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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

NORTH MACEDONIA

DRAFT LAW ON GENDER EQUALITY

1. GENERAL PROVISIONS

Subject of the Law Article 1

This Law shall regulate the establishment, improvement and promotion of measures to accomplish gender equality in all areas of social living and shall determine the competencies of the entities responsible for the implementation of this Law and the special gender mechanisms.

Objective of the Law Article 2

The objective of this Law shall be to ensure the accomplishment of full gender equality, by strengthening the position and status of women in society, equal access to resources and equal participation in decision-making in all spheres of social living to fully overcome obstacles and to create conditions for achieving the potential of everyone, regardless of their sex, gender and gender identity.

Application of the Law Article 3

(1) This Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorisations and all other legal entities in the area of:

- 1) Employment and labour relations;
- 2) Education, science and sports;
- 3) Social security, including the area of social protection, pension and disability insurance, health insurance and health protection;
- 4) Judiciary and administration;
- 5) Housing;
- 6) Public information and media;
- 7) Access to goods and services;
- 8) Membership and activity in political parties, associations, foundations, trade unions or other membership-based organisations;
- 9) Culture;
- 10) Protection of the environment and coping with climate change; and
- 11) All other areas.

(2) The entities referred to in paragraph 1 of this Article shall be obliged to take measures or actions to accomplish gender equality.

Definitions Article 4

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

- 1) "**Gender equality**" means equality of men and women in visibility, valuing, strengthening, responsibility, participation in all spheres of public and private life, access to and equitable distribution of resources.
- 2) The term "**women and men**" includes both girls and boys up to 18 years of age. The term women and men also refer to transgender people.
- 3) "**Sex**" means the physical characteristics of the individual (reproductive system, chromosomes, hormones) based on a combination of physical characteristics and internal reproductive organs.
- 4) "**Gender**" means the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for both women and men.
- 5) "**Gender identity**" refers to the each person's internal and individual experience of gender, which may or may not correspond to the sex assigned at birth, including the

- personal sense of the body and other expressions of gender, including name, clothing, speech, mannerisms and more;
- 6) "**Transgender person**" means a person who has a gender identity different to the sex assigned at birth;
 - 7) "**Gender mainstreaming**" means the incorporation of a gender perspective at every stage of the process of assessment, adoption, implementation, monitoring and evaluation of policies in all areas and at all levels, in order to achieve gender equality and prevent the deepening of gender inequalities.
 - 8) "**Gender mainstreaming tools**" means approaches, activities, measures and procedures with the systematic and consistent application of which gender mainstreaming is achieved;
 - 9) "**Gender-responsive goals**" means policy goals aimed at reducing inequalities and achieving gender equality.
 - 10) "**Gender indicators**" means tools for monitoring gender differences, gender-related changes over time and measuring progress towards achieving gender-responsive goals;
 - 11) "**Gender responsive budgeting**" means gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process, planning and restructuring of revenues and expenditures in order to achieve gender equality;
 - 12) "**Full equality**" - means the 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.
 - 13) "**Equal representation**" means the percentage representation of women and men in all spheres of social life which is not less than the percentage of representation of that gender in the overall population;
 - 14) "**Gender equality measures**" means the activities undertaken to achieve, ensure and maintain full equality. ;
 - 15) "**Gender-sensitive language**" means ensuring the visibility of women in spoken and written language and avoiding the maintenance of gender stereotypes through language;
 - 16) "**Equal pay for equal work or work of equal value**" means the absence of discrimination on grounds of sex, gender and gender identity with regard to the determination and payment of remuneration for equal work or work of equal value. Remuneration transparency is an essential condition for ensuring equal pay for the equal work or work of equal value;
 - 17) "**Traditional women's unpaid work**" Traditional women's unpaid work means labour for which women do not receive any direct remuneration and arises from the unfair distribution of domestic responsibilities between women and men, as well as non-availability and inaccessibility of public services and infrastructure.
 - 18) "**Gender gap**" means the difference in any area between women and men in terms of their level of participation, access, rights, remuneration and/or benefits.
 - 19) "**Establishing a balance between private and professional life**" means an equal sharing of domestic responsibilities between men and women, increased participation of women in the labour market and reducing the gender gap in wages and incomes.
 - 20) "**Policies**" means all legal regulations, strategic documents, programmes, projects, activities and budgets.
 - 21) "**Discrimination**" means any distinction, exclusion, restriction or giving priority on the basis of sex, gender or gender identity by committing or not committing, that has the effect or purpose of preventing, restricting, recognising, enjoying or exercising the rights and freedoms on a basis of equality of a particular person or group. This covers all forms of discrimination such as direct, indirect, multiple, intersectional and other forms of discrimination, including harassment and sexual harassment as well as disabling the appropriate adjustment and disabling the accessibility and availability of infrastructure, goods and services.

