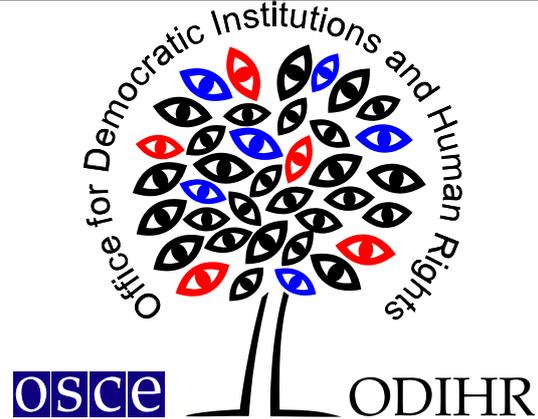


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Preliminary Comments
on the Draft Law on Equal Opportunities
of the
former Yugoslav Republic of Macedonia

**based on an English translation of the draft Law on Equal Opportunities
of the former Yugoslav Republic of Macedonia
provided by the OSCE Spillover Mission to Skopje**

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1. INTRODUCTION

1. The Ministry for Labour and Social (Department for Equal Opportunities) made a request to the OSCE Spillover Mission to Skopje, for comments on the draft Law on Equal Opportunities of the former Yugoslav Republic of Macedonia (hereinafter also referred to as “Draft Law”).
2. Further, the OSCE Spillover Mission to Skopje requested assistance from the OSCE ODIHR in this regard and this preliminary comment was drafted in response thereto.

2. SCOPE OF REVIEW

3. These preliminary comments do not equate to a full and comprehensive review, rather they have been drafted to serve as considerations which should be taken into account in light of international standards in the field of gender equality to which the former Yugoslav Republic of Macedonia has committed or may seek to commit.
4. In this regard, the OSCE ODIHR and the OSCE Spillover Mission to Skopje would like to make mention that the preliminary comments contained herein are without prejudice to any recommendations and comments to the Draft Law that both aforementioned institutions may wish to make in the future.

3. EXECUTIVE SUMMARY

5. The draft Law presents a unique opportunity to not only lay down legal principles and ensure compliance with international standards, but moreover install practical national machinery which would give effect to the principles and thereby ensure not only *de jure* but also *de facto* equality of opportunity between men and women.¹
6. Further to the above, it is recommended that:
 - A. the purpose of the Draft Law, sets the goals to be achieved, and not the means, which means should be transferred to further articles;
 - B. the important, Article 2, on Co-operation be maintained and reflected in the establishment of national machinery in further articles of the Draft Law;
 - C. the provisions contained in Chapter II of the Draft Law, which do not amount to a definition of terms, but rather constitute obligations and responsibilities for implementation of the Draft Law, should be transferred to a more appropriate section of the Draft Law;
 - D. the terms “harassment” and “sexual harassment” should be defined more precisely, further these articles call for the need to provide for provisions in the Draft Law which would regulated liability, sanctions and punishment for perpetrators and recourse, redress and compensation for victims;
 - E. that the provision of Article 9, be made more precise, especially since it is connected with the sanctions imposed under Chapter V;
 - F. discrimination in “areas of social life” be more precisely defined, as the scope of such a term is very wide. Similarly, as in the case of harassment, the discrimination

¹ OSCE participating States affirmed their goal to achieve not only *de jure* but *de facto* equality of opportunities between men and women and the promotion of effective measures to that end, as early as the Moscow Concluding Document, 1991, paragraph 40.4.

