Abstract
This article makes an analytical overview of how the process of European integration is affecting the advancement of gender equality in Macedonia as a candidate country, thus also exemplifying the effectiveness of EU’s gender equality policies in the enlargement process. The focus is placed on two main levels of the issue. The first is the national level i.e. what are the key achievements and key problem areas of gender equality in Macedonia’s overall efforts for EU membership. The second is the EU level i.e. EU’ policies and projects regarding gender equality in Macedonia as a candidate country. The main criticism I put forward is that gender equality is treated as a secondary issue in EU’s membership criteria, and in the overall enlargement process, which enables the political elites of candidate countries such as Macedonia to disregard, even deconstruct gender equality in a patriarchal direction, particularly in areas that are not within the scope of EU’s supranational competences.

Introduction
In the first years after Macedonia had declared its independence from the Yugoslav federation in 1991 gender equality was a non-issue in the political, legal and public discourse. No gender-equality debate had been initiated, not even by the mere fact that the first democratic and multi-party elections held in 1990 ended up with only 4.2% of female representation (5 female MPs in the national Sobranie out of 120), a significant decrease compared to former communist times of 1970s and 1980s when it had varied between 12-17 %.¹ For most of the 1990s, the country’s political and overall societal agenda had been burdened with the devastating effects of the violent dissolution of Yugoslavia, and later with its own six-moths inter-ethnic conflict of 2001. In the

early 1990s the country also had to struggle for international recognition of its statehood due to the “name dispute” with Greece, a dispute that is on-going to this day. In such overall circumstances, peace, stabilization and international recognition were the highest priorities, including for female voters and women’s organizations.\(^2\) In addition, in that period the domestic transition to democratic political system and market economy had just started to take shape, dominated by systemic legal reforms and an on-going process of privatization of socially-owned companies. Those legal reforms did not dismantled any of the advancements concerning gender equality that had come as a legacy of the socialist ideology embedded in the legislation of the previous political regime, such as equal political rights, educational equality, equal work pay, nine months maternity leave, protection against discrimination on basis of pregnancy and motherhood in employment, and a very liberal abortion law. In fact, that legacy has entrenched a wide-held view that gender equality had been an already achieved goal. However, this myth had started to weaken in the mid 1990s, mainly for three reasons. First, the creation of the private sector in the economy has started to create novel problems, such as gender discrimination in employment based on pregnancy and motherhood and sexual harassment at the workplace.\(^3\) Second, the preparation of the first report on gender equality for the UN’s Fourth World Conference on Women that was to be held in Beijing in 1995 had provided a pretext for a new focus of women’s organizations on the state of gender equality. A third stimulus in this direction was Macedonia becoming member of the Council of Europe in 1995, which had opened-up a debate about implementation of all key human rights conventions of this European human rights regime, including with respect to gender equality. This was quite a different situation from the one with the UN human rights regime, which Macedonia as a successor state of former Yugoslav federation had succeeded with hardly any debate. Eventually, all this had led to the country’s first national action plan for gender equality that was adopted by the Macedonian government in 1999. In 2003 Macedonia has also ratified the Facultative Protocol to the UN’s Convention for Elimination of All Forms of Discrimination Against Women (CEDAW) that obliges the country to regularly report under the convention’s regime, which in recent times regularly mobilizes


\(^3\) For more, see the study The women’s position in contemporary societal tendencies. (1994), Skopje: Organization of Women of Macedonia (In Macedonian).
wide-range debates on the state of gender equality in the country. Although all these forms of international integration have much contributed for placing the issues of gender equality in the public’s awareness and domestic political agenda, they did not bring any significant legal, policy or institutional changes. Such changes came only after Macedonia had applied for EU membership in 2004, and especially after being granted a candidate country status in 2005. This article explores how the process of European integration is affecting the advancement of gender equality in the country, which in the same time exemplifies the gender dimension of the EU enlargement process, especially the effectiveness of EU’s gender equality legislation and policies. First, in parts 1 and 2 the national level is explored i.e. what are the key achievements and key problem areas of gender equality in Macedonia’s overall efforts for EU membership. The main argument that is put forward is that although some notable advancements in gender equality have been made in legal and institutional terms, there is a worrisome trend of weakening women’s socio-economic and cultural position that makes those achievements declaratory and hollow. There are indications that much room is left for prospective EU member states to deconstruct EU’s values and policies regarding gender equality as is the case with Macedonia. Then, in part 3 the gender dimension of EU enlargement is addressed from the perspective of EU itself, again by using Macedonia as a case study. The main criticism that is put forward is that gender equality is treated as a secondary issue also by the EU, both in the membership criteria and in the overall enlargement policies and instruments.

1. Macedonia on its way to EU membership: gendering the integration agenda

1.1 Overview of the EU-Macedonia relations: from stabilization to association.

Macedonia’s relations with the EC/EU had started to evolve in the context of the violent dissolution of Yugoslavia in 1991, and in a framework of a peace conference and an arbitration procedure. After the declaration of independence of Slovenia on 26 June 1991, under the umbrella of the European Political Cooperation, EC foreign ministers decided to convene peace conference that would bring together all (former) Yugoslav republics with representatives of the EU Council, the Commission and members states in order to deal with the dissolution of Yugoslavia in a peaceful manner. For more, see Karolina Ristova- Aasterud. (2002) The Political and Legal Aspects of EU-Macedonia Relations: An Ever Closer Union? Macedonian Affairs Vol IV, No. 1. Skopje: Macedonian Information Centre, 29-61.

European Council decided to recognize only the independence of Slovenia and Croatia, but not of Macedonia. This was due to the resistance of Greece as a member state, disputing that the constitutional name of the country cannot contain the name “Macedonia” as it asserts territorial claims towards its territory. The relations between EU and Macedonia began to improve only after the dispute was transferred to the UN system in 1993, followed by an admittance of the country into UN membership under provisory name, and by conclusion of an Interim Agreement with Greece in September 1995 that stipulated that both countries agree that the dispute would not hinder Macedonia’s international integration, including integration into EU. As a first step of advancing the relations between EU and Macedonia was the establishment of diplomatic relations in December 1995. This was followed by Macedonia being admitted in the PHARE Program in 1996 and by concluding a Cooperation Agreement in 1997 that had entered into force in 1998. However, the declared goal of these forms of cooperation was economic and political stabilization of the country, not a membership perspective, which opened-up only after the war in Kosovo in 1999 and when the EU-led Stability Pact for South Eastern Europe was promoted in Cologne, Germany on 10 June 1999. The EU’s approach in the Pact was to include a clear EU membership perspective for the “Western Balkans” (Albania, Bosnia and Herzegovina, Croatia FR Yugoslavia and Macedonia), based on two main pillars: Community Assistance for Reconstruction, Development and Stabilization (CARDS), which was introduced in 2000, and conclusion of Stabilization and Association Agreements (SAA). Macedonia was the first country from the Western Balkans to conclude such an agreement with the EU on 9 April 2001, despite the fact that in the previous month a civil conflict had began in the country, threatening to turn into an inter-ethnic war. The conclusion of the SAA had demonstrated EU’s support for the Macedonian state, and for that purpose, EU, together with USA and NATO, facilitated negotiations between the main political parties in the country, resulting in a so-called Ohrid Framework Agreement of August 2001 that ended the conflict.