Prohibition and prevention of discrimination

Article 5

- (1) Discrimination in all areas of social life related to the grounds of sex, gender and gender identity, taken alone, together or cross-referenced with other grounds of discrimination, shall be prohibited.
- (2) The measures for gender equality provided by this Law undertaken for achieving and maintaining full gender equality shall not be considered as discrimination.
- (3) The protection against discrimination, according to paragraph 1 of this Article, shall be provided in accordance with the Law on Prevention and Protection against Discrimination.

Basic principles

Article 6

- (1) Respecting the principle of **suppression of gender stereotypes and prejudices** based on the idea of women's inferiority or on the stereotypical roles of women or men or other stereotypical roles related to gender and gender identity.
- (2) Respecting the principle of **participation**, i.e. full and efficient participation in the society of women and men.
- (3) Respecting the principle of **balanced participation** and acting in the direction of achieving and maintaining a percentage representation of women and men which is not less than the percentage of representation of that sex in the total population.
- (4) Respecting the **women's empowerment** principle by creating conditions and enabling maximum use of potentials and strengthening the women's capacities.
- (5) Respecting the principle of **appropriate adaptation and accessibility** by providing access to all public goods and services in urban and rural areas and to the physical environment, transport, information and communication, including information and communication technologies and systems, to all persons without distinction of sex and gender identity, particularly intersectionally related to disability.
- (6) Respecting the principle of **intersectionality** by taking into account that sex or gender identity can be simultaneously and inextricably linked to another or other discriminatory grounds, both in specific cases of discrimination and at the systemic level in society, manifested as stereotypes, prejudice and stigma.
- (7) The policies from this Law shall be implemented in accordance with the principles from paragraph 1, 2, 3, 4, 5 and 6 of this Article.

2. MEASURES FOR GENDER EQUALITY

Types of measures

Article 7

- (1) The measures for gender equality may be permanent and temporary.
- (2) The manner of planning, adoption, implementation, evaluation and monitoring of the measures for gender equality, referred to in paragraph 1 of this Article shall be prescribed by the Government with a Rulebook on Planning, Adoption, Implementation, Evaluation and Monitoring of the Measures for Gender Equality.
- (3) The Rulebook on Planning, Adoption, Implementation, Evaluation and Monitoring of the Measures for Gender Equality referred to in paragraph 2 of this Article shall be applied by all state authorities, bodies of local self-government units, legal entities with public authorisations and all other legal entities and individuals.

Permanent measures

Article 8

- (1) The permanent measures shall be a continuous obligation of the entities referred to in paragraph 1 of Article 3 of this Law for achieving and maintaining full gender equality.
- (2) Permanent measures shall be:

- 1) measures for education and promotion of changes in the social and cultural attitudes and behaviour of women and men to eradicate prejudices, customs, traditions and all other practices based on the idea of inferiority of women or on stereotypical roles for women and men;
 - 2) measures for gender equality in the strategic planning and systematic application of gender mainstreaming, in accordance with the provisions of this Law;
 - 3) measures for distribution and dissemination of social goods and resources aimed at eliminating the unequal participation or the status of women and men; and
 - 4) the use of gender-sensitive language, in accordance with the provisions of this Law.
- (3) The permanent measures cannot be revoked.

Provisional measures

Article 9

(1) Provisional measures shall be taken to ensure full gender equality until de facto equality of a person or group is achieved on the basis of sex, gender and gender identity, if the distinction has a legitimate goal and the means to achieve that goal are proportionate, i.e., appropriate and necessary.