- outlined in this article, should be made unlawful and should be subject to liability, sanctions and punishment for perpetrators and recourse, redress and compensation for victims;
- G. the provision of Article 10(2) clearly delineate which acts of discrimination, cannot be considered unlawful;
 - H. measures to secure equal opportunities in education, as stipulated in Article 11, are extended to include review of school curricula;
 - I. political parties should be obliged to not only report and submit plans for action, as stated in Article 12, but there should also be a mechanism in place that would monitor their implementation;
 - J. given the sanctions imposed by Article 24 on “commercial subjects” and “citizens associations” on the failure to submit reports and plans, these subjects of the law should be defined;
 - K. the prohibition of broadcasting of material which could be considered as discriminatory based on gender, stated in Article 13, be made precise, be reflected in the already existing laws on broadcasting, and be necessarily balanced against the principle of freedom of the media;
 - L. the statistical data gathered under Article 14, should be stored, process and transmitted in accordance with international standards on data protection;²
 - M. the role, function, and powers of the Commission on Equal opportunities within the National Assembly is advised to be developed in the Draft Law;
 - N. the Draft Law presents an excellent opportunity to create a clear legal framework and national machinery for promoting and ensuring *de facto* implementation of equal opportunities for men and women. For this reason, it is a general recommendation to revise this, Chapter III of the Draft Law, to ensure precise demarcation of the enacted bodies, their composition, election, and responsibilities (including within regard to the National Action Plan of Equal Opportunities of Women and Men, stipulated in Article 15 of the Draft Law), with the Ministry of Labour and Social Policy as the coordinating body for all efforts;
 - O. the role of the Ombudsperson be strengthened and promoted, alternatively, the Draft Law may consider to establish a separate Ombudsperson for Equal Opportunities of a Equal Opportunities Board which would receive complaints of discrimination based on gender;
 - P. the national mechanism established by the Draft Law, monitor and control the implementation of programmes and plans submitted, under threat of sanction, by all relevant entities, and not merely ensure their submission;
 - Q. the penal provisions include liability for harassment, sexual harassment, and generally, discrimination based on gender;
 - R. the Draft Law clearly state the recourse, redress and compensation available to victims of harassment and discrimination;
 - S. the penal provisions regulate the issue of burden of proof, as resting on the person who allegedly discriminates or harasses to prove that the said act does not constitute discrimination;
 - T. in addition to the Draft Law, domestic violence be addressed, in order to criminalize the acts which constitute domestic violence and provisions which would provide effective assistance and remedies;
 - U. the Draft Law should clearly stipulate which existing provisions of other laws it will amend;

² In particular, Council of Europe Convention No.108 on the Protection of Individuals with regard to Automatic Processing of Personal Data

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- V. the Draft Law is accompanied by a detailed explanatory note, which would provide also, an assessment of the financial impact of the Draft Law;
- W. the Draft Law adopts gender neutral language;
- X. The Draft Law is translated into minority languages of the former Yugoslav Republic of Macedonia.

4. ANALYSIS AND RECOMMENDATIONS

4.1 Basic provisions – Goal and Purpose of the Law

7. It is duly noted and commendable that the purpose of the Draft Law, as elaborated in Article 1 (1), reflects the intention of the Government of the former Yugoslav Republic of Macedonia, to not only protect persons within their territory from discrimination on the basis of sex,³ but also actively promote, and establish equal opportunities of women and men in political, economical, social, educational and other fields of social life.

8. It is recommended to consider whether Article 1 paragraphs (2), (3) and (4) indeed express the goal or purpose of the draft Law, or whether they constitute general measures to achieve the goal or purpose, which would therefore suggest for them to be removed from Article 1 and placed in a more appropriate section of the Draft Law.

4.2 Basic Provisions – Co-operation between Associations of Employers, Trade Unions and Non-Governmental Organisations

9. Co-operation between the entities mentioned in this article is considered of utmost importance in achieving the purpose of the Draft Law. This provision rightly acknowledges that national action to promote equal opportunities between men and women cannot be effective without co-operation between bodies of State administration, bodies and units of local self-government, associations of employers, trade unions and non-governmental organizations. Therefore, further articles of the Draft Law will be examined below, also from the perspective of giving effect to this principle of co-operation in policy formulation.

4.3 Definition of Terms

10. It is of course, necessary and beneficial to any law to contain a definition of terms used throughout the law. In this instance, it is important to define terms such as “equal opportunity”, “harassment”, “sexual harassment”, “basic measures”, “special measures”, “positive measures” etc. However, the Draft Law in Articles 3 to 14, appears to be going beyond a mere definition of terms and Articles 8 to 14 elaborate on actions and obligations to be undertaken by various bodies and entities on achieving the purpose of the Draft Law. It is highly recommended that those articles which serve the purpose of implementing the law, be transferred into Chapter III on Subjects Responsible for the Task, their Authority and Obligations, or that a new Chapter be inserted into the Draft Law into which such articles may logically fit.