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7 Macedonia was admitted as UN member on 8 April 1993, under the provisory name “former Yugoslav Republic of Macedonia” pending “settlement of differences which has arisen regarding its denomination.”
9 Official Gazette of Republic of Macedonia no. 61 /1995
Encouraged by the conclusions of the Thessaloniki European Council and EU-Western Balkans Summit of June 2003 that clearly offered EU membership perspective for the countries of the Western Balkans, as well as from the EU’s high evaluation of the implementation of the Framework Agreement, Macedonia has applied for EU membership on 22 March 2004. In addition, on 1 April 2004, the SAA entered into force. After the European Commission gave its positive opinion on Macedonia’s EU membership application on 9 November 2005, the Council granted the country a candidate status on 16 December 2005. In 2009 the European Commission had recommended opening of membership negotiations, repeated annually in all its subsequent progress reports, but the Council so far has not decided to open the negotiations with Macedonia, primarily because of the opposition of Greece over the “name issue.” However, Macedonia in the recent years is also receiving growing EU criticism on worsening situation in meeting the political membership criteria. For this reason, and in absence of accession negotiations, High Level Accession Dialogue with the EU was established in 2012, especially focused on protection of freedom of expression in the media, rule of law and fundamental rights, reforms in the public administration, electoral reform and developing the market economy. Still, the Commission’s progress reports of 2013 and 2014 mark no significant progress on the issues. The situation has taken a turn to worse when the opposition parties refused to enter the parliament after the parliamentary elections held in April 2014, accusing of grave violations of election rules and no clear separation between the ruling parties and the state, also critically noted in Commission’s progress reports. As of the end of 2014, all these contributing factors left Macedonia with no EU membership negotiations opened, with no prospective chances for such a development in the near future.

17 The formulation used in the Commission’s 2014 Progress Report is usual restatement of this obstacle: “It remains essential that decisive steps are taken towards resolving the ‘name issue’ with Greece. The failure of the parties to this dispute to reach a compromise after 19 years of UN-mediated talks is having a direct and adverse impact on the country’s European aspirations. At http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf (accessed 15 January 2015).
1.2 The gender equality acquis in the EU enlargement and Macedonia. The ‘enlargement article,’ Article 49 of TEU, stipulates that “any European state which respects the values referred to in Article 2 and is committed to promoting them” may apply for EU membership, while Article 2 of TEU explicitly mentions “equality between women and men” as such value. In addition to these general provisions, there are the Copenhagen membership criteria adopted by the European Council in 1993\(^\text{19}\) that require from the applicant states to meet certain political criteria (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities), economic criteria (functioning market economy and the capacity to cope with competition and market forces in the EU) and the adoption of the acquis communautaire (ability to take on and implement effectively the obligations of membership). In this context, it must be noted that ever since the first EC/EU enlargement in 1973 gender equality has also began to accompany the accession of each new member state as a membership issue, gradually transforming into an explicit part of each of the above-mentioned membership criteria.\(^\text{20}\) As part of the membership criteria, gender equality addresses adoption and subsequent implementation of the gender equality acquis that is commonly defined as “all the relevant Treaty provisions, legislation and the case law of the Court of Justice of the European Union (CJEU) in relation to gender equality.”\(^\text{21}\) In addition to the legally binding acquis, in the context of EU enlargement the issue of gender equality may also be addressed and promoted through forms of “soft law” of the EU institutions that are most directly involved in the enlargement process. Such are the annual resolutions by the European Parliament regarding Commission’s yearly progress reports on candidate countries, or special resolutions targeting gender equality in the enlargement process like the most recent one with respect to the Western Balkans, namely, the European Parliament Resolution on women’s rights in the Balkan accession countries of 2013.\(^\text{22}\) On the part of the European Commission such are certain policy documents as the annual Enlargement Strategy and Main Challenges or the Strategy for equality between women and men 2010-2015.

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22 2012/2255(INI)) of 4 April 2013, rapporteur MEP Marije Cornelissen.
On the part of the Council of the European Union, such a key document is the *European Pact for Gender Equality (2011-2020)*, which are later addressed in part 3.1 of this article. Furthermore, EU has designed specific legal and policy framework, as well as certain financial instruments to help the reforms in the candidate countries and potential candidate countries towards meeting the membership criteria. For the so-called Western Balkan countries the framework has four main components:

- *Stabilization and Association Agreement (SAA)* as a main form of contractual relations between the EU and a candidate country from the Western Balkans;

- *Accession Partnership* which is aimed at providing additional tailored support for the candidate country in meeting the EU membership criteria by identifying the priority areas for reforms and for EU’s financial assistance;

- *Instrument for Pre-Accession Assistance (IPA)*, an umbrella instrument for the EU’s financial and technical help for the necessary reforms towards meeting the EU membership criteria;

- *Progress Reports by the EU Commission* as an annual evaluation of the progress made in meeting the EU membership criteria, and are used as a main instrument in deciding whether to move a candidate country towards a next phase in the accession procedure.

In the case of Macedonia as candidate country, the gender equality dimension of these components are as follows:

- the SAA has no specific provisions targeting gender equality, apart from one article that concerns social cooperation area and the adjustment of the legislation on “working conditions and equality between men and women” (Article 90.3). Additionally, there is only general referral to “human rights” in Title 1 of SAA (General Principles) and in Article 2 which stipulates that “the respect for democratic principles and human rights” is essential element of SAA. This means that everything that has been subsequently done in terms of adopting EU’s gender

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24 As of the end of 2014, candidate status has been granted to Macedonia (2005), Montenegro (2010), Serbia (2012) and Albania (2014), while Bosnia and Herzegovina and Kosovo are still considered as potential candidate countries. Membership negotiations have been opened only with Montenegro (2012) and Serbia (2014).
equality *acquis* is basically covered indirectly under the Title VI of SAA that refers to the “approximation of laws and enforcement,” which legally binds Macedonia to approximate all domestic legislation with all of EU’s *acquis*, both in terms of the EU’s “hard law” (regulations, directives) and “soft law” (resolutions, recommendations, policy documents, best practices in the EU member states, etc.):

- *The Accession Partnership of 2008,* in the short and mid-term priorities mentions “women’s and children’s rights” (?!), but nowhere else in its text gender equality or women’s rights are mentioned or contextualized.\(^{26}\);

- *The High Level Accession Dialogue EU- Macedonia* that was specifically established for the country in 2012 also has no explicit mentioning of the gender equality in its agenda, although all the issues it focuses on (freedom of expression in the media, rule of law, fundamental rights, reforms in the public administration, electoral reform, developing the market economy) involve problems concerning women’s rights and gender equality, as it will be addressed in part 2. The level of (non)presence of gender equality in IPA and Commission’s progress reports on Macedonia will be presented in part 3.

1.3 Gender mainstreaming of Macedonia’s euro-integration agenda

1.3.1 The legislative framework for gender equality. Macedonia’s aspirations for EU membership have provided an additional impetus for further development of the gender equality legislation, especially important in tackling some novel problems that have occurred due to the transition to market economy.\(^{27}\) The Constitution of 1991 contains both gender equality clause (Article 9) and gender anti-discrimination clause (Article 54). It also guarantees reproductive rights and free reproductive choices (Article 41). All the systemic and key laws explicitly restate the gender equality and gender anti-discrimination clause. Macedonia was a pioneering country in the Western Balkans with the gender quotas of “minimum 30% of each sex” on the candidate lists with its election legislation in 2002,\(^{28}\) upgrading it to “quota of 30% both on the first and the second half of the submitted candidate lists” in 2004\(^ {29}\), and finally to quotas of “minimum 30 %

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\(^{26}\) Council Decision 2008/212/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC.

