutional mechanism on a higher level than it is now, by setting up a Gender Equality Ministry, an Agency directly reporting to the Prime Minister or even a Secretariat for Gender Equality;
- » Consider introducing full-time Gender Advisers in the Cabinets of the State Secretaries of all line ministries and the Assembly, aiming at a more coordinated approach to gender mainstreaming;
- » Consider setting up a Gender Equality training centre and a gender mainstreaming advisory hub for the purpose of training public servants but also developing tools and methods for the application on the central and local level;

See more recommendations in the report: Neda Chalovska-Dimovska: *Извештај за проценка на спроведување на законот за еднакви можности на жените и мажите на централно ниво*. Independent report, commissioned by the OSCE Mission to Skopje for the Ministry of Labour and Social Policy. Available in Macedonian: <http://www.mtsp.gov.mk/rodova-ramnopravnost.nspix>

Two independent institutions are especially important to tackle gender-based discrimination: the Ombudsman Institution and the Commission for Prevention and Protection from Discrimination.

The **Ombudsman of the Republic of North Macedonia** is the central national human rights institution and within its broad range of activities, the Ombudsman is entitled, among others, to initiate legislative amendments aiming at enhancement of gender equality, to produce special reports related to specific issues related to the equality of women and men, submit ex officio investigations in case of gender-based human rights violations and intervene in court cases as *amicus curiae* (friend of the court). Learn more on the activities of the Ombudsman on: www.ombudsman.mk

BEST PRACTICE:**Model Law on Gender Equality in Serbia**

The Ombudsman of the Republic of Serbia established a special working group in 2014 tasked to develop a model law on gender equality. Experts of the academia, institutions and the women's movement have been part of this process, which resulted in the drafting of two model laws. One of the model laws served as a basis for further discussions in the Government and has inspired some of the legal solutions which have been integrated into the draft law of the Government. This is an excellent example of how the Ombudsman Institution can contribute to law making. The model law is available at: www.rodnaravnopravnost.rs

A new **Commission for Prevention and Protection from Discrimination** is to be appointed by the new parliamentary composition after the 2020 elections. The Commission is to have comprehensive legal competences, among others to receive complaints related to gender-based discrimination and issue opinions and recommendations thereof; initiate proceedings for protection from discrimination *ex officio*, issue general recommendations in cases of systematic discrimination, conduct research and develop analyses, promotion and awareness raising activities; contribute to law-making and draft special reports; and get involved in court cases as party or intervene by submitting *amicus curiae* (friend of the court) briefs. The former Commission which was active until 2019 received a very low number of gender-based discrimination complaints, so it will be of immense importance that the new composition establish trust with the general public and civil society, in order to contribute by bringing strategic litigation.

BEST PRACTICE:**Active support of the Croatian Gender Equality Ombudsperson to gender-related law-making in Parliament**

The Gender Equality Ombudsperson (*Pravobraniteljica za ravnopravnost spolova*) is one of four specialised Ombudsperson Institutions in Croatia. Each of them is specialised in different protected grounds of discrimination. Beside its work on the promotion of gender equality, supporting executive institutions and addressing individual complains of citizens and legal entities, Gender Equality Ombudsperson Višnja Ljubičić has also played an important role in law-making. She has submitted initiatives for legislative amendments to dozens of laws and by-laws, and she and her team regularly and actively participate in sessions of the parliamentary committees, contributing to informed decision-making in relation to gender equality. Learn more about her work and results at: www.prs.hr

For further reading, we recommend:

- » ODIHR (2012): *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality*. Warsaw: OSCE Office for Democratic Institutions and Human Rights. Available in English: <https://www.osce.org/odihr/97756>
- » OECD (2018): *OECD Toolkit for Mainstreaming and Implementing Gender Equality*. Paris: Organisation for Economic Co-operation and Development. Available in English at: <http://www.oecd.org/gender/governance/toolkit/>

Chapter 2.

GENDER EQUALITY IN THE ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

2.1 GENDER-SENSITIVE PARLIAMENTS

Parliaments play a central role in a democracy and therefore should be truly representative, transparent, accessible, accountable and effective when performing its functions to legislate, oversee and represent. Parliaments and members of parliament are key actors in the promotion and protection of human rights. Through their legislative, oversight and representative function, parliaments cover the entire field of political, civil, social, economic and cultural rights. In turn, the effective conduct of their operations has a direct impact on the enjoyment of these rights by the people.

One of the greatest changes to democracy in the 20th century was the inclusion of women as voters and members of parliament. As a result, today women represent ca. 25% of all members of national parliaments and have the right to vote in all countries (see data at IPU Knowledge Hub on Women in Politics, presented in chapter 1.2).

INTERESTING FACTS:

Women's suffrage in Europe

In Europe, the last countries to enact women's suffrage were Switzerland and Liechtenstein. In Switzerland, women gained the right to vote in federal elections in 1971; but in the canton of Appenzell Innerrhoden women obtained the right to vote on cantonal issues only in 1991, when the canton was forced to do so by the Federal Supreme Court of Switzerland. In Liechtenstein, women were given the right to vote by the women's suffrage referendum of 1984. Three prior referendums held in 1968, 1971 and 1973 had failed to secure women's right to vote. Women's right to run for mandate and to vote in Yugoslavia and in all of its republics was introduced with the first elections in 1945.

