

Pursuant to Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue this

**DECREE
FOR PROMULGATION OF
THE LAW ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN**

The Law on Equal Opportunities for Women and Men, adopted by the Assembly of the Republic of Macedonia, on its session held on 11 January 2012, is hereby promulgated.

No. 07-155/1
11 January 2012
Skopje

President
of the Republic of
Macedonia
Gjorge Ivanov

President of the Assembly
of the Republic of
Macedonia
Trajko Veljanoski

LAW ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

1. GENERAL PROVISIONS

Subject of the Law

Article 1

(1) This Law shall regulate the establishment of equal opportunities and equal treatment of women and men, the basic and specific measures for establishing equal opportunities of women and men, the rights and obligations of the entities responsible for ensuring equal opportunities of women and men, the procedure for determining unequal treatment of women and men, as well as the rights and duties of the legal representative for equal opportunities of women and men (hereinafter referred to as: “the representative”), as a person appointed for conducting the procedure for determining unequal treatment of women and men.

(2) The establishment of equal opportunities of women and men shall be regulated by this Law and by other law regulating issues of interest for equal opportunities of women and men in the field of health protection and health insurance, social protection, access to goods and services, the economy, labour relations and employment, education and professional improvement, economic and ownership relations, the use of public products and services (consumer rights), culture and sports, information and communication technologies, defence and security, judiciary and administration, housing, public information and media, civil and public administration and in other fields of social living.

Objective of the Law

Article 2

(1) The objective of this Law shall be to establish equal opportunities of women and men in the political, economic, social, educational, cultural, health, civil and any other area of social life.

(2) The establishment of equal opportunities shall be within the responsibilities of the society as a whole, i.e. all the entities in the public and private sector and shall represent elimination of the barriers and creation of conditions for achieving total equality between women and men.

Application of the Law

Article 3

(1) This Law shall be applied in the public and private sector in the areas listed in Article 1, paragraph (2) of this Law.

(2) The entities establishing the equal opportunities and equal treatment of women and men shall be the bodies of the legislative, executive and judicial power, the units of the local self-government and other bodies and organisations in the public and private sector, public enterprises, political parties, means of public information and the civil sector and all the persons who provide goods and services accessible for the public and offered outside the area of private and family life and the transactions conducted in that context regardless if the respective person belongs to the public or private sector.

(3) Discrimination, harassment and sexual harassment shall be forbidden on the grounds of gender in the public and private sector in the areas of employment and labour, education, science and sports, social security, including the area of social protection, pension and disability insurance, health insurance and health protection, judiciary and administration, housing, public information and media, information-communication technologies, defense and security, membership and action in labour organisations, political parties, associations and foundations, other organisations based on membership, culture and other areas specified by this or other law.

(4) Discrimination on the grounds of gender in the access to goods and services in the public and private sector shall be forbidden, including discrimination in insurance schemes premiums.

(5) Each citizen shall be entitled to access employment without any restrictions, in accordance with the principle of equal treatment.

(6) In accordance with the principle of equal treatment in the access to employment, discrimination shall also be prohibited on the grounds of marital status, family status, colour, language, political and other beliefs, activities in labour organisations, nationality or social status, disability, age, ownership, social or any other status.

(7) The different treatment promoting equal opportunities of women and men in accordance with the purposes of this Law or other law shall not be considered as discrimination.

Definitions

Article 4

Certain terms used in this Law shall have the following meaning:

1. **Equal opportunities for women and men** shall be promotion of the principle for introducing equal participation of women and men in all the areas in the public and private sector, equal status and treatment in exercising all the rights and in the development of their individual potentials through which they contribute to the social development, as well as equal benefits from the results that come out of that development;

2. **Equal treatment** shall be the absence of direct or indirect discrimination on the grounds of gender, in accordance with this or other law;

3. **Discrimination on the grounds of gender** shall be every difference, exclusion or restriction based on gender, the consequence or aim of which is to endanger or disable recognition, exercise or practice of human rights and fundamental freedoms based on equality of women and men in the political, economic, social, cultural and civil or other area, regardless of their race, colour, gender, belonging to a marginalised group, ethnicity, language, citizenship, social background, religion or religious beliefs, education, political affiliation, family or marital status, property status, health condition or any other grounds;

4. **Direct discrimination on the grounds of gender** shall be when one person was treated, is treated or would be treated worse than other person in similar situation on gender grounds;

5. **Indirect discrimination on the grounds of gender** shall be when seemingly neutral provision, criteria or customary law puts persons of one gender in particularly unfavourable situation compared to persons of the other gender, save where that provision, criteria or customary law is justified by legitimate aim, and the means for reaching that aim are appropriate and necessary;