\(^{27}\) For a comprehensive presentation and analysis of Macedonia’s gender equality legislation, especially in the context of the transposition of EU legislation, see K.Ristova-Aasterud (2012). Country Report on Legal Perspectives of Gender Equality in Macedonia in Legal Perspectives of Gender Equality in South East Europe, SEELS Network Lawyers for Europe, Skopje: Center for SEELS, 101-134.


of the less represented sex on candidate lists for both parliamentary and local elections” in 2006, with an additional requirement that in each three positions on the lists, one is given to a candidate of the less represented sex. However, these quotas do not apply for mayors or for the composition of the national government. Furthermore, the Law on Political Parties of 2004 explicitly obliges the political parties to promote the principle of gender equality in their activities, as well as to enable gender equal access to the party functions. In the aftermath of the entrance into force of SAA in 2004 and almost simultaneously with the process of applying for EU membership, the Labour Law of 2005 was the first systemic law adopted through a procedure of approximation with the EU law, incorporating the EU directives concerning the gender equality in labour relations, and for the first time it had introduced the EU’s concepts of direct and indirect discrimination in labour relations, sexual harassment at work, burden of proof in cases of discrimination based on sex, protection of the breastfeeding workers and parental leave, all novel to the Macedonian legal order. However, two key legislative projects that are lex specialis regarding the transposition of the EU gender equality acquis in the Macedonian legal order are the Law on prevention and protection against discrimination of 2011 and the Law on equal opportunities for women and men of 2012. In this respect, the anti-discrimination law was the first law adopted with corresponding tables of compliance with EU law, and prohibits all forms of discrimination on ground of gender. It stipulates that its application refers to all state bodies, units of local self-government and legal entities with public authority, as well as to all individuals and legal entities in the area of employment relations and working conditions, education, culture, science, sports, social security and social protection, health insurance and health services, housing, information of the public and media, access to goods and services, membership and activity in unions, political parties and the NGO sector. It also enlists acts of discriminatory behavior that are sanctioned as misdemeanors, with monetary sanctions ranging between 400-1000 Euros, as well as it provides for judicial protection against certain acts of discrimination in a competent civil court. As for the Law on equal opportunities for

31 Official Gazette of Republic of Macedonia no.76/2004
32 The prior labour laws of Macedonia had only recognized the paid maternity leave of 9 months, while the fathers had the right to parental leave for a newly born baby only if the mother was dead, sick or abandoned the baby. Also, there was no legislative provisions on breastfeeding (female) workers. Official Gazette of Republic of Macedonia no. 60/2005.
34 Official Gazette of Republic of Macedonia no. 6/2012.
women and men, the initial version had been adopted in 2006, amended in 2008, but because it did not meet all the EU standards, a completely new text of the law followed in 2012. The declared subject matter of the law is equal treatment and equal opportunities of women and men in Macedonia, regulating the basic and special measures for achieving that goal, the rights and duties of all responsible subjects, and the procedure for establishing and protection for an unequal treatment. The law gives precise definitions of equal treatment, equal opportunities, discrimination based on sex and its forms as direct and indirect discrimination, harassment and sexual harassment based on sex, and for full gender equality and gender mainstreaming in accordance with the CEDAW and EU legal standards and definitions. It must be noted that the concept of gender mainstreaming was first introduced by this law, and it is quite novel in the Macedonian legal order, especially the gender mainstreaming in a form of gender-sensitive budgeting and of all statistical data that both the public and private sector are providing for the State Statistical Office. The law provides for a comprehensive application in both public and private sector, very much alike the anti-discrimination law. There is an extensive list of measures for establishing equal gender opportunities with accompanying designation of the concrete subjects responsible for their adoption and implementation. Curiously, the measure of 40 % political gender representation as targeted threshold that was previously introduced in the law of 2006 is no longer included in the list. The law also obliges the Assembly every eight years to adopt a “Strategy for Gender Equality” prepared by the government, followed by four years “National plan for action on gender equality” and annual operative plans.

1.3.2 Gender equality policy framework. The Macedonian government adopted its National Strategy for European Integration of the Republic of Macedonia in September 2004, but it did not contain any explicit referral to gender equality in the context of meeting the EU membership criteria. Only the subsequent governmental National Programme for the Adoption of the EU Law, first adopted in 2006, and its subsequent revisions (nine as of 2014) do include the gender equality acquis in referral to meeting the membership criteria, with an accompanying short and

35 In June 2011 the Ministry of Labor and Social Policy had conducted and issued a comprehensive Analysis on the level of Implementation of the Law on Equal Opportunities for Women and Men, and it was concluded that some of the legal definitions regarding gender equality and gender discrimination, the competences of implementing institutions and the sanctions provided in the law were not in compliance with the EU standards. This was also part of the criticism and the recommendations of the NGO sector, the EU/European Commission and OSCE/ODIHR, which initiated a change in one third of the law’s text.

mid-term priorities, primarily based on the EU Commission’s critical observations in the annual progress reports. As this programme follows the formulation of the Copenhagen EU membership criteria, it must be observed that the EU gender equality acquis is covered in limited terms in the sections dedicated to the political criteria (“Human rights and protection of minorities”), and primarily in the sections dedicated to the “Ability to take on the EU membership obligations,” more precisely, in the section “Social policy and Employment,” subsection “Anti-discrimination and Equal Opportunities”, as well as in the section “Justice and Fundamental Rights”\(^{37}\) In other words, the EU gender equality acquis is not covered throughout the EU membership criteria, least of all in the part covering the economic criteria. In addition, there are several other national policy documents that target gender equality specifically, the most important ones being the *Strategy for Gender Equality 2012-2020*\(^{38}\) and the *Strategy for the Introduction of Gender Sensitive Budgeting 2012-2015*,\(^{39}\) both having their legal basis in the Law on equal opportunities between women and men. The latter strategy is quite a novel approach for the country, and it is aimed at overcoming seemingly gender neutral gender budgeting, drawing mainly on the experiences regarding gender budgeting mainstreaming in the EU and its member states. In 2013 the Ministry of Labor and Social Policy, in cooperation with the Ministry of Finance and UN Women, has also prepared a *Manual for gender sensitive budgeting for the administration of Republic of Macedonia*.\(^{40}\) In addition to these two main strategies, there are several other strategies that explicitly or implicitly concern women and gender equality: *Strategy on Equality and Non-Discrimination based on ethnicity, age, mental and physical disability and gender 2012-2015* (aimed at implementation on the EU-standardized anti-discrimination law), *National Strategy on Prevention and Protection Against Family Violence 2012 – 2015* (provides for gender sensitive measures and procedures for female victims as main victims of family violence), *National Strategy and Action Plan for Employment* (targets female unemployment as a separate category, provides for special measures for female (self)employment, especially of rural women and women belonging to the ethnic minority groups), *National Strategy and Action Plan for combating human trafficking and illegal migration 2013-2016* (with special measures and


\(^{38}\) Official Gazette of Republic of Macedonia no. 27/2013.


procedures targeting women and girls as victims), *Strategy for Demographic Development 2008-2015* (includes special provisions on equal opportunities for women and men, and special measures for combating female poverty and social exclusion), *and National Action Plan on the implementation of the UN Resolution 1325 on Women, Peace and Security 2012-2015* (it targets female inclusion in the decision-making and implementation of policies concerning peace and security issues, strengthening female participation in military and civil missions in preventive and post-conflict activities, and prevention of violence against women in pre-conflict and post-conflict situations).

### 1.3.3 Institutional framework and remedies for the promotion and protection of gender equality

Subsequent to the equal opportunities law of 2012 the country has developed variety of institutional and procedural forms for promotion and the protection of gender equality. The main institutional forms are: a.) permanent parliamentary commission for equal opportunities for women and men, first established in 2006, which oversees the implementation of the law, the strategies and the action plans concerning gender equality, reviews all legislative initiatives and policy documents concerning gender equality that are to be adopted by the parliament, and fosters cooperation with all relevant institutions and subjects, especially with the NGO sector; b.) governmental coordinators for equal gender opportunities for each ministry and governmental institution or agency, as well as a inter-sectoral advisory group on equal opportunities that is composed of representatives of the government, employers, workers, local self-government and experts – they all have certain competences to follow the implementation of gender equality legislation and policy documents in and across the ministries. The overall supervision on the governmental side is coordinated by the Ministry for Labour and Social Policy, more concretely, by its special department for equal gender opportunities headed by a appointed state adviser for equal opportunities, both firstly introduced in 2007, and as an upgrade of the previous ministry sector for gender equality formed in 1997; c.) equal opportunity commissions in the elected councils of each unit of local self-government, as well as coordinators for equal opportunities in the executive office of the mayors; d.) The Broadcasting Council of Macedonia supervises the implementation of gender equal opportunity law with respect to the media that are obliged to raise public awareness about the concept of gender equality and to refrain from offensive and