11. Article 5 on Harassment and Sexual Harassment, defines the terms and establishes such acts as discrimination. It is recommended as essential, that the Draft Law should not only define the nature of sexual harassment, and categorise it as a form of discrimination, but

³ As guaranteed by Article 9 of the Constitution of the former Yugoslav Republic of Macedonia, 1991.

most importantly, establish it as unlawful and provide the manner in which recourse and compensation may be sought by victims of sexual harassment as well as sanctions and punishment for perpetrators. In this way, the Draft Law would avoid having merely a declaratory effect, and provide for a measure through which enforcement of rights would be possible and sanctions on perpetrators could be imposed. In the event that the Draft Law is revised in this manner, the definition of harassment and sexual harassment should be extremely precise, given that it may give rise to sanctions and punishment of perpetrators.

12. Article 6 and 7 appear to be in line with the Convention in the Elimination of All forms of Discrimination against Women (hereinafter referred to as “CEDAW”)⁴. In particular, Article 7 of the Draft Law, is essential to establish in order to ensure that special measures are understood in the manner proposed by Article 4 of CEDAW on “temporary special measures” aimed at accelerating de facto equality between men and women, and not considered as discrimination.

13. It is recommended for Article 9 to be made more precise and connected with the programmatic and reporting obligations instituted by further articles of the Draft Law (such as, Article, 12, 14, 19 and others) in particular in view of the fact that Chapter V of the Draft Law provides for sanctions for a failure to design and implement such programmes.

14. Article 10 provides a definition of discrimination in the areas of social life. Similarly to the recommendation made to Article 5 on Sexual Harassment, this provision is recommended to go further by clearly establishing discrimination as unlawful, and providing for adequate measures of recourse, redress and compensation for victims of discrimination and sanctions and punishment for the perpetrators. This recommendation is particularly valid, in view of the fact that Article 9 the Constitution of the former Yugoslav Republic of Macedonia, 1991, already provides for a prohibition on discrimination, and this Draft Law should serve to not only repeat, but moreover, effect this guarantee in practice. If the aforementioned recommendations are taken into consideration, it should be noted that the definition of areas of social should be made more precise.⁵

15. Further to the above recommendation, Article 10 (2) is unclear as to its aim, and it is proposed that it would benefit from clarification. One way of clearly outlining the principle behind the proposed paragraph, would be to list those acts of discrimination based on gender, which are not to be considered unlawful, and therefore, do not give rise to sanctions or punishment. For instance, where it is an occupational qualification to be of a certain gender or where the duties of the position can be performed only by a person having particular physical attributes (other than attributes of strength or stamina) that are not possessed by persons of the opposite sex to the relevant sex, or where other provisions of law (which should be listed) provide for the protection of rights, relevant for only one sex, and not the other (ie. pregnancy).

16. Article 11 identifies and regulates an important area of social life where ensuring equal opportunity between men and women is crucial, that being education and access thereto. It is recommended that the article would benefit from further elaboration and introduction of specific measures beyond ensuring equal access to education. Given that the State education

⁴ G.A.res. 34/180, 34, U/N.GAOR Supp. (No.46) at 193, U.N.Doc A/34/46, entered into force Sept.3,1981. In force in the former Yugoslav republic of Macedonia since, September 17, 1991.

⁵ For instance, the law may reference equality and protection in various sectors such as, the employment sector in which case provisions on working conditions, recruitment, remuneration, promotion etc. could be referred to.

system, is one of the main conduits for social and cultural patterns, this provision could seek to at the very least instruct a regular review of school curricula,⁶ in order to ensure that it promotes gender equality as opposed to negative stereotypes, thus providing another way of bringing to life effective implementation of Article 5 and Article 10(c) of CEDAW. Additionally, the article is proposed to consider addressing also the issue of sexual harassment in secondary and tertiary education institutions.⁷

17. Article 12 represents a positive step in practical implementation of the purpose of the Draft Law. The next further step that is proposed to be taken is the adoption of a mechanism which would not only monitor the submission of a plan by political parties (and ensure the sanctioning of a failure to submit the plan as articulated in Article 25 of the Draft Law), but also monitor the actual implementation of the plan.

18. In view of the fact that Article 24 establishes sanctions and penalties for failure to submit reports by “commercial subjects” and “citizens associations”, it is recommended to include a definition of the terms, in order to make clear, what entities and bodies are obliged under the Draft Law to submit reports, and may be exposed to sanctions for failure to do so.