6. **Harassment on the grounds of gender** shall be undesirable behaviour associated with the sex of a person, the aim or consequence of which is violation of dignity of one person and creation of daunting, hostile, degrading, humiliating or offensive environment;

7. **Sexual harassment on the grounds of gender** shall be any kind of undesirable verbal, non-verbal or physical behaviour of sexual nature, which aim or consequence is indignity of one person, especially when daunting, hostile, degrading, humiliating or offensive environment is created;

8. **Full equality of women and men** shall be equal rights, possibilities, conditions and treatment in every sphere of the public and private life and absence of cultural, social, economic and political conditions which produce unequal relations of

power and unequal distribution of social goods between women and men;

9. **Equal representation** shall be every percentage representation of certain gender which is not less than the percentage of representation of that gender in the overall population and

10. **Inclusion of gender perspectives in the main flows** shall be integration of gender perspective in every phase of the process of construction, adoption, implementation, monitoring and evaluation of policies, taking into consideration the promotion and enhancement of equality between women and men;

2. TYPES OF MEASURES FOR ESTABLISHING EQUAL OPPORTUNITIES OF WOMEN AND MEN

Basic Measures

Article 5

(1) Basic measures for establishing the principal of equal opportunities of women and men shall be normative measures in the area of health protection and health insurance, social protection, access to goods and services, the economy, work relations and employment, education and professional development, economic and ownership relations, the use of public products and services (consumer rights), culture and sports, information and communication technologies, defense, judiciary and administration, housing, public information and media, civil and public administration and other fields determined by this or other law which prohibit discrimination on the grounds of gender.

(2) Basic measures towards achieving equal opportunities shall also be the measures for achieving total equality between women and men determined in the policies and programmes for systematic promotion of the principle of equal opportunities of women and men and respecting differences, for changing the social and cultural practices regarding women's and men's behaviour for eliminating prejudice, as well as any other practice based on inferiority or superiority of any gender or on the traditional social role of men or women.

(3) Basic measures shall also be the measures introducing systematic inclusion of equal opportunities of women and men in the process of creation, implementation and monitoring of budgets in separate social areas, including the performance of functions and responsibilities of entities in the public and private sector.

Article 6

(1) Basic measures in ensuring equal opportunities of women and men shall be the measures in the area of education and professional development.

(2) Education for establishing equal opportunities shall be an integral part of the educational system and professional training, which ensures preparedness of women and men for active and equal participation in each area of social life.

(3) In the course of preparation, adoption and implementation of the programmes for education or professional training, preparation of textbooks and school material and in the course of introducing organisational innovation and modification of pedagogical and andragogical methods, mechanisms for eliminating prejudice and stereotypes shall be necessarily provided as regards the establishing of equal opportunities.

(4) The state administrative bodies responsible for issues in the area of education and labour, the institutions conducting education and professional training shall be bound to conduct regular analysis of the contents of the curricula, programmes and textbooks from a viewpoint of promotion of equal opportunities of women and men.

Specific Measures

Article 7

(1) Specific measures shall be temporary measures taken to overcome the existing unfavourable situation of women and men, and which is the result of systematic discrimination or structural gender inequality arising from historical and socio-cultural circumstances.

(2) Specific measures shall be directed towards elimination of barriers or giving special contribution and incentives for the purposes of establishing equal starting points of women and men, equal treatment, balanced participation or equal social status, development of their individual potentials through which they make contributions in social development and equal use of the benefits of that development.

(3) The specific measures referred to in paragraph (1) shall include:

- positive measures shall be measures where, under equal circumstances, priority is given to persons belonging to the less represented sex, until equal representation or the aim for which they have been taken is reached. The positive measures shall be implemented in all of the bodies and at all levels in the area of legislative, executive and judiciary power and in other bodies and organisations, the local government, as well as in all the other public institutions and services, in political parties in the course of performance of political functions, commissions and boards, including participation in state-representative bodies at international level until equal representation is reached.
- encouraging measures shall be measures which ensure specific incentives or introduce specific benefits for the purposes of eliminating circumstances that lead to unequal participation of women and men or unequal status of genders or unequal distribution of social goods and resources, and
- programme measures shall be measures directed towards raising the awareness, organising activities and creation and implementation of action plans for encouraging and promoting equal opportunities.