This progress, however, did not come unscathed. Women entered the parliament for the first time, facing a new environment and many unaddressed challenges. Previously unrepresented, women now needed to become accustomed to the written and unwritten rules of the parliament which were not adopted to their own needs. Furthermore, they had to deal with the dynamic nature of the parliament and its written and unwritten rules that were not necessarily or entirely tailored to their needs. They had to adapt to those norms but they also managed to change them to respond better to their needs.*

***Resource: OSCE/ODIHR handbooks, publications and online tools on women in politics**

The OSCE Office for Democratic Institutions and Human Rights supports participating States of the OSCE in implementing democratic reforms and promoting women's political participation. As part of these activities, ODIHR develops manuals and handbooks to support national institutions. For more information, please refer to:

<https://www.osce.org/odihr/gender-equality>

In 2020, ODIHR also published its **Gender Audit Tool** for political parties. The online tool guides political parties when doing a self-assessment on gender equality and helps them develop Action Plans for the party. The tool is available at genderaudit.osce.org

Parliaments across the world are defined as **workplaces** like any other state institution, organization or company. The rules of conduct, hours of operation, rights and obligations of MPs and parliamentary staff in general, use of assets, and many other issues are regulated in the relevant legislation and policies of the parliament itself. MPs as representatives of the people are expected to behave in accordance with written norms, restrain from discriminatory and sexist behaviour including sexual harassment, display a high level of integrity and dress professionally. However, these norms have not been and are still not always tailored to the needs of both women and men.

To keep track with the democratic changes, parliaments needed to change their culture, infrastructure and regulations to be able to respond to the growing number of women and the need for improved work-life balance for women and men in the parliament. Along with other institutions, organizations and companies, parliaments recognized this new reality and undertook serious transformative and reformative steps to make the legislature a more **gender-sensitive environment**.

INTERESTING FACTS:

PROHIBITION OF HATE SPEECH IN THE CODE OF ETHICS

“An MP shall restrain from actions and speech that may provoke hatred, intolerance and violence on personal, ideological, religious, national, gender or race grounds”.

Extract from Article 6 of the Code of Ethics for Members of the Assembly of the Republic of North Macedonia prohibiting hate speech based on gender.

BEST PRACTICE:

Westminster Foundation for Democracy publishes landmark study on violence against women in politics in Bosnia and Herzegovina

Westminster Foundation for Democracy (WFD) prepared a landmark survey – the first dedicated study in the region – on Violence Against Women in Politics in Bosnia and Herzegovina, which also explores gender-based pressures faced by women politicians, predominantly women parliamentarians. Sixty per cent of the 83 participants surveyed revealed they experienced some form of violence over the course of their engagement in politics. Psychological violence – including misogynistic verbal attacks, online and sexual harassment – is the most prevalent form reported by women. Learn more about the study at: <https://www.wfd.org/2019/07/26/vawp-bosnia-and-herzegovina/>

The Inter-Parliamentary Union defines a gender-sensitive parliament as one whose internal structures, procedures and work respond to the different needs and interests of both men and women in its structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large. They ensure that their operations and resources are used effectively towards promoting gender equality. A gender-sensitive parliament is one in which there are no barriers – substantive, structural or cultural – to women's full participation and to equality between its men and women members and staff. It is not only a place where women can work, but also one where women want to work and contribute. A gender-sensitive parliament sets a positive example by promoting gender equality and women's empowerment in society both nationally and internationally. A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate.

In the past years, the Assembly of North Macedonia has taken positive steps in the overall efforts to implement democratic reforms and strengthen the institution. For this purpose, the **Assembly adopted the Strategic Plan 2020-2021** built around three key pillars:

- (I) Strengthening parliamentary democracy;
- (II) Open and accountable Assembly;
- (III) Professional and independent services.

The strategy includes measures and activities aimed at strengthening the oversight function, improving the legislative processes and operationalizing the constituency relations offices. In addition, the Assembly is part of the **Open Government Partnership** and other commitments aimed at enhancing transparency and accountability in its work. Finally, the professionalization and independence of the Assembly Service is an important strategic priority of the Assembly adequately enshrined in the Strategic Plan.

To respond to the gender-neutral Strategic Plan, the Assembly was quick to address this and undertook measures to promote gender equality and mainstream gender in all its operations. The **Women Parliamentarians' Club** (as said above, also called in some cases Parliamentary Women's Club) adopted a **Strategic Plan 2018-2020** which focuses on strengthening the capacities of the Club and advocating for better political representation of women on central and local level.

BEST PRACTICE:**The role of Women Parliamentarians' Club in enhancing cross-party co-operation in the Assembly and advocating for gender equality**

Following the convocation of the Assembly in 2017, the Women Parliamentarians' Club played a vital role in resuming dialogue between the ruling and the opposition parliamentary political parties. It is through the Club that women MPs from the ruling and opposition parties began to discuss topics of mutual concern.

The Women Parliamentarians' Club consistently advocates for better representation of women in the political life and decision making in the Republic of North Macedonia. As a result, the Club initiated a discussion for amendments to the Electoral Code to introduce a 50% gender quota. However, the proposal was not adopted along with other proposed amendments of the Electoral Code*

*Resource: Parliamentary Institute Analysis: Numbers and inter-party co-operation of women MPs as a factor for their enhanced influence

According to the analysis, women MPs emphasized the solidarity between colleagues in the Women Parliamentarians' Club as a strong factor for reconciliation in the 2014 parliamentary crisis. The analysis shows that despite the rivalry at the level of party ideologies, inter-party co-operation between MPs can be achieved through informal coordination and co-operation within the Women Parliamentarians' Club. The analysis is available at: <https://www.sobranie.mk/content//Парламентарен%20институт/7.pdf>

In parallel with the activities of Women Parliamentarians' Club, the Assembly undertook serious institutional reforms to mainstream gender in all aspects of its work. In order to address the lack of baseline data, in April-May 2019, the **Committee on Equal Opportunities for Women and Men**, supported by the staff, the Women Parliamentarians' Club and the Secretary General, conducted a **self-assessment of the gender-sensitivity** of the Assembly using the methodology of the European Institute for Gender Equality.

This self-assessment was conducted in a transparent and participative manner and across party lines. The exercise provided valuable data and results based on which the Assembly, supported by the OSCE Mission to Skopje, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the National Democratic Institute, identified measures and activities aimed at mainstreaming gender in all aspects. The self-assessment also served as the basis for the **Plan of Activities for Enhanced Gender Sensitivity of the Assembly** for the period 2020-2021, adopted by the Committee on Equal Opportunities for Women and Men in January 2020. This plan goes beyond promoting and advocating for better political representation of women and it provides measures that aim to strengthen the capacities of the Assembly to produce gender-sensitive legislation, oversee gender equality and introduce more gender-sensitive working and recruitment procedures.