19. It is clear that just as educational facilities are a conduit for social and attitudinal patterns, so too is the mass media. The mass media has the potential to transfer images of “womanhood” and “manhood” and the concept of equality between men and women. It is noted that Article 13(2) of the Draft Law, would necessarily already amend existing legislation provision of Article 35 of the Law on Broadcasting,⁸ by adding a prohibition on broadcasting material which discriminates on the basis of gender, balanced against the principle of freedom of the media. Further, using the monitoring and control machinery available under the aforementioned act, this provision would serve the purpose of effective compliance with Article 5 of CEDAW. It is proposed that a reference to the existing mechanisms of control over broadcasting is made in the Draft Law.

20. It is proposed to ensure that Article 14 of the Draft Law, is in line with international standards on protection of personal data,⁹ in particular, in the cases where there is a risk of re-victimisation of and individual by divulging personal data on cases of discrimination, sexual harassment, domestic violence, trafficking, etc.

4.4 Subjects Responsible for the Tasks, their Authority and Obligations

21. As stated above, the Draft Law presents an excellent opportunity to create a clear legal framework and national machinery for promoting and ensuring de facto implementation of equal opportunities for men and women. For this reason, it is a general recommendation to revise this, Chapter III of the Draft Law, to ensure precise demarcation of the enacted bodies, their composition, election, and responsibilities (including within regard to the National

⁶ Such review may include, but not be limited to, and evaluation of existing (and/or non-existing) components of primary, secondary and tertiary educational structures, such as; course curricula, admission processes, retention processes, level promotion processes, formal complaint procedures, faculty promotion and hiring processes etc.,

⁷ Including, recourse redress and compensation for victims, as well as sanctions for perpetrators.

⁸ This Article States that: "Indecent contents must not be presented in the program, especially not those with pornography and violence. No programs can be broadcast which may have harmful influence on the physical, spiritual or moral development of children and young people. Films or other programs which may have harmful influence on the psychophysical development of children and young people can only be presented between 24.00 and 06:00 o'clock." (Official Gazette of the RM, no. 20/97)

⁹ As elaborated in the European Convention of the Automated Processing of Personal Data CETS.No.108.

Action Plan of Equal Opportunities of Women and Men, stipulated in Article 15 of the Draft Law).

22. Article 15 of the Draft Law establishes a Commission on Equal Opportunities, as a permanent working body within the National Assembly (Parliament). Article 15(3) states that the scope of action of the Commission will be determined by the Rule Book of the Assembly, however, it is recommended that indeed while rules of procedure of the Commission may also be reflected in the Rule Book of the Assembly, the main functions,¹⁰ obligations, tenure, scope of mandate, accountability, reporting lines, chain of command, complaint procedures and principles on which the Commission is to work, ought to be set out in this Draft Law. Additional articles are proposed to be drafted which would give a clear picture of where the Commission on Equal Opportunities fits in the national machinery for promoting equal opportunities between men and women, thereby not only placing it on a legislative basis, but also strengthening its decision making and enforcement powers and providing adequate human and financial resources.¹¹

23. Following from the above recommendation, it is also proposed to be clarified what is meant by the Commission on Equal Opportunities having that status of a “permanent working body”.¹² It would be essential to make clear whether this means that the members of the Commission would be apolitical civil servants, whether they would serve definite terms on office, the terms and criteria for appointment and dismissal, etc.

24. Article 16, establishes important principles of the functioning of the Government of the State, which principles articulated in paragraphs (1) and (2) should be maintained. However, as with the recommendation made to Article 15, the exact review and control mechanism of the effective implementation should be précised, in particular, the decision-making powers and control that may be exercised by the Ministry of Labour and Social Policy. Equally, it would be important to define such powers of the Ministry in Article 19 of the Draft Law.

25. It is recommended that Article 17, by instituting Coordinators within bodies of State administration, the Draft Law should not only oblige their regular reporting to the Ministry of Labour and Social Policy, but also define a Coordination mechanism which would provide a platform on which such Coordinators could meet and make recommendations as to necessary changes in policy and law, which transpire from the regular reporting. It is therefore essential that the Article retains its monitoring function ascribed to State bodies, but also that it goes further to add national machinery, which would distill recommendations and implement them in practice.

26. Further to the above recommendation, Article 19 on the functions, powers¹³ and obligations of the Ministry of Labour and Social Policy, the Draft Law should go further in making clear that the Ministry is responsible for Coordinating all of the activities of the bodies described in Article 17, thereby taking responsibility for a national machinery, which would include representatives of all of the parties mentioned in Article 2 of the Draft Law and have the function of drafting, review and implementation of the National Action Plan on

¹⁰ For instance, review and analysis of legislation of the National Assembly, from a gender perspective.