3. ADOPTING AND MONITORING SPECIFIC MEASURES FOR ESTABLISHING EQUAL OPPORTUNITIES OF WOMEN AND MEN

Adopting Specific Measures

Article 8

(1) Specific measures shall be adopted by the bodies of the legislative, executive and judicial power, the units of local self-government and other bodies and organisations in the public and private sector, public enterprises, political parties, means for public information and civil sector in each area listed in Article 1, paragraph (2) of this Law.

(2) The specific measures shall be adopted on the basis of analysis and description of the situation of living of women and men, as well as the factors and circumstances that contribute to the inequality consisting of justification for the implementation of those measures, including the effect that these measures will have on their lives and opportunities.

(3) The entities referred to in paragraph (1) of this Article that adopt specific measures, shall adopt an implementation plan for the specific measures following positive opinion received by the Ministry of Labour and Social Policy.

(4) The entities referred to in paragraph (1) of this Article that adopted specific measures, shall submit annual report to the Ministry of Labour and Social Policy as regards the results from the implementation of those measures by 31 March in the current year for the previous year.

4. ENTITIES RESPONSIBLE FOR THE ADOPTION AND IMPLEMENTATION OF THE MEASURES FOR THE ESTABLISHMENT OF EQUAL OPPORTUNITIES FOR WOMEN AND MEN AND THEIR RESPONSIBILITIES

Assembly of the Republic of Macedonia

Article 9

(1) The Assembly of the Republic of Macedonia (hereinafter referred to as “the Assembly”) within its responsibilities shall take care of the elimination of every form of discrimination on the grounds of gender and of the improvement of the social status of women, shall integrate the principle of equal possibilities of women and men in legislative initiatives, policies and programmes; shall organise public debates and discussions on issues in the field of equal opportunities of women and men; shall analyse and give opinions on the influence of the legal provisions on the status of women and men, shall request reports and documentation from the institutions in charge regarding the sphere of work and shall prepare and publish reports as regards its work.

(2) The Assembly, in the course of selection of the composition of the working bodies and in the course of determining the composition of its delegations for cooperation with international organisations and in the course of cooperation with the parliaments of other countries, shall respect the principle of equal participation of women and men.

(3) The Assembly shall adopt a strategy for gender equality and shall monitor its implementation in sectoral policies and programmes and shall cooperate with the social partners, non-governmental organisations and other public institutions in the respective area.

(4) The Assembly shall establish and determine the composition and responsibilities of the Committee on Equal Opportunities for Women and Men as standing working body.

(5) The Committee on Equal Opportunities for Women and Men shall undertake the following activities:

- consider proposals to laws and other regulations adopted by the Assembly in the area referred to in Article 1, paragraph (2) of this Law, the Budget of the Republic of Macedonia, as well as other law proposals, and other proposals to laws and regulations in view of inclusion of gender concept in them,
- consider the proposal of the Strategy for Gender Equality,
- monitor the adoption and implementation of the basic and specific measures for the establishment of equal possibilities of women and men in all of the areas of the public and private sector,
- monitor the system of measures for eliminating the unequal treatment of women and men,

- adopt and alter laws and other regulations in the area of equal opportunities of women and men,
- take care of consistent implementation of provisions of this law and other laws in the area of equal opportunities of women and men and non-discrimination,
- encourage the cooperation between the responsible bodies for issues regarding equal opportunities of women and men,
- undertake initiatives and activities against the use of gender stereotypes and prejudice in public life,
- regularly inform the Assembly for all the issues connected to the equal opportunities of women and men,
- cooperate with the commissions on equal opportunities for women and men in the local self-government units,
- cooperate with the employers associations, the labour union, non-governmental organisations and associations that are active in the field of equal opportunities,
- cooperate with the relevant commissions of the other countries and
- consider other issues regarding equal opportunities for women and men.

Government of the Republic of Macedonia

Article 10

(1) The Government of the Republic of Macedonia (hereinafter referred to as “the Government”) within its competence shall take care of the promotion and establishment of equal opportunities and achieving the objectives of this Article through the application of the basic and specific measures laid down by this Law.

(2) The Government shall propose the Strategy for Gender Equality and shall submit it to the Assembly.

(3) The Government shall appoint a coordinator and deputy-coordinator on equal opportunities and shall monitor the implementation of the principle of equal opportunities for women and men in the strategic plans of the line ministries and budgets that cooperate with the Ministry of Labour and Social Policy.

(4) The Government shall publish statistical data on the representation of women and men in the appointed functions and decision-making, management and regulation bodies.

(5) The Government shall be bound to provide equal participation of women and men in its working bodies and delegations, consultative and coordinating bodies and in the appointment of representatives in management boards of public enterprises and institutions.