INTERESTING FACTS:**STRATEGIC GOALS OF THE PLAN OF ACTIVITIES FOR ENHANCED GENDER SENSITIVITY OF THE ASSEMBLY 2020-2021**

- » Goal 1: Women and men have equal opportunities to enter the Assembly
- » Goal 2: Women and men have equal opportunities to influence the Assembly's working procedures
- » Goal 3: Women's interests and concerns have adequate space on the Assembly's agenda
- » Goal 4: The Assembly produces gender-sensitive legislation
- » Goal 5: The Assembly complies with its symbolic function

The full plan is available on the Assembly web page, at:

<https://www.sobranie.mk/strateshki-plan.nspx>

For further reading, we recommend:

- » IPU (2011): *Gender Sensitive Parliaments. A Global Review of Good Practice*. Geneva: Inter-Parliamentary Union. Available in English : <https://www.ipu.org/resources/publications/reports/2016-07/gender-sensitive-parliaments>
- » IPU (2018): *Sexism, harassment and violence against women in parliaments in Europe*. Geneva: Inter-Parliamentary Union. Available in English: <https://www.ipu.org/resources/publications/issue-briefs/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe>
- » EIGE (2020): *Gender-Sensitive Parliaments, Toolkit*. Available in English: <https://eige.europa.eu/gender-mainstreaming/toolkits/gender-sensitive-parliaments>
- » Eva Jovanova (2019): *Бројност и натпартиска соработка на пратеничките како фактор за зајакнување на нивното влијание*. Available in Macedonian : <https://www.sobranie.mk/content//Парламентарен%20институт/7.pdf>

2.2 GENDER EQUALITY AND REPRESENTATION

Political systems across the world are diverse and reflect the diversity of the population. Presidential systems exist alongside constitutional monarchies, multi-party states and one-party states. However, most countries have recognized the centrality of parliaments to democracy. The **electoral system** of a country is one of the most important determining factors of how many women will make it into the legislature at any given time.

According to the Inter-Parliamentary Union, women are elected in greater numbers in systems of proportional representation than they are in majority electoral systems. Further studies show that majoritarian systems in which women compete directly with men in their constituencies tend to limit the number of women elected. Proportional representation systems, in combination with a closed-list system, are far more conducive to the election of women.*

***Resource: 2019 Compilation of Venice Commission Opinions and Reports Concerning Electoral Systems and Gender Representation**

This document is a compilation of extracts taken from opinions and reports/studies adopted by the Venice Commission on issues concerning electoral systems and gender representation. The aim of this compilation is to give an overview of the doctrine of the Venice Commission in this field. This document is to be seen as a complement to the separate compilation on electoral systems in general. The compilation states: „... It should be clear that the electoral system itself is neither a necessary nor a sufficient condition to ensure women's representation. Additional measures are needed to encourage the increase in women's representation“. The compilation is available in English at the following link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2019\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2019)005-e)

Undeniably, quotas contribute to significant representation of women in national parliaments. More than 80% of countries where parliaments have more than 30% women MPs benefit from special measures such as quotas – legislated or voluntary (see data at IPU Knowledge Hub on Women in Politics, presented in Chapter 1.2). It must be said that quotas only work well when they are tailored to the country's electoral system and followed by sanctions and rules on where women should be placed on the party lists. When repealed, quotas and other special measures showed a combined effect which differed in different countries. In some countries, women's representation in decision-making increased even after special measures were abandoned. On the other side, the number of women in decision-making processes declined immediately after quotas and other measures were repealed.

In order to promote gender equality and women's participation in decision making processes on the central and local level, North Macedonia introduced special measures (30% gender quotas) in the legislation in 2006. This intervention did prove to have an effect on increasing and promoting women's participation. A new provision was added to the **Electoral Code**, which contributed to better representation of women in the Assembly and municipal councils. Article 64 of the Electoral Code foresees that at least **40% of candidates on a candidate list** for the parliamentary elections (but also local level councils) should be of the underrepresented sex, obliging political entities additionally that “at least one out of every three places shall be reserved for the underrepresented sex, with at least one additional place out of every ten places”. The gender quota is legally binding and foresees legal sanctions (non-acceptance of the candidates list by the State Election Commission). In the table below, you will see the representation level of women in the Assembly since 1990.

Table: Representation of women in the Assembly since 1990

Mandate	1990-1994	1994-1998	1998-2002	2002-2006	2006-2008	2008-2011	2011-2014	2014-2016	2016-2020
Number of women	5	4	9	21	34	39	38	38	48
Percentage	4%	3.2%	7.5%	17.5%	28.3%	32.5%	30.89%	31,6%	40%

Source: Prepared by the authors, based on data from the State Statistical Office website

TIPS FOR MPs AND PARLIAMENTARY STAFF:

Explore other measures in support of gender parity on electoral lists

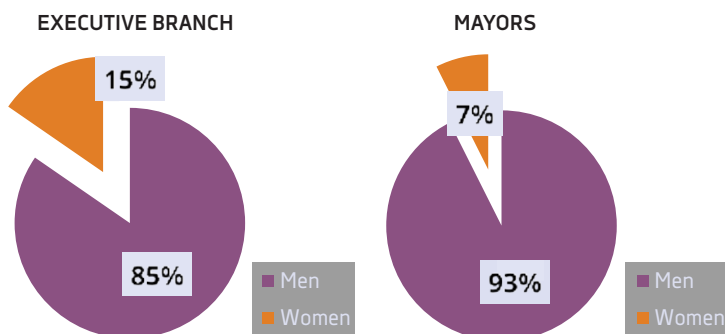
The Assembly could explore other legal measures, for example providing financial incentives to political parties/coalitions in case they submit candidate lists with full gender parity (by applying a so-called 'zipper system' or 50% quota), or increasing funding allocation to those parties/coalitions that reach gender parity in their caucuses in the Parliament. See more at in the study "Gender Targeted Funding for Political Parties", produced by IDEA - the International Institute for Democracy and Electoral Assistance, available at:

<https://www.idea.int/sites/default/files/publications/gender-targeted-public-funding-for-political-parties.pdf>

According to the analysis of the Parliamentary Institute on electoral lists and gender representation, other measures to promote gender parity in electoral lists include:

- » developing specific training and publicity packages to encourage women candidates to participate in elections;
- » ensuring equal access in the media for women and men candidates and encouraging media professionals to provide equal visibility to women and men candidates and elected representatives in the media, especially during election periods.