¹¹ For, instance support staff, resources for conducting analysis and expertise on legislation, amongst others.

¹² This phrase is also used in Article 21(3) of the Draft Law

¹³ For instance, on what criteria will “permission” be granted by the Ministry, to implement positive measures, as articulated in Article 19 (1) point 3.

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Equal Opportunities. Such, multi-sector, multi-disciplinary co-ordination is recommended to be considered and clearly demarcated in the Draft Law.

27. Article 20, defines the role of the Ombudsperson already envisages by the Law on Ombudsman.¹⁴ It is recommended that this article be reviewed and that national machinery for complaint, recourse, redress and compensation for individuals who have suffered discrimination be re-considered. This recommendation is made especially in view of the fact that according to the information available from the Ombudsman's Office, there is an absence of any applications related to the violation of a constitutional or legal right submitted by women (e.g., out of 1,000 applications, none is submitted with regard to gender discrimination).¹⁵ It may be considered to create the institution of an Ombudsperson on Equal Opportunities, or alternatively an Equal Opportunity Commission or Gender Equality Board, that would deal with cases concerning gender discrimination as defined in the Draft Law, and other legislation that deals with the subject matter of equal opportunity (such as labour laws, health laws etc.).¹⁶

28. Further to the above, and at the very least, it is recommended for the role of the Ombudsperson regarding protection against discrimination based on sex and promotion of equal opportunities, be more precisely defined in Article 20, and for the Ombudspersons office to be given the additional obligation of raising awareness on the national machinery already available to address cases of violation of the Draft Law and constitutional guarantees on the prohibition of discrimination based on gender.

29. At the municipal level, the Commission on Equal Opportunities is established in Article 21(3). As recommended above, in relation to the national level, the framework, mandate, authority and composition of the municipal Commissions should also be clearly specified in the Draft Law. These specifications are proposed to be in addition to and not instead of the those outlined in municipal statutes (that is, the Statutes of the units of local self-government, referred to in Article 21(3)).

30. It is recommended that the municipal Coordinator referred to in Article 21(2) and Article 21 (4), should be provided with an administrative/civil servant status and thereby remain as a permanent member of the municipal Commissions.

31. The obligation of the municipal Commissions to report to the Ministry of Labour and Social Policy, as stipulated by Article 21(5) should be further clarified in the Law, that is, the exact scope of cooperation and coordination between the municipal and national level should extend beyond the mere submission of a report. In addition, the report should ideally, be published and publicly disseminated.

4.5 Chapter IV – National Action Plan on Equal Opportunities of Women and Men (NAPEO)

32. As stated above, the Draft Law is the legal basis for national mechanisms; therefore, it is highly recommended that the responsibility for the National Action Plan on Equal Opportunities of Women and Men (“NAPEO”) be well defined in the Draft Law.

¹⁴ Official Gazette no. 60/03

¹⁵ Initial, Second and Third Combined Periodic report of the former Yugoslav republic of Macedonia on the United Nations Convention on Elimination of Discrimination Against Women. Skopje, 2004, p30

¹⁶ An example of such an institution may be found in the Act on Gender Equality, 30 May 2000 of Denmark,

Furthermore, as suggested above, it is proposed that the NAPEO be devised, controlled and regularly revised by a National Task Force, composed of all the entities mentioned in Article 2 of the Draft Law, under the auspices of the Ministry of Labour and Social Affairs. The NAPEO can serve as the perfect tool through which recommendations from all of the reports flowing from all State and non-State bodies can be synthesized and translated into action to be undertaken, as already suggested in part by Article 23(2) of the Draft Law.

4.6 Penal Provisions

33. It is commendable that the Draft Law underscores the importance of reporting requirements by the relevant bodies, by imposing sanctions on the failure to fulfill the reporting obligations laid down by the Draft Law.

34. It is recommended that, as already mentioned in the commentary on sexual harassment/discrimination, the Draft Law should establish liability for a failure to effect the principles of the Draft Law itself. That means the Draft Law should establish liability of State bodies and private companies, and individuals for the act of discrimination based on gender. The revision of the Draft Law in line with this recommendation, should also entail making more precise the unlawful act of harassment, sexual harassment and discrimination, as already recommended above.