(6) The Government shall establish inter-sectoral consultative and advisory group for equal opportunities of women and men, consisting of officials/managing civil servants, representatives of civil organisations, employers associations, experts, representatives of local self-government, labour unions and other entities.

(7) The Government shall determine the number of members and the composition of the inter-sectoral consultative and advisory group. The manner of work of the inter-sectoral consultative and advisory group shall be regulated with its rules of procedure.

(8) The inter-sectoral group shall be bound to promote the concept of inclusion of gender aspects in the general policies of all public institutions, to monitor the integration of the concept in sectoral policies in cooperation with the social partners and institutions in separate areas, to monitor the progress of harmonisation of the national legislation with the legislation of the European Union and the European standards in the area of gender issues, to participate in the preparation and to give instructions in the process of preparation of the Strategy for Gender Equality and to monitor the periodical reports of the institutions.

(9) The work of the inter-sectoral group shall be coordinated by the Ministry of Labour and Social Policy.

State Administrative Bodies

Article 11

(1) The state administrative bodies shall be bound, within their duties, to promote and improve equal opportunities through undertaking the basic and specific measures referred to in Articles 5, 6 and 7 of this Law.

(2) The state administrative bodies shall be bound to cooperate with the employers associations, labour union and the associations that are active in the field of equal opportunities for the purposes of ensuring proposals and measures for fulfilling the objective of the Law.

(3) The state administrative bodies shall be bound, within their strategic plans and budgets, to incorporate the principle of equal opportunities of women and men, to monitor the effects and influence of their programmes on women and men and to submit reports within the framework of their annual reports.

(4) The state administrative bodies shall be bound to appoint an official – coordinator and deputy-coordinator, who will coordinate the works in responsibility of the state body for establishing equal opportunities.

(5) The state administrative bodies, after appointing the official person – coordinator and deputy-coordinator, shall be bound to inform in writing the Ministry of Labour and Social Policy.

(6) The coordinator and deputy-coordinator referred to in paragraph (5) of this Article shall be responsible for conducting the responsibilities of the state body for establishing equal opportunities within the meaning of this Law, shall give opinions and proposals on promotion and improvement of the equal opportunities within the

responsibilities of the state body, and in fulfilling their tasks shall be coordinated by and shall cooperate with the Ministry of Labour and Social Policy.

(7) The competencies and tasks of the coordinator and the deputy-coordinator more precisely shall be determined in the act on systematisation of posts of the state body.

(8) The coordinator and the deputy-coordinator referred to in paragraph (5) of this Article shall be bound, once a year, and not later than 31 March in the current year, to submit a report on their work in the previous year to the Ministry of Labour and Social Policy.

(9) The coordinator and the deputy-coordinator shall be bound to publish the report referred to in the paragraph (8) of this Article, on the website of the state administrative body.

Ministry of Labour and Social Policy

Article 12

The Ministry of Labour and Social Policy (hereinafter referred to as: the Ministry) regarding the equal opportunities of women and men shall perform the following functions:

- take care of promotion of equal opportunities of women and men in all of the areas of social living,
- take care of introducing the principle of equal opportunities in the main flows of reorganisation, promotion, development and assessment of the political processes at all levels and in every phase at national and local level,
- give opinion upon proposals for adoption of the basic and specific measures for establishing equal opportunities for women and men and shall monitor their implementation,
- cooperate with the Committee on Equal Opportunities for Women and Men in the Assembly in the course of preparation of laws, strategic documents and reports,
- submit to the Government or to the competent ministries proposals for the adoption or amending of laws and other significant regulations for the establishment of equal opportunities, as well as for the adoption of general and specific measures,
- prepare the proposal for the Strategy for Gender Equality and the plans for its implementation, monitor the implementation and publish annual reports on the activities and the results from its implementation,
- coordinate and support the work of the inter-sectoral group for the promotion of equal opportunities of women and men in the policies and programmes in every sphere of social living,
- monitor, in cooperation with the Ministry of Foreign Affairs, the implementation of the international agreements that refer to the equal opportunities and promotion of

the status of women,

- prepare national reports for the implementation of the international responsibilities by the Republic of Macedonia in the field of equal opportunities,
- prepare analyses, reports and other documents in connection with the equal opportunities and shall publish them on the web site of the Ministry,
- cooperate with employers associations, labour union and associations that are active in the field of equal opportunities,
- cooperate with the coordinators in the state administrative bodies, as well as with the coordinators and the commissions for equal opportunities established in the local self-government units, ensure their mutual coordination and prepare directions and proposals for fulfilling their responsibilities for achieving the aim of this Law,
- cooperate with the entities competent for the implementation of this Law referred to in Article 3, paragraph (2) of this Law,
- submit annual report to the Government for the undertaken activities and the progress made for establishing equal opportunities of women and men, by the end of June for the previous year,
- perform supervision over the implementation of the positive measures in the areas in which they were introduced and
- give opinion to the entities referred to in Article 8, paragraph (1) of this Law for the adoption of positive measures in the areas of social life in which there is unequal participation of women and men or unequal status of the persons belonging to one gender.