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41 For more on these strategies see at the official web site of the Ministry of Labour and Social Policy of the Republic of Macedonia at [http://www.mtsp.gov.mk](http://www.mtsp.gov.mk).
depreciating manner based on gender. The Council is obliged to prepare annual analysis on these issues and submit annual reports to the national Assembly. It also has the competence to issue recommendations and warnings to the media, as well as to sentence them with monetary sanctions on the basis of violation of the law. The procedural and (legal) remedies for protection of gender equality consist of: a.) petition against unequal gender treatment before the legal representative of the Ministry of Labour and Social Policy – the petitions may be submitted by concrete individuals or legal entities directly or by their legal representatives, under no financial charge, upon which, if violation of equal gender opportunities is found, a recommendation by the minister is issued to the subject against which the petition was submitted, under the obligation to remedy the situation within 90 days; b.) petition against gender discrimination before the Office of the Ombudsman – these petitions refer to violations or limitations of gender equality and gender discrimination committed by the organs of the state administration or any other legal entity and physical person with public authority as subscribed with the competences and the procedures in the Law on the Office of the Ombudsman. On the merits of the case, the Ombudsman may issue opinions, recommendations, proposals, initiate disciplinary procedures, procedures before the office of the state prosecutor or request temporary suspension of implementation of administrative acts; c.) Petition against gender discrimination before the Commission for protection against discrimination – The Commission was established by the national Assembly and conducts its competences under the anti-discrimination law of 2011, and it represents a an independent body of seven members that should have expertise in human rights. With respect to the petitions on the grounds of gender discrimination that can be submitted under no financial charge, on the merits of the case, the Commission may issue recommendation to the perpetrators to remedy the situation within 30 days, and if that is not the case, initiate procedures before competent organs or institutions; d.) Judicial protection of the right for equal gender treatment and against gender discrimination - both equal gender opportunities law and the anti-discrimination law provide for avenues for court protection of the gender equality and against gender discrimination: lawsuit for violation of the right for equal treatment based on sex, and lawsuit against discrimination, respectively. In both cases, it is a civil type of lawsuit, before the civil courts. The lawsuit is treated as urgent. The burden of proof as it is regulated in these two laws is in compliance with the EU Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.
2. Macedonia on its way to EU membership: counter-gendering the integration agenda

2.1 Reality check of the country’s gender equality indicators. It is quite obvious that in the aftermath of gaining the EU candidate status in 2005, in terms of gender equality, the country’s focus has been placed on the adoption of EU gender *acquis*. This, of course, is an important advancement in itself. But, if we put into the equation different statistical and other indicators, then a more complex picture would form regarding the issue. It must be duly noted that this sobering process can also be credited to the introduction of the EU’s statistical standards in the work of the State Statistical Office, which, as of 2008, has begun to generate gender statistics and publish them in a special edition titled *Women and Men in Macedonia*.

2.1.1 Gender (in)equailty in politics and public sector. Even before Macedonia’s EU candidate status, EU had a key influence in advancing female political representation in Macedonia through the Gender Task Force of the Stability Pact of 1999, especially by actively supporting the introduction of election gender quotas. As result, women’s representation in the national parliament and in the local councils has substantially increased. From less than 8 % prior to the introduction of the quotas in 2002, the female parliamentary representation first jumped to 18.3% in 2002 elections, reaching 34.1 % in the last 2014 elections, above the current average of 27% in the EU. In the local councils, women’s representation from 6.1 % in 1996 has initially jumped to 22.7% in 2005, and to 30% in local elections of 2013. However, there are no quotas for the executive power on national and local level. Since 1991 there is this unwritten “two women rule” in the government, “broken” only in 1998 when the government included four female ministers out of 24 (16.6%). For the most part, women’s representation has never reached above 10%, with the current number being two female ministers out of 26 (7.6%), significantly below the EU’s current average of 27%. In the last local elections of 2013, out of 339 candidates for mayors, 26 were women (7.6%), and only 4 out of total 81 elected mayors are women (4.9%), which is an improvement compared to the local elections of 2009 when no woman was elected mayor, or compared to only three women mayors after 2005 local elections (3.5%). With respect to the state and local administration, a 2011 study of the Ombudsman has established that

only 29.4% of state servants are women.\textsuperscript{44} In sectors that are considered “masculine” (military and police forces, public prosecutors, prisons, economy, agriculture), men are overrepresented (60-80\%) both in terms of employment and managing positions, while women’s representation is stronger (40-60\%) in sectors such as education, health, labour and social welfare. The only curiosity is the “feminization of the legal professions”, including the positions of judges where women are represented above 50 \%, and in some courts reaching 80\%.\textsuperscript{45} When it comes to political parties, 2010 gender study on 17 parliamentary parties\textsuperscript{46} has found out that in average, female party membership is between 25-40\%, with only four parties where it reaches towards 50\%. (in two major and two minor parties). Ten parties have statutory gender quotas, in most cases of 30\%, although one party has 20\% quota (the opposition ethnic Albanian party DPA) and one 40\% (Liberal Democrats). However, even in those parties who do not have gender quotas (including the ruling VMRO-DPMNE), women’s participation in the party organs has reached up to 30\%. Only two minor parties have female presidents, and SDSM as of the two biggest parties in the country had been led by a woman (2006-2008). As for the party programs, the study of 12 party programmes has indicated the following: the issue of women’s position in society is addressed, mainly in terms of human rights, (reproductive) health, demographic and social policy, economic empowerment and family violence, but with no specific mentioning in the context of EU enlargement or EU gender equality acquis; these issues are addressed either in special sections or throughout the programme. Only 7 party programmes specifically address gender equality and gender discrimination.

\textbf{2.1.2 Socio-economic and cultural gender (in)equality.} The EU’s Commission 2012 Gender Equality Country Profile of Macedonia\textsuperscript{47} had presented the gender (in)equality in the country through five indicators, including comparison to the EU’s average: 1.) General participation rate of women in the labour market was 35.3\% (58.5\% in EU). However, the share of women actively looking for work (31\%) exceeded the EU average (9.8\%); 2.) The rate of women

working part-time (6.7%) lied significantly below EU-average (31.6%); 3.) University education attainment of women equaled 15%, well below the EU-average of 24.8% and was marked with gender specific choices on the fields of study and subsequent under/overrepresentation in occupations and sectors (as illustrated also under 3.1.1 with respect to the state and local administration). So, the existence of ‘typically male” and “typically female” fields of study is predominant; 4.) the under/overrepresentation of women and men in hierarchical positions in companies was ambivalent, being 15% (14% in EU) in corporate boards and 29% in management positions (33% in EU). More recent EU review of the progress for 2013 indicates that women make 20.3% of the boards of large companies (16.6% in EU).48 5.) No official data exist for the gender pay gap in Macedonia, but different studies indicate that the gap is 15-25% in favor of men (16% in EU). On the last point, a 2013 comprehensive study on the gender pay gap in the Western Balkans49 had indicated that the Macedonian average gender pay gap is 13.4%. The gap is biggest in the middle wage distribution (19.5%), but it shrinks when going towards the lowest wage distribution (11.5%) and the highest wage distribution (10.3%). The gender wage gap shrinks with education levels i.e. it is 10.4% for university educated women, compared to 20.1% for those with secondary education and 22.3% for those with primary. The gender gap also increases with the tenure with the employers, whereas lesser gap exists for women employed in “socialist times” (2.1%) and it increases for younger women that experience much more wage discrimination (between 14-17%), dominantly in the private sector. The Macedonian gendered statistics for 201450 indicate that women make 40% both in the employment and unemployment rates. In the urban areas, only 34.8% of the employed are women, while in the rural areas is even lower, only 29.3%. Women make 63.2% of the population inactive in the labour market, which is due to the correlation between employment and education in favor of men. The data show that 60% of the employed with elementary and high school education are men, while the women with lower levels of education are discouraged to seek employment, especially if of older age groups (55-64) in urban areas, as well as in the rural areas where 65.3% of the unpaid family workers are female. In contrast, 74.1% of the employers and 80.9% of the