To conclude, women are better represented in institutions in which the gender quota is applied – such are the Assembly of the Republic of North Macedonia and municipal councils. Women’s representation in the executive branch and as mayors is still very low.



Source: web pages of the Government, data as of 10 April 2020

Gender equality needs **mechanisms and procedures to hold governments accountable** for mainstreaming gender and advancement of women. The Assembly plays a key role in ensuring such accountability. Worldwide, **gender equality committees** can play a very significant role in mainstreaming a gender perspective throughout parliamentary work. These working bodies help to keep gender equality issues on the agenda of all parliamentarians. The table below presents some examples of functions that gender equality committees can exercise in some of the OECD countries.

Table. Mandate of gender equality committees in some of the OECD countries

	Supervision of compliance with int. and national gender equality standards	Preparation of gender-related legislative proposals	Review of all draft laws and budgets from gender equality perspective	Review of selected draft laws from gender equality perspective	Ensure all draft laws include gender analysis	Government scrutiny from gender equality perspective	Gender equality advice to government	Review of complaints related to gender-based discrimination and violence	Dissemination of gender equality related information	National debate on the status of women
Latvia	X	X	X	X		X		X	X	X
Belgium		X		X						
Canada						X	X		X	X
Portugal									X	X
Austria		X				X				X
Slovenia		X	X	X					X	X
Mexico		X	X	X	X	X	X		X	X
Spain		X		X		X				
Poland		X		X		X				X
Germany				X		X				X
Hungary	X	X		X		X	X	X		X
Denmark	X	X		X		X	X		X	X
Greece	X	X		X	X				X	X
Luxembourg	X	X				X	X			X
Sweden	X	X	X	X	X	X	X			

Source: <https://www.oecd.org/gender/data/Msaop>; <https://www.oecd.org/gender/data/>

The Assembly of the Republic of North Macedonia has established appropriate mechanisms to ensure that gender equality is systematically addressed, including the **Committee on Equal Opportunities for Women and Men** and the **Women Parliamentarians' Club**. The Assembly of the Republic of North Macedonia establishes permanent working bodies to review draft and proposal laws as well as other acts adopted by the Assembly. The working bodies monitor the implementation of the acts adopted by the Assembly and review other issues from their jurisdiction. The chairpersons, their deputies and the members of the working bodies are elected among the MPs.

INTERESTING FACTS:

Competences of the Committee on Equal Opportunities for Women and Men

As per the latest decision on the appointment of the parliamentary working bodies for the parliamentary composition 2016-2020, the Committee on Equal Opportunities for Women and Men considers issues regarding:

- » Law proposals and other regulations in the field of labour and social policy, education and health care, family and childcare, as well as other proposals and regulations, from the aspect of inclusion of gender concepts therein;
- » The Draft-National Action Plan for Equal Opportunities for Women and Men;
- » Monitoring of the adoption and implementation of the basic and special measures for establishment of equal opportunities of women and men in all fields of the public and private sector through reports submitted by the Unit for Promotion of Gender Equality at the Ministry of Labour and Social Policy;
- » Monitoring of the system of measures for elimination of unequal treatment of women and men, through reports submitted by the Unit for Promotion of Gender Equality at the Ministry of Labour and Social Policy;
- » Initiatives for adoption and amendments to laws and other regulations in the field of equal opportunities of women and men;
- » Promotion of cooperation among the relevant institutions on questions regarding equal opportunities of women and men;
- » Submission of regular information to the Assembly on all issues related to equal opportunities of women and men;
- » Cooperation with relevant committees of other countries and
- » Other issues related to equal opportunities of women and men.

The Women Parliamentarians' Club is an informal group of Women Parliamentarians from the Assembly of the Republic of North Macedonia, regardless of their political orientation. The Club was established in 2003.

BEST PRACTICE:**Issues taken on by the Women Parliamentarians' Club**

- » Amendments to the Electoral Code to ensure at least every third position on the candidates' election lists be allocated to the underrepresented gender which resulted in the election of 37 women MPs (30.8% of all MPs) in 2006;
- » Support for the drafting and adoption of a Law on Equal Opportunities;
- » Tabling amendments to the Law on Health Insurance to ensure free preventive gynaecological examinations for the early detection of cervical cancer and breast cancer;
- » Support to incorporate a new chapter for the protection of victims of domestic violence into the Law on Families;
- » Amendments to the Law on Games of Chance and Entertainment Games (Gambling Law), to establish a special fund to fight against domestic violence;
- » Amendments to the 2008 central government budget to increase funding for centres providing housing/shelter for the homeless and victims of domestic violence;
- » Amendments to the Law on Pension and Disability Insurance, which extended the retirement age based on years of work experience by an additional two years;
- » Amendment to Article 197 of the Criminal Code to raise the minimum legal age of marriage from 16 to 18 (2018);
- » Adoption of a Strategic Plan and Communication Strategy (2019).

TIPS FOR MPs AND PARLIAMENTARY STAFF:**Co-operation between the different parliamentary working bodies on gender equality issues**

In the absence of guarantees for equal representation of women and men MPs in the working bodies of the Assembly, there is a need for closer and more frequent co-operation between the Women Parliamentarians' Club, the Committee on Equal Opportunities for Women and Men and other working bodies with the purpose of mainstreaming gender into internal processes, policies and regulations, law making, representation and oversight.