Ombudsman

Article 13

The ombudsman shall take care, within his/her legally determined competence, of establishing the equal opportunities through legal protection of the equal opportunities of women and men when one's rights have been violated or restricted by a state administrative body or by other bodies or legal entities and natural persons being entrusted with public authorisations.

Units of Local Self-Government

Article 14

(1) The units of local self-government, in order to fulfil the aims of this Law, within their competences, shall be bound to respect the principle of equal opportunities and to promote and develop equal opportunities of women and men through undertaking basic and specific measures referred to in Articles 5, 6 and 7 of this Law and to prepare an annual plan in which they will determine the basic and specific measures.

(2) The local self-government units shall be responsible, within their strategic plans and budgets, to incorporate the principle of equal opportunities of women and men, to monitor the effects and influence of their programmes on women and men and to report within the framework of their annual reports and to participate in the preparation of the Strategy for Gender Equality in the part which refers to the local self-government units.

(3) The bodies of the local self-government units, in the course of the adoption of developing plans and other acts, shall be responsible to review and take into consideration the proposed measures and activities by the commission for equal opportunities of women and men and the coordinator for equal opportunities of women and men.

(4) The state administrative bodies shall be bound to cooperate with the employers associations, labour union, the non-governmental organisations and the associations that are active in the field of equal opportunities for the purposes of providing proposals and measures for fulfilling the objective of the Law.

(5) The units of the local self-government shall be bound to constitute a Commission on Equal Opportunities for Women and Men, as a standing body, by a decision of the Council of the local self-government unit, and its composition, competences, tasks and responsibilities shall be determined by the statute of the local self-government unit.

(6) The Commission on Equal Opportunities for Women and Men referred to in paragraph (5) of this Article shall:

- give opinion regarding the materials and proposals for the sessions of the Council of the local self-government unit,
- participate in the preparation and adoption of the strategic document, especially in the course of preparation and adoption of the Strategy for Development of the local self-government unit, the adoption of the budget of the local self-government unit, the statute, the programme for work of the Council of the local self-government unit, etc.,
- identify and give proposals for the manners of incorporation and formalisation of the principle of equal opportunities and non-discrimination in the work of the bodies of the local self-government units and municipal administration and
- take care of consistent implementation of the provisions of this Article and other articles in the area of equal opportunities and non-discrimination, offering the Council of the local self-government unit measures and activities in the light of promoting the equal opportunities and non-discrimination based on the analysis of the determined circumstances in the areas within the competences of the local self-government units.

(7) The local self-government units shall be bound to appoint a coordinator for equal opportunities of women and men among civil servants in the local self-government unit.

(8) The coordinator referred to in paragraph (7) of this Article shall take care of promoting equal opportunities and non-discrimination within the competences of the local self-government units, shall give proposals and opinions related to equal opportunities to the Council of the local self-government unit and to the institutions and organisation at local level, shall prepare reports on the situation as regards the equal opportunities and non-discrimination within the local self-government units, shall cooperate with the Commission on equal opportunities for women and men within the Council of the local self-government unit and shall give rise to joint initiatives for the purposes of promotion of equal opportunities and non-discrimination, shall cooperate with non-governmental organisations and other institutions at local level upon the issue of equal opportunities and non-discrimination, shall monitor the situation of equal opportunities at local level and shall propose initiatives for undertaking measures for improving the situation as regards equal opportunities and non-discrimination and, in fulfilling its tasks, shall be coordinated and shall cooperate with the Ministry.

(9) The scope of work and tasks of the coordinator referred to in paragraph (7) of this Article shall be laid down in the act on systematisation of the posts of the local self-government unit.

Article 15

The coordinator for equal opportunities of women and men referred to in Article 14, paragraph (7) of this Law shall be bound at least once a year, and by 31 March at the latest in the current year for the previous year, to submit a report to the Ministry and to publish it on the web site of the local self-government unit.

Political Parties

Article 16

The political parties in their acts shall regulate the manner and measures for improving the equal participation of women and men in the bodies of the parties.

Means for Public Information

Article 17

(1) The means for public information throughout their programme concepts shall contribute to the development and rise of the awareness for equal opportunities, as well as for equal participation of women and men in the creation of programme concepts and content.