self-employed in the rural areas are men. Recent study has also showed that due to the strong patriarchal traditions, and in spite of the equal inheritance rights, in 89% of rural families, it is the men who own the family house, and that only 6% of the women own farmland.\textsuperscript{51} In urban areas, women have better chances with the employment if they possess university diploma, and they do make 51.2% of the university educated employees. But, women also make 62.2% of the university educated that are unemployed. This significant gap is indicative of gender discrimination at the point of employment. Indeed, 2012 survey of the Ministry of Labour and Social Policy reported that 22% of the women applying for jobs in the private sector had experienced discrimination during job interviews by being asked about marital status and plans to have children, and a 2013 study on discrimination in media job announcements conducted by the anti-discrimination commission had established that gender discrimination participates with 55% as a discriminatory ground and the personal (marital) status with 21%, mostly in the private sector (93%).\textsuperscript{52} This, together with the growing number of reported cases of women losing jobs due to pregnancy or maternity leave, had prompted changes in the Labour law in 2013 to explicitly prohibit such practices.\textsuperscript{53} Finally, the 2014 statistics also show that only 28.4% of the employers are women and only 20.4% women are self-employed. In the highest paid jobs, women participate with only 19.2%. Overall, all these statistical indicators of women’s socio-economic disempowerment in Macedonia can be attributed to a great extend to the persistent patriarchal traditions and cultural patterns that struggle alongside the perceptions of gender equality inherited from the previous system, including among women. As it is pointed out in the 2012 EU Commission’s country gender profile on Macedonia, one of the main reasons for the low participation of women in the labour market is that the family duties and care for children and elderly is traditionally considered female domain. For example, the last official statistical survey of time use from 2009\textsuperscript{54} shows that in average men spend 3 h. of their time on employment, and only 1.17% h. on domestic activities, while women spend 1.37 h. on employment and 3.58 h. on domestic activities. In families with small children (0-6) these

\textsuperscript{53} Official Gazette of Republic of Macedonia no. 13/2013.
disparities are greater, men spend 4.08 h. on employment and 1.32 h. on domestic activities, while women 1.33 h. on employment and 5.50 h. on domestic activities. The pattern is the same for both employed and unemployed men and women. A subsequent EU-funded study of 2010 on women’s perception on gender in the economy indicated that 62% of women agree that the domestic obligations, especially care for children, represent an obstacle for women’s freedom to participate in the labour market, employments and promotions to higher managerial positions.\(^{55}\)

According to the official data from the Ministry of Labour and Social Policy cited in the study, only 23% of the children age 0-6 are placed in child care facilities. However, in terms of balancing work and family life, the study also revealed that women are divided on the issue that “it is not cost-effective for a woman to work if there are children or elderly in the household who are need of care” (42% disagreed, 31% agreed and 27% have no opinion) and that women in great numbers believe that “mother should put the care for her children ahead of her career” (54.1% fully agreed, 20.1 % partially agreed), although when the same statement concerned fathers, the percentage of women’s answer dropped to 45% of full agreement and 19.6% partial agreement. As the study also indicated, while there is a high female confidence in equal gender job qualifications and high female support of equal gender treatment at employment and work, significant number of women seem not to detect the correlation between gender equality at work and at home, as there is a significant number of women who believe that it is normal for men to be less involved in domestic activities (31.2% agreed and 17.5% had no opinion). In terms of the measures for increasing women’s employment, women prioritized as follows: 1.) increasing the number of affordable care facilities for children and elderly (26.8%); 2.) introducing more flexible working hours (21.1%); 3.) improving access to better paid jobs (19.9%); 4.) improving access to sectors in which women are underrepresented (16.7%); 5.) reducing the gender pay gap (1.4%). Placing the gender pay gap at the bottom of priorities indicates that most women are not aware of it i.e. continue to believe in the myth of equal gender pay from “socialist times.” In this direction are also the findings of the study that apart from the equal rights to education and pay, a well as the protection of pregnant women, half of the surveyed women did not have clear understanding of the new legislation adopted in accordance with the EU’ gender equality *acquis*. Finally, we must add into the equation some of findings from the most comprehensive study on

domestic violence in Macedonia that had been conducted in 2012.\textsuperscript{56} It reaffirms not only that the conservative patriarchal values are still embedded in the family life in Macedonia, but that their vitality is very much in correlation with the economic disempowerment of women: 60% of the victims of domestic violence are women, while 62% of the perpetrators are male; in terms of the physical domestic violence, 80% of victims are women that are unemployed or inactive; 67% of the domestic violence happens in rural areas; in terms of the economic domestic violence, 76.6% of the victims are female, with highest prevalence among unemployed (36.6%) and homemakers (22.3%) who are mostly victimized by refusal money for household expenses (42.7%), prevention from seeking or getting employment (35.17%) and taking away the money earned (16.5%).

2.1.3 Implementation of the EU gender acquis. For the most part, the institutional machinery and legal remedies that had been introduced with the new legislation as presented under 1.3.3, have been established and are functional. The negative exception is the Ministry of Labour and Social Policy, the very institution that is in charge of the overall supervision of the new legislation. The Ministry is obliged to appoint a legal representative for gender equality to deal with petitions ever since the first equal gender opportunity law of 2006, but it had employed such representative only in December 2009. After the transfer of the legal representative to another ministerial job in 2012, the Ministry has not appointed a replacement, and all petitions are now forwarded to the anti-discrimination commission, which is in clear violation of the equal gender opportunity law of 2012. As for the anti-discrimination commission, the data published on its official website are also very discouraging. For the period 2011-2014, it had dealt with only six petitions on grounds of gender discrimination, out of 183 (3.2%), and in four of those cases no discrimination was found. In terms of the multiple grounds of discrimination, out of 53 petitions, only 12 include gender (22.6%). It seems that women prefer this type of petitions because out of 12 such petitions, ten were submitted by women, usually accusing of gender discrimination in combination with age (two cases), health/maternity leave/employment (five cases) and family and marital status (five cases). In only one of the 12 cases, discrimination had been established (gender/age/employment). In the other cases, no discrimination was found, citing lack of evidence or procedural grounds (late petitions or incompetence). As of January 2015, there is not

a single court case initiated on the grounds of gender discrimination. Furthermore, a 2014 NGO analytical study on the two-years implementation of the equal gender opportunity law has concluded that the obligations stemming from the law and the subsequent strategies are hardly being implemented, apart from the general set-up of the institutional framework on national level, and to a very limited success on the level of local self-government. Much of the by-laws and institutional adjustments in different state institutions and agencies have not been made (only in 16.7%), and in most of the local councils only 36% of the equal opportunity commissions have been activated. Apart from changes in collection of gendered statistical data, the concept of gender mainstreaming and gender sensitive budgeting are not functional. The commission on equal gender opportunities in the national parliament also has modest activity, containing itself to minor changes in legislative and policy proposals.\textsuperscript{57}