First, a clear division of labour is important between the Women Parliamentarians' Club and the Committee on Equal Opportunities for Women and Men. While the Club is a non-formal body for advocacy, exchange and networking, the Committee should continue to be the formal body for mainstreaming gender into the Assembly's primary functions.

Furthermore, the Committee on Equal Opportunities for Women and Men should work closely with other working bodies. For example:

- » Enhanced co-operation with the Committee on Finance and Budget may contribute to a more gender-responsive budget;
- » Closer co-operation with the Legislative Committee may result in gender-sensitive law-making;
- » Enhanced co-operation with the Committee on Rules of Procedure and Mandatory Immunity Issues and the Committee on Elections and Appointments may result in appointing more women as chairs of the parliamentary committees but also within the permanent delegations of the Assembly. Moreover, this co-operation may contribute to an increased number of women in the public enterprises, independent institutions and organisations that are established by the Assembly.

The Assembly Service provides professional and administrative support to the working bodies of the Assembly including the Committee for Equal Opportunities of Women and Men. The Department for Working Bodies produces reports from the committee sessions, maintains contacts with other stakeholders, drafts the scenarios and the reports from public hearings and conducts other tasks and responsibilities as requested by the members of the working body. In addition, the Parliamentary Institute conducts comparative researches and analysis upon request from a working body or individual MPs including gender related queries.

BEST PRACTICE:

The self-assessment of the gender sensitivity of the Assembly

MPs from the Committee on Equal Opportunities for Women and Men and the Women Parliamentarians' Club, parliamentary staff, members of the cabinet of the President of the Assembly and the Secretary General participated in a self-assessment exercise of the gender sensitivity of the Assembly in April 2019. Five working groups responded to EIGE's questionnaire for self-assessment of the gender sensitivity. The OSCE Mission to Skopje and the National Democratic Institute facilitated the workshop. The self-assessment was concluded successfully, and it resulted in a narrative report and a Plan of Activities for Gender Sensitive Assembly 2020-2021 adopted by the Committee on Equal Opportunities for Women and Men.

TIPS FOR MPs AND PARLIAMENTARY STAFF:**Strengthen co-operation with the women's movement and civil society**

The Assembly has developed good relations with the women's movement, women's NGOs and overall civil society organisations. This co-operation can be further developed by inviting civil society members to actively participate in the work of the Committee on Equal Opportunities. The Assembly should consider inviting representatives of, among others, the following networks and civil society coalitions, which bring together multiple expert NGOs:

- » Platform for Gender Equality: rodovaplatforma.mk
- » National Network to End Violence against Women and Domestic Violence: glasprotivnasilstvo.org.mk
- » Coalition Margins – Coalition for Sexual and Health Rights of Marginalized Communities: coalition.org.mk
- » Macedonian Women's Lobby: mzl.org.mk
- » National Council for Gender Equality: sozm.org.mk

For further reading, we recommend:

- » Assembly of the Republic of North Macedonia (2020): *Plan of Activities for the Advancement of Gender Sensitivity of the Assembly 2020-2021*. Available in Macedonian: <https://www.sobranie.mk/predlog-plan-na-aktivnosti-za-unapreduvanje-na-rodovata-senzitivnost-na-sobranieto-na-republika-severna-makedonija-2020-2021.nspix>;
- » IDEA (2018): *Gender-targeted Public Funding for Political Parties. A Comparative Analysis*. Stockholm: International Institute for Democracy and Electoral Assistance. Available in English: <https://www.idea.int/sites/default/files/publications/gender-targeted-public-funding-for-political-parties.pdf>

2.3 GENDER-SENSITIVE LAW MAKING

Gender-sensitive legislation is a central part of mainstreaming gender considerations into the legal system. It refers to the integration of a gender perspective into all components of the legislative process – design, implementation, monitoring and evaluation – in order to achieve the ultimate objective of equality between women and men. Similar to other gender mainstreaming endeavours, gender-sensitive legislation is not a goal in itself but a means to achieving quality.*

Parliaments play an important role to ensure that legislation does not discriminate against women and men and it promotes gender equality. Parliaments worldwide use different tools and practices to ensure that the legislation passed is gender-sensitive and promotes gender equality. These **tools and practices** include public hearings and debates, motions and questions. Some countries in Europe have adopted gender equality laws which, among others, prescribe **frameworks for gender-sensitive law-making**.

* Resource: ODIHR publication **Making Laws Work for Women and Men:**

A Practical Guide to Gender-Sensitive Legislation

The practical guide on gender-sensitive legislation presents a model on how to approach this issue in national parliaments, including a detailed **Self-Assessment Tool on Gender-Sensitive Legislation**. The guide is translated into Macedonian and Albanian and is available at the link: <https://www.osce.org/odihr/327836>

BEST PRACTICE:**„Gender test“ as part of the Gender Mainstreaming Law in Belgium**

In 2007, Belgium adopted a Gender Mainstreaming Law, transposing the resolutions of the Beijing Platform for Action, with the aim of integrating gender in all federal policy fields. Article 3 of the Gender Mainstreaming Law calls for the implementation of a 'gender test' for all laws and regulations, which would require the relevant minister to conduct an ex-ante gender impact assessment. This provision was executed with the adoption of the Regulatory Impact Assessment (RIA) law in 2013. With the adoption of the RIA law for all new regulations submitted to the Council of Ministers, Belgium made significant progress in improving the quality of government regulation through administrative simplification. The underlying purpose of the gender section of the RIA law is to contribute to greater equality between women and men within the framework of gender mainstreaming. Read more at: <https://eige.europa.eu/gender-mainstreaming/countries/belgium>

The Law on Equal Opportunities of Women and Men defines the role and responsibility of the Assembly to mainstream gender in the legislative process. Article 9 states: *“The Committee on Equal Opportunities for Women and Men reviews draft laws and other regulation (...), the budget and other draft laws and regulations from a gender perspective.”*

Only few countries in the world have developed frameworks and tools for gender-sensitive legislation. These include **checklists for MPs and staff** on what to look for when applying gender equality principles to legislation.