(2) Public presentation and presentation of a person in the means for public information should be non-offensive, non-deprecating or non-humiliating, on the grounds of gender.

(3) The Broadcasting Council of the Republic of Macedonia within its competences shall monitor the manner of presentation and presentation of women and men in programme concepts and contents and shall once a year submit a report to the Assembly.

(4) The Broadcasting Council of the Republic of Macedonia within its legal authorities and competences, once a year shall prepare analysis of gender issues in the programme concepts and content of the means for public information for which it is in charge to conduct control and monitoring of programme content, to submit it to the Council for review and adoption and to publish it on its web site.

Presentation of Statistical Data

Article 18

The Assembly, the Government, the state administrative bodies, judicial authorities and the other state bodies, the bodies of the local self-government unit, legal persons who are by law entrusted with doing businesses of public interest, associations, foundations, public enterprises, educational institutions, institutions in the area of social protection, health institutions, political parties, means for public information, companies and other entities which, by law, are obliged to collect, register and process statistical data, shall be bound to present these data in accordance with the gender and to submit them to the State Statistical Office.

5. STRATEGY FOR GENDER COMMUNITY

Article 19

The Strategy for Gender Equality (hereinafter referred to as the Strategy) shall be prepared for a period of eight years and shall consist of:

- analysis of the situation,
- instructions and measures for achieving the aims in separate areas of social life, primarily in the area of employment, social security and health protection, education, family relations and representation of women and men in public life,
- liability for implementing the measures for achieving the objectives,
- content, competent bodies and persons responsible for preparation and implementation of the national plan for action as regards gender equality for a period of four years and the annual operational plans directed towards strategy implementation,
- data collected and processed, and are related, kept, analysed and presented separately according to gender structure within the activities of the State Statistical Office,
- method of monitoring and reporting as regards the strategy implementation and
- means necessary for the implementation of the strategy measures, resources and the manner of providing those means.

6. LEGAL PROTECTION OF THE RIGHT TO EQUAL TREATMENT OF WOMEN AND MEN

Entities Competent for the Protection of the Right to Equal Treatment

Article 20

The protection of the right to equal treatment on gender grounds shall be made through filing a petition to:

- a representative in accordance with this Law or
- the Ombudsman or
- the Commission for Protection against Discrimination or
- the competent court.

Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry.

(2) The procedure in the Ministry shall be led by the representative.

(3) The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men.

Filing the Petition

Article 22

(1) A petition may be filed by any legal entity or natural person, in person or by proxy, in writing, orally into the minutes or in another form, telefax, or by e-mail.

(2) The petition filed by telephone should be submitted also in writing within eight days.

(3) For the orally filed petition, official note shall be composed.

(4) The petition shall consist of personal data for the applicant, data for the entity (legal or natural) to whom the petition refers, the circumstances and facts upon which the petition is based, data for the legal remedies previously invested by the applicant (if any) and signature of the applicant.

(5) Anonymous petition shall not be taken into consideration.

(6) The applicant of the petition shall be free of paying the administrative tax and other charges.

Article 23

(1) The petition shall be filed within six months from the date of finding out about the act of discrimination and one year after the date when the violation occurred at the latest.

(2) If the petition is incomprehensible and does not consist of the necessary facts for determining the act or the action of discrimination, the representative shall request it to be clarified by the applicant and to supplement it within 15 days from the date of the requested supplementation.

Not initiating a proceeding

Article 24

(1) The representative shall not initiate proceedings upon the filed petition if it is obvious that there has not been a violation of the right that the applicant invokes, i.e. discrimination on grounds of gender, if it has already lead a proceeding for the same issue and no new evidence and facts have been provided, if the deadline for filing of the petition has expired, if the petition is anonymous, if there has already been a proceeding for the same case before another court or if effective court decision has been made.

(2) When the representative does not initiate a proceeding upon the petition in accordance with paragraph (1) of this Article, he/she shall be bound to inform the applicant thereof within 15 days form the date of filing the petition and to explain the reasons thereof.

Initiation of Proceeding

Article 25

(1) The representative may initiate a proceeding upon his/her will as well.

(2) The regulations for personal data protection shall apply during the conduct of this proceeding.

Determining the Factual Situation

Article 26

(1) Upon receipt of petition, the representative shall determine the factual situation, with insight in the accompanying documents, taking written or oral statements from the applicant of the petition, from the person the petition has been filed against, as well as from other persons for who he/she believes to have data as regards the specific event.