2.2 \textit{Facta non verba: governmental deconstruction of EU’s gender equality values.} On 23 October 2012 which is a national holiday “The Day of VMRO” (a historical organization which fought for independent Macedonian state in the times of the Ottoman Empire), the president of the Macedonian government since 2006, Nikola Gruevski, had made a speech in which he addressed the issue of negative demographic trends in the country i.e. the fact that there is no simple demographic reproduction on the part of the ethnic Macedonians. Then he had continued by pointing out that despite the fact that the country is facing such a grave problem “we have this twisted debate in the country about gay marriage, adoption of children by guy couples, about rights of women and rights of men, who was more represented in politics and business.” The statement promptly caused unusually strong protest reactions from the women’s organizations, and the very next day he had a meeting with the president of the parliamentary equal opportunity commission, also president of a minor coalition party in the government, on her request, after which she made a statement to the media that Mr. Gruevski had clarified to her that his speech had been misinterpreted, that he was a supporter of gender equality, and that there was no need for apology for his speech. In any case, this statement of the president of the Macedonian government, is paradigmatic for the double talk and mixed messages of his governmental policies with respect to gender equality that are on-going throughout his mandate, up to 2015. On one side, as presented under 1.3, his government obediently transposes EU

gender equality *acquis* into the domestic legislature, adopts different national strategies and action plans, and establishes an institutional machinery for its promotion and protection. On the other side, there is the governmental extensive and intrusive political and policy narrative of “family values” and “multi-children families” in a very patriarchal, conservative and “demo-christian” mode that has never been seen in Macedonian politics before. There are five key indicators of the governmental deconstruction of gender equality. First, as a starting point, gender equality is not included in the declared governmental “strategic priorities and goals” for 2011-2015, not even in the part on human rights. Moreover, in the ruling party’s election programme 2014-2018, gender mainstreaming and gender budgeting are mentioned almost in a reporting manner referring to government’s obligations to the EU, but in terms of concrete measures, the programme is dominated by measures of protection women’s motherhood role, such as building day care centers for children. Second, ever since Gruevski’s government had adopted its national strategy on demographic development 2008-2015, there is an on-going and visibly expensive media campaign promoting “family values” and “benefits of having multi-children families.” A study of the governmental PR campaigns published in January 2015 has pointed out these campaigns do not aim at informing the citizens of governmental policies, but at imposing a system of values on the private lives of the citizens, especially by reinforcing the traditional, religions and patriarchal gender roles, completely against the gender emancipation and equality. The campaign messages openly attack individuals, especially women, for “being selfish” if they pursue careers or if they resort to abortions. Instead of creating sustainable demographic policies and quality living standard, the governmental “demographic policy” reverses the pressure on the brainwashing the citizens to accept the bipolar model of “family or career,” even by dictating a “return” of the traditional extended family in which young couples live with their parents who would take care of their children. The “family values” campaign even went on the ridiculous side in 2013 when a new law on the support of domestic music production was adopted and it stipulated that governmental subvention would be given to

60 For example, in one of these campaign ads, the vocal slogan is that “children are our treasure, they make us closer to God,” and in another a girlfriend tells her boyfriend that she is pregnant and that “the baby is a boy, and he will look like you” and “our parents will help us out with raising him.”
domestic musical compositions dedicated to, among other topics, “family values” and “multi-children” families (10 compositions annually!), but, of course, none on “gender equality.”62 The third deconstruction has happened in 2008 with the changes in the law on protection of children by introducing a new right to “parental financial supplement” of 150 euro for duration of ten years, but for which only the mothers who decide to have third or fourth child are entitled, unlike the regular parental supplements for the first and second child to which either of the parents are entitled.63 The new version of the law of 2013 has reaffirmed this same right.64 Ever since its introduction, this legislation raises many controversies, especially among experts and women’s organizations, who worry that with the current unemployment rates, this measure will cause greater women’s withdrawal from actively seeking jobs, undoing the opposite practice for decades, which, as stated earlier is better than the one in EU. Moreover, considering the fact that the sum for third and fourth child combined is higher than the average salary in the country, it is most certainly that in more traditional or poorer regions will increase the (family) pressure on (unemployed) women to give up on pursuing education, jobs or careers, and focus on having more children. The fourth deconstruction is the Ministry of Education’s decision to suspend the gender studies at the biggest state university SS. Cyril and Methodius in Skopje, beginning from the academic 2014/15, and replace them with introduction of family studies. This decision is contrary to the whole concept of the institutional machinery in the domestic gender equality legislation and strategy documents for which these studies were tailored, and with an aim to provide a pool of academically educated and qualified professionals to fill in that machinery. The Ministry is also facing frequent media exposure for approving more and more study books for elementary and high school education in which the children are served with patriarchal gender stereotypes with respect to roles of women and men in the family and jobs, completely opposite of the gender mainstreaming obligation in education as stipulated in equal gender opportunities law. The fifth and most intrusive and controversial deconstruction came in the form of new Law

63 In 2014, there was a petition on grounds of gender discrimination before the Commission for the protection against discrimination submitted by a father who had been denied such an supplement for a third child because the mother of the child is a foreign citizen, and the right is only for the mothers, Macedonian citizens. The Commission opinion stated that this was not a case of discrimination because the “state has promoted this affirmative measures for its female citizens as bearers of birth-giving. Unlike the other parental supplements tied to the child, this one is tied to the mother who is responsible to nurture the child.” (?). See, Opinion on the petition no.07/1130-1 from 10.09.2014, at http://www.kzd.mk/mk/prestavki/2014/category/67-%C4%80 voskodno (in Macedonian, accessed 30 January 2015).
64 Official Gazette of Republic of Macedonia no. 23/2013.
on termination of pregnancy adopted in June 2013. The law was adopted in less than a month after its announcement and without opportunity for substantial debate in the national Assembly and the public. The regular three phased legislative procedure was avoided, and the so-called “shortened legislative procedure” was used, accompanied with a governmental explanation that the new law would make only nomotechnical and language interventions in the concept of the previous liberal abortion law of 1972 that was from the previous socialist regime and outdated in that respect. Moreover, the government publicly insisted that all changes in the law are for “stronger protection of women’s health.” Although the new law in definitional terms does not deny the constitutionally guaranteed right to abortion, it introduced many novelties, primarily of procedural nature, that are aimed at obstruction of its realization in practice. Such are the unjustified number of documents from different institutions that a woman must collect to realize the right in the timeframe of ten weeks after the conception when she can freely abort, mandatory medical council on the “health benefits of carrying on the pregnancy and harmful health effects of abortion”, mandatory wait period of three days after the mandatory council and the prohibition of more than one abortion per year. The government only gave up on its initial legislative proposals that married women are obliged to inform their husbands and obtain their consent for the abortion, due to huge public outrage and, allegedly due to the (informal) pressure from its women’s organization in the party and its female members of parliament. Violations of these provisions of the law are subject of severe monetary penalties, and in, certain instances, prison terms for the doctors. Subsequently, in September 2013 the law had been constitutionally challenged before the constitutional court by the author of this article and a group of NGOs, but with no success, because the court, after an year silence, in October 2014 announced that it had refused to perform constitutional review of the law “as the law is not unconstitutional, it does not ban abortion, and it only regulates the right for the protection of women’s health,” with only one judge submitting separate opinion in favor of the petition that the law is unconstitutional. This came as no surprise to the petitioners or the public, as the composition of (majority) in the constitutional court had been completely reconstructed in 2012 by parliamentary and presidential appointments of judges that are known political supporters of the current government, causing doubts in its independence, as it has been also observed in the 2014 progress report of the EU

65 Official Gazette of Republic of Macedonia no. 87/2013.
Commission. It must be also be noted that this attack on the constitutional right of abortion did not come as a complete surprise, as the government as early as 2009 had commissioned a campaign for “informing the public on the purported consequences of abortion,” mostly through billboards and TV videos, and in one of those videos there was an explicit labeling of abortion as murder.66.