35. Further to the above, if the Draft Law establishes liability and sanctions for discrimination, this is recommended to be followed by provisions on compensation and redress for victims of such an offence.¹⁷

36. Additionally, it is recommended to consider for the penal provisions to regulate the issue of burden of proof. That is, the Draft law is recommended to establish that for both sexual harassment and any other form of discrimination on the basis on sex – the burden of proving that an act does not constitute discrimination should be on the person who committed the act.

5. ADDITIONAL RECOMMENDATIONS

37. It is recommended that with the aim of compliance with recommendations of the OSCE,¹⁸ United Nations¹⁹ and Council of Europe,²⁰ acts of violence, in particular, domestic

¹⁷ see for instance; Article 2 (1) Part 2 on the Law on Gender Equality, Denmark, which states that persons whose rights under the law are violated, may be awarded compensation.

¹⁸ Chapter IV/Point 42, of OSCE Ministerial Council Decision No.14/04, on the 2004 OSCE Action Plan for the Promotion of Gender Equality, which refers to the elimination of all forms of violence against women.

¹⁹ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms Radhika Coomaraswamy, E/CN.4/1996/53.

²⁰ Recommendation Rec(2002)5 of the Committee of Ministers to member States on the protection of women against violence adopted on 30 April 2002, which in paragraphs 34 and 35, states that Member states should: Paragraph 34. “ensure that criminal law provides that any act of violence against a person, in particular physical or sexual violence, constitutes a violation of that person’s physical, psychological and/or sexual freedom and integrity, and not solely a violation of morality, honour or decency”; Paragraph 35. “provide for appropriate measures and sanctions in national legislation, making it possible to take swift and effective action against perpetrators of violence and redress the wrong done to women who are victims of violence. In particular, national law should: penalise sexual violence and rape between spouses, regular or occasional partners and cohabitants; penalise any sexual act committed against non-consenting persons, even if they do not show signs of resistance; penalise sexual penetration of any nature whatsoever or by any means whatsoever of a non-consenting person; penalise any abuse of the vulnerability of a pregnant, defenceless, ill, physically or mentally

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violence are appropriately legislated for. It is worth Stating that violence against women, particularly in the home is a serious obstacle to equality between women and men, and indeed perpetuates inequality by relegating women into a position of inferiority. The clear and specific definition of acts which may constitute domestic violence, definition of the relationships within which domestic violence may occur and introduction of procedural provisions which would provide effective assistance and remedies to the victims of violence and to the family affected by the violence, would serve to promote attitudinal change within the family, which indisputably is at the core of equality between men and women.

38. Referring to Article 1 (4) and the Part IV on Final and Transitory Provisions, it is proposed as essential to the proper functioning of the Draft Law to ensure the alignment of all affected laws with the present Draft Law. This recommendation goes to the heart of practical implementation of this Draft Law and in order to ensure such implementation an assessment should be made of laws which will require amendment at the outset, either in the text of the law, or in an accompanying explanatory memorandum.²¹ It is clear, that in the formulation of policies which are proscribed by this Draft Law and in the operation of the national institutions established by the law, further amendments and issuance of secondary legislation may become necessary, and are not able to be predicted at this point in time. However, it is nevertheless highly recommended to conduct an assessment at this point of those laws which would be affected by the Draft Law on its adoption and coming into force.

39. Further to the above recommendation and owing to the fact that the Draft Law proposes the establishment or expansion of activities of various authorities, a cost assessment is also recommended to be made.

40. Unless owing to the translation of the Draft Law provided, the Draft Law itself is recommended to use language which is gender neutral. For instance, Article 17 on the Coordinators in the Bodies of State Administration, in its paragraph 3, suggests that the Coordinator is of the male sex by stating that “The Coordinator... is obliged to submit a report on **his** work to the Ministry of Labour and Social Policy...”

41. It is also recommended that in accordance with the recommendations made in Beijing Declaration and Platform for Action,²² this law should be translated into minority languages of the former Yugoslav Republic of Macedonia, in order to ensure full awareness of the provision and redress on their basis, to all persons comprising the State.

[END OF TEXT]

handicapped or dependent victim; penalise any abuse of the position of a perpetrator, and in particular of an adult vis-à-vis a child.”

²¹ For instance, this *may* include amendments to the Laws on Elections, External Affairs, Citizenship, Labour Relations, Employment Protection, Health Care, Education, Housing, Commercial Activity, etc., as well as a number of various regulations (and other secondary legislation) governing, the same.

²² Objective 1.3 par. 233(a) Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 91995) and A/CONF.177/20/Add.1 (1995).