BEST PRACTICE:**Four steps of gender-based analysis of legislation in Cambodia:****Step 1: Purpose, Scope and Operation of Proposed Legislation**

- » In assessing a law's purpose, scope and application, can you identify the groups most likely to be affected? Are there specific gender implications? Will women be one of the groups identified?
- » When considering a bill's purpose, scope and operation, is your analysis influenced by your gender? Your background may influence your perspective and prevent you from asking questions and hearing answers. Care must be taken to ensure that legislation does not reinforce stereotypes or systematic discrimination against women or men.

Step 2: Measuring the impact of proposed legislation

- » Has the impact of proposed legislation on different parts of the community been considered? In other words, who will be affected?
- » Will there be significant gender differences in the legislation's impact? To what extent will women be specifically affected?
- » Article 31 of the Constitution states that “Every Khmer citizen shall be equal before the law regardless of sex...”. Does the proposed legislation comply with Article 31?
- » Has the bill been drafted in clear, plain language?

Step 3: Questions regarding administration, costs, regulations and public education

- » Will women be involved in administering the law?
- » Are there gender concerns with regard to the bill's implementation and compliance cost?
- » How will the public be educated about the law? Given the high illiteracy rate among women in Cambodia, what methods will be used to disseminate it?
- » Will gender-specific concerns be reviewed in monitoring the legislation?

Step 4: Self-Assessment – the last step in your analysis

- » Have you addressed gender issues throughout the analysis?
- » Have all of the bill's gender implications been identified?
- » What official and community information was used in your gender analysis?
- » Have you continued to ask the “gender question” at every stage of your analysis?

Source: The Key Steps of Gender Analysis of Legislation.

Cambodia-Canada Legislative Support Project, February 2003, quoted as per IPU (2011): *Gender Sensitive Parliaments. A Global Review of Good Practice*

The Assembly of the Republic of North Macedonia is the holder of the legislative power and it adopts laws with the necessary majority as defined in the Constitution of the Republic of North Macedonia. According to the Constitution of the Republic of North Macedonia (Article 71), any MP, the Government and at least 10.000 citizens **can propose a law**. The **legislative procedure** is defined with the Rules of Procedure of the Assembly. The draft law is submitted to the President of the Assembly by the official proposers of the law. Within three days, the President of the Assembly submits the proposal to the MPs, in written or electronic form. This marks the beginning of the legislative procedure in the Assembly.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

ODIHR Legislative Reviews

ODIHR supports legal reform in participating States by reviewing, upon request, individual pieces of draft or existing legislation to assess their compliance with OSCE commitments, international human rights standards and established good practices. As part of the Plan of Activities for Gender Sensitive Assembly 2020-2021, the OSCE Mission to Skopje requested a **review of the Rules of Procedure and the Law on the Assembly** from gender and diversity perspective. The recommendations of the legal review will be presented to the new composition of the Assembly of the Republic of North Macedonia and will be published on: <https://www.legislationline.org/odihr-documents/page/legal-reviews>

The Law on Equal Opportunities of Women and Men defines the **roles and responsibilities of the Committee on Equal Opportunities for Women and Men** in analysing draft laws and regulations from a gender perspective. However, the law does not include a provision that defines a framework or methodology that the Assembly should implement in order to assess draft legislation from gender perspective. It neither sets a clear framework nor a methodology on how the government should prepare laws and if ex-ante gender impact assessments should be conducted.

In the last decades, OECD and EU countries are investing enormous efforts to enhance the quality of the regulations through a **regulatory reform process** that aims to introduce a process that:

- » Considers the economic, social and environmental impact of the proposed policy or regulation;
- » Decreases the expenses and administrative bureaucracy for the citizens and companies;
- » Ensures transparency and public participation in the process of policy-making.

In line with these developments, the Government of the Republic of North Macedonia, as the main proposer of legislation, conducts a Regulatory Impact Assessment (RIA) for draft legislation.

INTERESTING FACTS:

Regulatory Impact Assessments (RIA) of legislation

RIA is a complex instrument for the assessment of consequences of policies. Policies do not only influence everyday life and activities of citizens and enterprises in the respective regulated area, but they impact the entire legal and economic system of a country. The RIA in North Macedonia is conducted in accordance with the RIA methodology that includes four steps:

- » Planning the process for conducting RIA;
- » Conducting RIA;
- » Preparing the RIA report and receiving approval from the Ministry of Information Society and Administration;
- » Consultations with stakeholders.

The second step of the RIA methodology in the Republic of North Macedonia analyses the **social impact of the proposed legislation**, including the impact on gender equality. This requirement stems from the provisions of the Constitution that relate to the basic freedoms and rights (Article 8). The proposed legislation can have direct social impact when it aims to regulate issues related to the basic freedoms and rights, or indirect impact related to the realization of the basic freedoms and rights.

INTERESTING FACTS:**Gender impact assessment within the RIA**

The need for gender impact assessment within the RIA is determined in the first step of the process. When determining the need for gender impact assessment, the proposer should analyse if there are already existing differences and inequalities between women and men and if there is a need to advance gender equality in the regulated area. The following checklist is used when analysing if the proposed legislation can have an impact on gender equality:

- » Employment, workplaces and jobs;
- » Salaries and financial capabilities;
- » Possibilities for child care and work-life balance;
- » Education, training and professional development;
- » Employment possibilities, employment conditions and career advancement;
- » Participation in political life;
- » Health, health protection and health services;
- » Safety and risks of violence;
- » Other areas that can be of relevance for gender equality.

TIPS FOR MPs AND PARLIAMENTARY STAFF:**Use existing RIA reports of the Government**

Although the Assembly does not have a methodology for conducting gender impact assessment of the proposed legislation, MPs can use the RIA Report to find out about the impact of the proposed law on gender equality. The proposed legislation, prior to being submitted to the Assembly is published on the National Electronic Register of Regulations available at:

<https://ener.gov.mk/Default.aspx>.