3. EU between declaration and dedication to gender equality in Macedonia

3.1 Gender equality in EU enlargement policy and political rhetoric. As it was pointed out in 1.2, gender equality is part of the legal framework of the EU enlargement process. As of 2015, it is also reinforced with three key policy documents. First such document is the EU Council’s European Pact for gender equality for the period 2011-2020 in which it “reaffirms its commitment to reinforce governance through gender mainstreaming by integrating the gender perspective into all policy areas including external action.”67 The second is the Commission’s Strategy for equality between women and men 2010-2015 in which there is a special part dedicated to gender equality in external action, including EU enlargement: “Candidate countries must fully embrace the fundamental principle of equality between women and men. Monitoring the transposition, implementation and enforcement of EU legislation in this area remains priority of the enlargement process, which the EU supports financially.”68 Finally, there is the Commission’s Enlargement Strategy and Main Challenges that accompanies the annual progress reports on candidate countries. In its most recent version of 2014-2015 “women’s rights” and “ensuring gender equality” are placed in the part “fundamentals first,” accompanied with declared dedication that both in membership negotiations (especially on chapter 23 – judiciary and fundamental rights), and in the pre-accession assistance ( IPA II), these issues would get more attention and in a more structured manner (early opening and closed at the end to allow for maximum time for solid track record and irreversibility of the reforms, substantial guidance, interim and closing benchmarks, safeguards and corrective measures, including stopping negotiations on other chapters if progress on chapter 23 lags behind). The Commission further points out that “more needs to be done to support women’s rights and to ensure gender equality,” and outlines the most serious problems, such as discrimination in employment, low women’s

66 In the video, a doctor approaches an expecting man in a hospital corridor and tells him: “Congratulations, you have just murdered a baby.”
participation in the workforce, and persistence of stereotypes and traditional gender roles that in some cases “to such an extent that they seriously limit the ability of women to assert their rights.”

If this Commission’s enlargement strategy is compared with the first one prepared for the Western Balkan countries for 2006-2007, a significant progress can be observed in the Commission’s language and declared dedication to the gender equality in the enlargement context. In the first such strategy the gender equality had not been mentioned in the “main challenges” at all, and it had been marginalized to incidental comments in the context of reviewing the situation with membership criteria in some of the countries included in the process. But then, if we look again at the current enlargement strategy 2014-2015, especially in the part referring to Macedonia, the general outline of the problems with gender stereotypes is not put forward as a priority problem for the country, in spite of all the deconstructing policies regarding EU’s gender equality values conducted by the Macedonian government, as outlined in part 2.2 of this article. Moreover, as mentioned under 1.2, gender equality issues are not part of the agenda of High Level Accession Dialogue EU-Macedonia, nor mentioned in the public statement of the Commissioner for EU Enlargement at the time, S. Fule. In fact, in all the years of Macedonia being a candidate country (2005-2015), there is not a single political statement of the highest EU representatives involved in the EU enlargement regarding gender equality in Macedonia, not even in the addresses before the Macedonian national parliament by the President of the EU Commission (R. Prodi in 2003 and 2004 and of J.M. Barroso in 2006) or in the address of EU Enlargement Commissioner (Oli Rehn in 2005). It is also illustrative and indicative that the latest EU Commissioner for EU Enlargement (2014-2019) Johannes Hahn, in his answers to the European Parliament’s questionnaire as commissioner-designate also did not address explicitly the issue of gender equality in the context of EU enlargement, apart from stating: “Fundamental rights need to be fully respected in practice not just in law. It is particularly important to ensure integration of minority groups and prevent discrimination on any

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grounds. These issues will be our priority with all countries and in our annual progress reports.\(^{73}\)

### 3.2 Monitoring the adoption and implementation of EU gender acquis

The main instrument for monitoring the fulfillment of EU membership criteria, including with respect to the EU gender acquis, is the Commission’s annual progress reports.\(^{74}\) First such report for Macedonia was published in 2005, in a form of an analytical report for the Commission’s opinion on the country’s EU membership application. From a structural point, the EU gender acquis was treated only in the part of the report dedicated to “adoption of the acquis “ as a membership criterion, more concretely within the negotiating chapters 19 (Social policy and employment) and 23 (Judiciary and fundamental rights). This approach has been kept in all subsequent progress reports, nine in total so far (2006-2014). In terms of the political criteria, women’s rights and gender equality are only occasionally mentioned in the context of “democracy and rule of law” and “human rights and protection of minorities.” For example, election gender quotas and female political representation do get mentioned in terms of the criterion “democracy and rule of law” in reviewing the situation with respect to elections and female representation in the national parliament in some progress reports (2006, 2011), but not in a regular manner after each elections, and never with respect to reviewing the other branches of state power (government, judiciary, public administration, etc.). When it comes to the political criterion “human rights and protection of minorities,” women’s rights and gender equality are always treated in the section of “economic and social rights,” in a very brief manner, and always referring to the “ adoption of the acquis” criterion i.e. to chapters 19 and 23, and occasionally to chapter 24 (Justice, Freedom and Security - the problem of trafficking of women and girls). Gender equality and women’s rights are never explicitly covered in the part reviewing the economic criteria. In the period of 2006-2010 the accent had primarily been put on the adoption of the gender acquis, while in the following years the Commission’s review and criticism has moved more towards the lack of institutional capacity for its implementation. Beginning with the 2009 report, the Commission has began to also include criticism of widespread discriminatory customs and traditions, as well as of gender stereotypes, pointing them out as a serious obstacle that undermines women’s basic rights. In the 2011 report, for the first time, it openly criticizes that “the equal opportunity issue

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is not a political priority of the government,” and only in the 2014 report it starts to openly put
the blame for fuelling discriminatory practices and gender stereotypes on “some national policies
and initiatives,” but without further elaboration as is the usual Commission’s approach regarding
some of the other fundamental human rights (rights of the ethnic minorities, for example).
Moreover, neither 2013 nor 2014 reports mention the new abortion law or the challenge of its
constitutionality, not even in the sections dedicated to the “human rights” or “rule of law”
criteria. If we compare the criticism expressed in the 2014 progress report with the subsequent
governmental National Programme for the Adoption of the EU Law (Revision 2015-2017) we
can conclude that the Macedonian government largely ignores EU’s criticism regarding
discriminatory practices and gender stereotypes, and that it intends to address them only in terms
of the short-term priorities regarding the education and media.\footnote{Supra note 46.}
In addition to the progress reports, there are two other mechanisms that can prospectively assist the EU’s Commission in
the monitoring process even more, as well as in shaping better policies with respect to the gender
equality in the enlargement context of Macedonia. The first such a mechanism are the gender
equality country fiches for the candidate countries, which are prepared by the European Network
of Experts on Gender Equality (ENEGE). Although these fiches are produced for the needs of
the Commission (DG Justice), they are growing into annual gender equality country profiles,
promoted in the same time with the overall progress reports, as it was the case with Macedonia’s
gender equality profile in the framework of the EU-initiative “Equality Pays Off.”\footnote{Supra note 58.}
The second mechanism is the Commission’s Database on women and men in decision-making – the database
was created in 2003, and it covers 34 countries (EU members states, EEA countries and
candidate countries, including Macedonia), and is focused on regular collection of data on
gender representation in political decision-making on national and local levels and in the
European corporate world.\footnote{http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/index_en.htm}

3.3 Gender (non) sensitive budgeting of EU’s pre-accession financial assistance.

3.3.1 The Instrument for Pre-Accession Assistance (IPA). The main financial assistance that
Macedonia receives from EU for meeting the membership criteria is the Instrument for Pre-
Accession Assistance (IPA). In the framework of IPA I (2007-2013) Macedonia had been
allocated 622.5 million euro. However, as it is stated in the 2014 progress report, the country has

\footnote{Supra note 46.}
\footnote{Supra note 58.}
\footnote{http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/index_en.htm}
trouble with the absorption capacity under the decentralized managing system that puts the national authorities responsible for managing most of the IPA money (470 million euro under IPA I), mostly due to the lack of adequate qualification and commitment on the part of the state administration, causing the country to lose 21 million euro by the end of 2013 (out of the 113.2 million euro). The overall absorption capacity is 37.3% of the allocated IPA I funds i.e. only about 232.6 million euro used.\(^7\)\(^8\) In the context of spending IPA funds on project that concern women’s rights and gender equality, the only data available are those on the official website of the EU Delegation in Macedonia. These data are not gender mainstreamed, and we had to extract them for the purposes of this article from the plain enumeration list of the IPA projects. Out of 400 IPA-financed projects, only eight concern gender equality, women’s rights and women’s empowerment in some form, as presented in Table 1: \(^7\)\(^9\)