(2) The filed petition shall be forwarded to the person the petition has been filed against within five business days from the date of initiation of the proceeding, in order to give his/her opinion upon the allegations within 15 days from the receipt of the petition.

Article 27

Legal and natural persons shall be bound, upon request of the representative, to submit data they have for particular cases of discrimination, as well as to allow immediate insight to be done in the documentation within 30 days from the date of submitting the request.

Duration of the Proceeding

Article 28

The representative shall conduct the proceeding and shall prepare written opinion within 90 days from the date of receipt of the petition.

Opinion and Recommendation

Article 29

(1) The opinion shall consist of rationale of the determined unequal treatment on the grounds of gender and a recommendation for the manner of elimination of the violation of the right.

(2) The prepared opinion shall be submitted to the Minister for Labour and Social Policy.

(3) The opinion shall be submitted to the applicant of the petition, the person the petition has been filed against and to other legal and natural persons involved in the proceeding, within eight days of its preparation.

(4) The person to whom the recommendation refers shall be obliged to act upon it and to remove the violation of the right within 30 days from the date of receipt of the opinion and to inform the representative thereof.

Failure to Act upon Recommendation

Article 30

If the person to whom the recommendation refers has not acted upon the recommendation, i.e. has not removed the violation of the right, the representative may initiate proceeding in front of a competent body for determining his/her responsibility.

Cooperation with Other Bodies

Article 31

The representative shall cooperate with the Ombudsman and with the Commission for Protection against Discrimination on specific cases of discrimination for which these bodies are competent to act upon.

Annual Report

Article 32

(1) The representative by 31 March at the latest shall prepare a report for the previous year on the adopted opinions, implemented recommendations and the effects of their implementation.

(2) The report shall be published on the web site of the Ministry and it shall be submitted in writing to the competent institutions.

Judicial Protection

Article 33

(1) The person who believes that his/her right to equal treatment on the grounds of gender has been violated, may file a lawsuit before a competent court.

(2) The provisions of the Law on Contentious Procedure shall be accordingly implemented in the proceeding, unless this Law provides otherwise.

(3) The proceeding shall be urgent.

Local Jurisdiction

Article 34

In the proceeding for protection of the right to equal treatment on the grounds of gender, besides the court of general local jurisdiction, the court of the area of residence of the plaintiff shall also be competent.

Lawsuit

Article 35

The lawsuit may require:

1) to be determined that the defendant has violated the plaintiff's right to equal treatment on the grounds of gender, i.e. the action which he/she took or failed to take, may immediately take him/her to violate the rights to equality in the proceeding;

2) to forbid undertaking actions which lead to violation or may violate the plaintiff's right to equal treatment, i.e. to undertake actions eliminating the unequal treatment or the consequences arising from it;

3) to compensate material and non-material damage, which has been caused by violating the right to equal treatment, in accordance with the Law on Obligations and

4) to publish the judgment in the means for public information which determines the violation of the right to equal treatment at the expense of the defendant.

Burden of Proof

Article 36

(1) When a person believes to be a victim of discrimination, he/she shall put forward

facts which may suppose that there has been discrimination and the person who is accused of committing discrimination shall be bound to prove that he has not violated the principle of equal treatment.

(2) The right referred to in paragraph (1) of this Article shall not apply in criminal procedures.

7. SUPERVISION OF THE IMPLEMENTATION OF THE LAW

Article 37

(1) Supervision of the implementation of the provisions of this Law and the regulations adopted on the basis of this Law shall be done by the Ministry.

(2) Inspection supervision over the provisions of this Law and the regulations adopted on the basis of this Law shall be done by the State Labour Inspectorate in accordance with this Law.

(3) For misdemeanours referred to in Articles 38, 39, 40, 41, 42, 43 and 44 of this Law, the misdemeanour procedure shall be led by the competent court and it shall impose misdemeanour sanction as well.

(4) If the State Labour Inspectorate finds that the misdemeanour referred to in Articles 38, 39, 40, 41, 42, 43 and 44 of this Law has been committed, it shall be bound to offer the offender a settlement procedure in accordance with the Law on Misdemeanours.

8. MISDEMEANOUR PROVISIONS

Article 38

(1) A person who has committed discrimination on the grounds of gender in the public or private sector shall be fined with a charge in the amount of 400 to 600 EUR in denar equivalent, in the misdemeanour areas referred to in Article 3, paragraph (3) of this Law (Article 3).

(2) The person in charge shall be fined with a charge in the amount of 600 to 800 EUR in denar equivalent, as well as other person in the legal entity, the body with public authorisations or an individual who performs certain business in the form of registered occupation, who, on the grounds of gender violates the dignity of certain person or creates threatening, unfriendly, humiliating or frightening environment, approach or practice (Article 4, paragraph (1), points 6 and 7).