MPs can also seek advice and consult NGOs and experts on the content of the Regulatory Impact Assessment of the proposed bills.

In addition, in cases when MPs draft legislation, they can use the best practices presented in this chapter to analyse the impact of the proposed legislation on gender equality.

For further reading, we recommend:

- » ODIHR (2017): *Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation*. Warsaw: OSCE Office for Democratic Institutions and Human Rights. Available in English, Macedonian and Albanian: <https://www.osce.org/odihr/327836>
- » Assembly of the Republic of North Macedonia: *Rules of Procedure of the Assembly of the Republic of North Macedonia*. Available in Macedonian and Albanian: <https://www.sobranie.mk/delovnik-na-sobranieto.nspix>
- » Ministry of Information Society and Administration: *Regulatory Impact Assessment*. Available in Macedonian and Albanian: <http://www.mioa.gov.mk/?q=mk/node/1484>

2.4 OVERSIGHT OF GENDER EQUALITY

One of the three core functions of parliaments is to oversee the actions of the government and to hold it accountable. Parliamentary oversight is an essential feature of a system of checks and balances and is embedded in the highest legal act of modern democracies, the Constitution. Parliamentary oversight aims to promote people's freedoms and rights and improve governance. Worldwide, parliaments enjoy a certain degree of power to scrutinize the executive. The **procedures and tools for parliamentary oversight** as well as the extent of oversight vary considerably. In some countries, political space for oversight simply does not exist. In other countries, the will to monitor the work of the government exists but there is a lack of human and financial resources.

Gender-sensitive oversight is important as it examines who performs a process or policy, the effect of the policy and the purpose. In addition, gender-sensitive oversight ensures that all these aspects promote gender equality. It is right to say that this approach can be applied in the oversight of all policies and areas.

TIPS FOR MPs:

Use of parliamentary questions on gender equality in the Assembly

One of the activities of the Plan of Activities for the Advancement of Gender Sensitive Assembly 2020-2021 (measure 4.4.4) foresees cooperation between the coordinators of the parliamentary political parties and the Women Parliamentarians' Club to coordinate and include at least one question on gender equality during the monthly Q&A session in the Assembly. The new composition after the 2020 Parliamentary Elections should make the most out of it.

The Assembly of the Republic of North Macedonia derives its legal power to oversee the actions of the government from Article 68 of the Constitution of the Republic of North Macedonia. As described in the introduction, parliaments have a variety of tools and processes that they can use to scrutinize effectively the executive branch. In the Republic of North Macedonia, these tools are enshrined in different legal frameworks such as the Constitution, Rules of Procedure of the Assembly and the Law on the Assembly.

Table: Procedures and Tools for Parliamentary Oversight

Parliamentary questions	Every MP in the Assembly is entitled to pose a question to the President of the Government of the Republic of North Macedonia, a member of the Government and other holders of public office (Articles 37-44 of the Rules of Procedure)
Interpellation	Interpellation is a more complex procedure and instrument of political control over the government or holder of public office. Interpellation can be initiated by at least five MPs (Articles 45-51 of the Rules of Procedure) with regard to the work of a particular holder of public office, the Government or any of the members individually, but also the work of state bodies.
Inquiry Committees	The Inquiry Committees are regulated with the Constitution of the Republic of North Macedonia. The Assembly can establish an inquiry committee for all spheres and issues of wider interest (Article 76 of the Constitution of the Republic of North Macedonia and Article 118 of the Rules of Procedure) At least 20 MPs can submit a proposal for establishment of Inquiry Committee.
Oversight hearings	Oversight hearings are held in order to obtain information and expert opinion with regard to the creation and implementation of policies, enforcement of laws and other activities of the government and state administration bodies. An oversight hearing is carried out by the respective working body of the Assembly that includes the subject of the oversight hearing in the scope of its work. This instrument is regulated with the Law on the Assembly (Articles 20-23).
Public hearings	Public hearings are an established practice in the Assembly of the Republic of North Macedonia even though not institutionalized as a legislative or oversight tool. The working bodies of the Assembly often organize public hearings and invite the public, CSOs and experts to discuss topical issues. The public hearings are not regulated with the Rules of Procedure or the Law on the Assembly of the Republic of North Macedonia.
Public discussion	Even though not a typical oversight instrument, public discussions are an instrument enshrined in the Rules of Procedure (Articles 145-148) and are used by the working bodies during the legislative process in the Assembly between the first and second reading of the laws of wider interest. Public debates contribute to better quality of the legislation and to a dialogue between the law proposer, usually the Government, civil society and the Assembly.
Motion of confidence	This is the most powerful instrument of the Assembly to control the executive branch. This instrument is prescribed in the Constitution of the Republic of North Macedonia (Article 92) and the Rules of Procedure (Article 214-218). A motion of confidence in the government can be initiated by at least 20 MPs in writing along with a justification for the motion.

Source: Parliamentary Institute (2014): Political Control and Oversight of the Assembly over the Government and Other Holders of Public Office. Skopje

As described in the previous chapters, North Macedonia is party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and reports regularly to the CEDAW Committee. Also, in accordance with its legal mandate for **oversight** and the **Law on Equal Opportunities of Women and Men**, the Assembly adopts the Strategy for Gender Equality and monitors its implementation in co-operation with other partners, NGOs and other relevant institutions.

IMPORTANT FACTS:

Review and adoption of the Annual Report for the implementation of the National Strategy on Gender Equality

The Committee on Equal Opportunities for Women and Men reviews and adopts the Annual Report for the implementation of the National Strategy for Gender Equality. Line ministries, the Ombudsman, CSOs and experts participate in the public hearings for the review and adoption of the Annual Report. Line ministries report to the Committee on Equal Opportunities for Women and Men on the implemented measures and activities enshrined in the National Action Plan. CSOs and experts offer their view and expertise on the level of implementation of the measures and activities. Based on the discussion during the public hearings, the Committee adopts conclusions and follows their implementation.