### Table 1: IPA I Gender Equality Projects in Macedonia

<table>
<thead>
<tr>
<th>IPA Component</th>
<th>Title/Period/Aim of IPA Project</th>
<th>Sums for the project in euro</th>
</tr>
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<tbody>
<tr>
<td><strong>IPA Component I</strong> (Institution Building)</td>
<td>Strengthening linkages for gender aware and inclusive policy making processes (2011)</td>
<td>53,500</td>
</tr>
<tr>
<td><strong>IPA Component II</strong> (Cross Border Cooperation)</td>
<td>Promoting woman’s business enterprises in cross-border area (2011)</td>
<td>21,980.18</td>
</tr>
<tr>
<td></td>
<td>Women crossing borders for change (2011)</td>
<td>25,406.66</td>
</tr>
<tr>
<td></td>
<td>Women in network for innovation and entrepreneurship (2012)</td>
<td>73,717.33</td>
</tr>
<tr>
<td></td>
<td>Equality and gender mainstreaming across borders (2014)</td>
<td>129,820.46</td>
</tr>
<tr>
<td><strong>IPA Component IV</strong> (Human Resource Development)</td>
<td>Support to the Employment of young people, long – term unemployed and women (multi-annual 2007-2013, grand scheme)</td>
<td>1,300,000</td>
</tr>
<tr>
<td></td>
<td>(the indicators from the project reports do not segregate the data according to gender, so one cannot deduct how many women benefitted from the measure)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strengthening capacities for integration of marginalised women at the labour market, focus on ethnic minority women ( multi-annual 2007-2013, grant schemes) - Grants were provided to NGOs, agencies, economic chambers</td>
<td>1,500,000</td>
</tr>
<tr>
<td></td>
<td>Support to the implementation of gender equality (begins second half of 2015, 18 months, IPA Twinning Project) - main objective is to identify bottlenecks for the country’s equal opportunities law and gender equality strategies, and to develop G-markers for implementation and for the EU-funded projects</td>
<td>855,000</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>2,659,424.63 (gender) + 1,300,000 (cross-cutting) = 3,959,424.63</td>
</tr>
</tbody>
</table>

If we add all these projects together, from the IPA I funds allocated for Macedonia just above 2.5 million euro had been spent on gender equality projects. In a generous estimation, if we add the 1.3 million euro for the cross-cutting projects targeting employment of women with some other target groups, the sum raises to almost 4 million euro, which makes only 0.6% of the allocated and only 1.7% of the used IPA I funds. In addition to these national IPA projects, Macedonia had also been included in one regional IPA-funded project (176,339.87 euro) regarding gender equality titled “Preparatory measures for the participation of candidate countries and potential candidate countries in EIGE’s work” obtained by the European Institute for Gender Equality (EIGE) for the period of 18 months (2013-May 2014). The main project objective was to strengthen the capacity of candidate countries and potential candidates to comply with the EU policies in the field of gender equality. It was a pilot project to establish contacts, assess the needs and expectations of candidate countries and potential candidates, and explore ways of cooperation with EIGE in the future.\(^8^0\) Prospectively, under the IPA II (2014-2020) the promotion of gender equality is selected to be as one of the policy areas that will be specially targeted. Out of the 664.2 million euro planned, 53.2 are indicated for allocation for gender equality, yet again jointly with employment, social policies, education and human resource development.\(^8^1\)

### 3.3.2 European Instrument for Democracy and Human Rights (EIDHR).

Although EIDHR does not target only the EU enlargement, Macedonia had been receiving financial funding for gender equality also through this EU instrument. Since 2007, the following projects had been procured and financed through the EU Delegation under EIDHR, in total worth of 280,720.53 euro: 

- **Introduction of gender sensitive approach in Macedonian policy making** (2008 - 36,000 euro); 
- **A step towards gender equality** (2008– 41,997.15 euro); 
- **Woman in economy** (2009 - 41,232.67 euro); 
- **Achieving Gender Equality in Rural Communities** (2011 - 63,259.18 euro); and, 
- **Which gender is the Ohrid Framework Agreement** (2011- 72,231.53 euro).

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\(^8^0\) [http://eige.europa.eu/content/ipa-project](http://eige.europa.eu/content/ipa-project).

Concluding remarks

Macedonia represents a case study that clearly indicates both the strong and the weak points of the gender dimension of the EU enlargement. In positive terms, the country’s path from gaining independence to stabilization in the aftermath of the violent dissolution of former Yugoslavia, and from stabilization to association with the EU as a candidate country for EU membership, exemplifies the overall constructive and positive role of the EU in the process, including with respect to the issues of women’s rights and gender equality. Indeed, EU’s gender acquis and gender equality policy documents do have an effect to make a candidate country have a more focused and dedicated approach regarding these issues, especially in terms of “adoption of the acquis” as a membership criterion. In this article I have extensively elaborated that only after the Stabilization and Association Agreement of 2001 had entered into force in 2004, and after the subsequent gaining of a candidate status for EU membership in 2005, did Macedonia started to develop a very solid legal, policy and institutional framework for the advancement and protection of gender equality and against gender discrimination in all areas of social life. Additionally, it can be observed that EU has developed solid methods and instruments to gather information and statistical data in order to detect and identify candidate countries’ progress on the membership criteria, which to an extend is illustrated through the allocation of EU’s financial aid (IPA) i.e. what types of projects are financed. In Macedonia’s case, the financial aid is pointed primarily towards building an institutional capacity for support of the implementation of the EU’s gender acquis, as well as towards the problems of women’s unemployment and women’s socio-economic empowerment, which, as presented indicators do show, are indeed major problems. But, apart from these positive aspects, Macedonia’s case unfortunately gives more arguments to conclude that women’s rights and gender equality are still treated as secondary issues in the context of EU enlargement, and that there are several major weakness that need to be overcome, as well as more steps to be taken to turn EU’s declaratory commitment into an effective dedication. First, for future references, gender equality must receive a more prominent and explicit place not only in EU’s general policy documents regarding EU enlargement, but also in the concrete pre-accession instruments such as the association agreements and accession partnerships, which currently deal with the issue only implicitly. Second, gender equality should not be covered almost exclusively through the criterion “adoption of the acquis” but throughout all of the membership criteria (political and economic),
especially in the monitoring instrument such as the EU Commission’s annual progress reports on the candidate countries, which, as of now, deals with it prominently only in the negotiation chapters 19 (social policy and employment) and 23 (judiciary and fundamental rights); moreover, the progress reports should also state more critical positions regarding cases whereupon gender equality is deconstructed as an EU’s treaty value, even when such violations are committed implicitly i.e. in areas that are formally matters of national competence, as it is very clear in the case with some of the patriarchal (legislative) policies and projects of the Macedonian government. Third, the EU Commission should develop additional and more focused pressure mechanisms, such as annual gender equality country profiles on the candidate countries, drawing on the Commission’s database that, on its part, needs to be extended beyond the data collection of women and men in decision-making. Fourth, as EU insists on developing gendered statistics and gender sensitive budgeting by the candidate countries, it is only appropriate to lead by example by introducing the same approach with respect to the financial instruments of the EU enlargement, especially in the context of IPA funds; this will also provide stimulus for better planning and targeting for gender equality projects, and for building greater pressure to allocate more substantial funds on such projects, which currently are quite minimal and symbolic, as it is obvious in from the IPA I allocations in Macedonia’s case. Finally, in order for the EU’s commitment to gender equality to be taken seriously by the candidate countries, the political figureheads and representatives of the highest EU institutional level should also include the issue in its political rhetoric. As the Macedonia’s case clearly exemplifies, when a candidate country has issues with its international recognition, security and political stability, EU tends to discard gender equality as part of the “fundamental firsts” political rhetoric and policy approach, quite wrongly, as it further undermines the country’s ability to meet the EU’s membership criteria and eventually become a stable and prosperous EU member state.