(3) The legal entity shall be fined with a charge in the amount of 800 to 1,000 EUR in denar equivalent for the misdemeanour referred to in paragraph (2) of this Article (Article 4, paragraph (1), points 6 and 7).

Article 39

(1) The entity which shall not submit the plan for opinion to the Ministry prior to its adoption shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour (Article 8, paragraph (3)).

(2) The entity which has adopted specific measures shall be fined with a charge of 800 to 1,000 EUR in denar equivalent for a misdemeanour if it has not submitted annual report to the Ministry (Article 8, paragraph (4)).

Article 40

(1) The person in charge within the state administrative bodies, who shall not appoint a coordinator and a deputy-coordinator for equal opportunities, shall be fined with a charge of 400 to 600 in denar equivalent for a misdemeanour (Article 11, paragraph (5)).

(2) The person in charge within the state administrative bodies shall be fined with a charge of 400 to 600 in denar equivalent for a misdemeanour, if the coordinator or the deputy-coordinator does not submit a report on its work to the Ministry within the determined deadline (Article 11, paragraph (8)).

(3) The person in charge within the unit of local self-government, who shall not establish a commission on equal opportunities for women and men shall be fined with a charge of 400 to 600 in denar equivalent for a misdemeanour (Article 14, paragraph (5)).

(4) The person in charge within the unit of local self-government, who shall not appoint a coordinator for equal opportunities of women and men shall be fined with a charge of 800 to 1,000 in denar equivalent for a misdemeanour (Article 14, paragraph (7)).

(5) The person in charge in the unit of local self-government shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour, if the coordinator for equal opportunities of women and men in the unit of local self-government does not submit a report on its work to the Ministry within the determined deadline (Article 15).

Article 41

(1) The Broadcasting Council of the Republic of Macedonia shall be fined with a charge of 600 to 800 EUR in denar equivalent for a misdemeanour, if it does not prepare analysis on gender issues in the programme concepts and content of the means for public information, if it does not submit it to the Assembly for review and adoption and if it does not publish it for the broad public (Article 17, paragraph (4)).

(2) The person in charge in the Broadcasting Council of the Republic of Macedonia shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour, if the Broadcasting Council of the Republic of Macedonia does not prepare analysis on gender issues in the programme concepts and content of the means for public information, if it does not submit it to the Assembly for review and adoption and if it does not publish it (Article 17, paragraph (4)).

Article 42

The person in charge in the entities referred to in Article 18 of this Law shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour, if they do not collect, register and process statistical data distributed according to gender and if they do not submit them to the State Statistical Office (Article 18).

Article 43

The entities referred to in Article 3, paragraph (2) of this Law, which at the request of the representative, within 30 days, do not submit data or do not allow insight in the records, shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour (Article 27).

Article 44

(1) A natural person who does not act upon recommendation given by the representative shall be fined with a charge of 400 to 600 EUR in denar equivalent for a misdemeanour (Article 29, paragraph (4)).

(2) The person in charge who does not act upon recommendation given by the representative shall be fined with a charge of 600 to 800 EUR in denar equivalent for a misdemeanour (Article 29, paragraph (4)).

9. TRANSITIONAL AND FINAL PROVISIONS

Article 45

(1) The Strategy for Gender Equality referred to in Article 9, paragraph (3) of this Law shall be adopted by 31 December 2012.

(2) The Government shall appoint coordinator and deputy-coordinator referred to in Article 10, paragraph (3) of this Law within three months from the date of entry into force of this Law.

(3) The act referred to in Article 10, paragraph (8) of this Law as regards the composition and the manner of work of the inter-sectoral group shall be adopted within three months from the date of entry into force of this Law.

(4) The state administrative bodies shall appoint coordinator and deputy-coordinator referred to in Article 11, paragraph (4) of this Law within three months from the date of entry into force of this Law.

(5) The units of local self-government shall establish a Commission on Equal Opportunities referred to in Article 14, paragraph (5) of this Law and shall appoint coordinator for equal opportunities referred to in Article 14, paragraph (7) of this Law within three months from the date of entry into force of this Law.

Article 46

The Law on Equal Opportunities for Women and Men (Official Gazette of the Republic of Macedonia No. 66/2006 and 117/2008) shall cease to be valid on the date of entry into force of this Law.

Article 47

This Law shall enter into force on the eight day from the date of its publication in the Official Gazette of the Republic of Macedonia.