The Assembly is not alone in conducting oversight of the Government. The legislature performs in a densely populated environment where independent institutions, regulatory bodies, CSOs and media operate and have relevant expertise on different topics, including gender equality. Building good relations with these instances that have a stake in oversight of the government is one of the keys to effective parliamentary oversight.

Table: Formal and informal interactions of the Assembly with external oversight actors

Oversight relationship	Examples of formal interactions	Examples of informal interactions
External oversight institutions (independent institutions)	Submitting reports, making recommendations, giving evidence	Providing briefings and other information to MPs and parliamentary staff.
Government	Submitting reports, responding to questions, providing information and opinions during oversight hearings	MPs “having a word” with the minister; Exchanging information with officials in the administration.

Media	Reporting on parliamentary activities	Putting pressure on MPs for action on issues; Providing unofficial “sanction” to government in the form of public exposure.
Civil society organizations (CSOs)	Making submissions and providing information and opinions to parliamentary inquiries	Putting pressure on MPs for action on issues.
Professional groups	Making submissions and giving information and opinions to parliamentary inquires	Putting pressure on MPs for action on issues; Providing information to MPs.
Social media		Providing input to committee inquiries, suggestions for parliamentary questions; Exchanging views with MPs.

Source: Adjusted, based on Inter-Parliamentary Union (2017): *Global Parliamentary Report 2017. Parliamentary oversight: Parliament’s power to hold government to account*. Geneva.

TIPS FOR MPs AND PARLIAMENTARY STAFF:

Involvement of the Committee on Equal Opportunities into the review of the Annual Report of the Ombudsman

The Ombudsman is a professional and independent institution with special status to protect the constitutional rights of the citizens. The Ombudsman undertakes measures and activities to protect the principles of non-discrimination and equitable and adequate representation of the communities in the public sector on central and local level. The Ombudsman submits both annual reports and special reports to the Assembly. These reports include the activities of the Ombudsman, summary of accounts and most importantly the situation on the human rights or any other human rights-related issue.

The Committee on the Political System and Inter-Ethnic Relations reviews and adopts the annual report of the Ombudsman in a public session. The conclusions of the committee are adopted in a plenary session and are submitted to the Government. The government reports back to the Assembly on the status of the implementation of the Ombudsman’s recommendations.

Even though the annual report of the Ombudsman is reviewed and adopted by the Committee on the Political System and Inter-Ethnic Relations, the Committee on Equal Opportunities for Women and Men and other interested working bodies can review relevant parts of the Ombudsman’s annual report.

The work of the Ombudsman is guided by the Paris Principles, a set of international standards adopted by the UN General Assembly in 1993. In addition, the 2012 Belgrade Principles build on the Paris Principles by assessing in particular the relationship between the National Human Rights Institutions (NHRIs) and parliaments.

IMPORTANT FACTS:

Extract from the Belgrade Principles

14. NHRIs should report directly to Parliament.
15. NHRIs should submit to Parliament an annual report on activities, along with a summary of its accounts, and also report on the human rights situation in the country and on any other issues that is related to human rights.
16. Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.
17. Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.
18. Parliaments should hold open discussions on the recommendations issued by NHRIs.
19. Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRI recommendations.

Source: UN Office of the High Commissioner for Human Rights (2012): Belgrade Principles Section I (D)

TIPS FOR MPs:

Mainstreaming gender equality in oversight activities

What do I need?

- » A 'gender lens' – always keep a look out for possible gender discrimination when investigating any policy issue.
- » Data on all policy areas, disaggregated by sex (and other variables of social inclusion such as age, ethnicity, disability, gender identity and sexual orientation).
- » Research and input from CSOs, specialized gender units, universities, think tanks, private sector organizations, trade associations and media.

How can I contribute effectively?

Get familiarized with the strategic documents of the Assembly on gender equality such as the Strategic Plan of the Women Parliamentarians' Club and the Plan of Activities for Gender Sensitive Assembly 2020-2021.

Use a gender-mainstreaming checklist:

- » Who is the target of the proposed policy, programme or project? Who will benefit? Who will lose out?
- » Who makes the decisions? Have women and men been involved in the development of a solution to address the issue?
- » How are resources distributed? Who provides the resources? Who uses the resources?
- » Does the intervention maintain or challenge existing gender relations?

Ask questions in public hearings, public debates and oversight hearings:

- » Have gender equality advocates been consulted in the drafting of the policy?
- » Does the proposed policy have RIA?
- » Is data used to draft the policy disaggregated by sex?
- » What are the social and economic costs of the policy for men and women?
- » Are the recommendations made on the policy or law gender specific, gender neutral or gender blind?

Publicize any discovered instances of gender discrimination:

- » Speak with the line minister.
- » Lobby for change within your own party.
- » Raise the issue with the media.

Adjusted, based on Inter-Parliamentary Union (2017): Global Parliamentary Report 2017. Parliamentary oversight: Parliament's power to hold government to account. Geneva.

For further reading, we recommend:

- » Parliamentary Institute (2014): *Political Control and Oversight of the Assembly over the Government and Other Holders of Public Office. Skopje*. Available in English, Macedonian and Albanian.
- » UN Office of the High Commissioner for Human Rights (2012): *Belgrade Principles*. Available in English: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-9_en.pdf
- » Inter-Parliamentary Union (2017): *Global Parliamentary Report 2017. Parliamentary oversight: Parliament's power to hold government to account. Geneva*. Available in English: <https://www.ipu.org/our-impact/strong-parliaments/setting-standards/global-parliamentary-report/global-parliamentary-report-2017-parliamentary-oversight-parliaments>
- » *Public Hearing Manual, NDI*. Available in English: <https://www.ndi.org/sites/default/files/Service%20and%20accountability%20Public%20Hearing%20Manual.pdf>

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