(2) Provisional measures for gender equality shall be:

- 1) introduction of quotas for achieving balanced participation of women and men in all authorities and at all levels in: the area of legislative, executive and judicial authority; bodies and organisations in the local self-government; other public institutions and services; in the management and executive bodies in public and private enterprises; in political parties when executing political functions, commissions and boards; in the bodies representing the state at the international level;
- 2) Provision of services for prevention and protection from violence against women in accordance with Law.
- 3) Introduction of special programmes for protection of women in the areas referred to in Article 3 of this Law.
- 4) Encouraging measures that provide special incentives or introduce special benefits in order to eliminate the circumstances that lead to unequal participation of women and men or unequal status of one against another sex, gender or gender identity or unequal distribution of social goods and resources;
- 5) Measures by which, under equal conditions, priority is given to persons of the least represented sex, gender or gender identity in all areas of application of Article 3 of this Law;
- 6) Measures to advance and promote the gender equality within the implementation of the principle of adequate and equitable representation in accordance with the principle of intersectionality; and
- 7) Other measures related to the identified need for achieving and ensuring full gender equality.

3. GENDER MAINSTREAMING

Entities competent for the implementation of gender mainstreaming

Article 10

- (1) All state bodies, bodies of local self-government units, legal entities with public authorisations and all other legal entities shall be competent for implementation of gender mainstreaming in accordance with the provisions of this Law.
- (2) The gender mainstreaming shall be implemented in accordance with the gender mainstreaming tools of Article 11 of this Law.

- (3) The manner of implementation and use of the gender mainstreaming tools of Article 11 of this Law shall be prescribed by the Government with a Rulebook on gender mainstreaming.
- (4) The Rulebook on gender mainstreaming referred to in paragraph 3 of this Article shall be applied by all entities referred to in paragraph 1 of this Article.

Gender mainstreaming tools

Article 11

For the implementation of gender mainstreaming, the entities referred to in paragraph 1 of Article 3 of this Law shall be obliged to use the following gender mainstreaming tools:

- **gender analysis** by assessing gender relations that are manifested through the conditions, needs, participation, access and control of resources, decision-making power, development and other aspects of gender differences according to socially-determined gender roles;
- **gender impact assessment** by analysing the effect of policies on reducing, maintaining or increasing gender inequality;
- **gender planning** by inclusion of a gender perspective in policy planning, taking gender as a key criterion;
- **gender-disaggregated statistics** by collecting, analysing and publishing statistical data disaggregated by sex, gender and gender identity;
- **gender-responsive budgeting** by analysing the effect of planned revenues and expenditures on policies in order to promote gender equality;
- **gender-sensitive public procurement** by implementation of public procurement, taking into account their overall impact on gender equality, including in the evaluation of received bids;
- **gender audit** by checking and evaluating the institutionalisation of gender equality at the organisational level, including in policies and services, as well as in structures, processes and budgets;
- **gender-responsive monitoring and evaluation** by performing a systematic and objective assessment of the design, planning, implementation and results of policies from a gender perspective;
- **consultations** by respecting the principle of participation in the planning and implementation of policies;
- **capacity building** by continuous education for gender equality; and
- **raising awareness** by promoting an understanding of gender equality, gender, gender roles and gender-based challenges.

4. ENTITIES AND MECHANISMS RESPONSIBLE FOR IMPLEMENTATION OF MEASURES FOR GENDER EQUALITY AND THEIR OBLIGATIONS

Article 12

The entities referred to in Article 3 of this Law shall be obliged to undertake measures for gender equality and to use the gender mainstreaming tools to achieve the objective of this Law.

Assembly of the Republic of North Macedonia

Article 13

(1) The Assembly of the Republic of North Macedonia (hereinafter: the Assembly) shall perform the following activities:

- 1) Analyses, evaluates and monitors gender impact in the preparation, review, adoption and oversight of the implementation of laws, policies and programmes, including those in the field of public finance;

- 2) Organises public debates and discussions on issues in the field of gender equality;
 - 3) Creates conditions for improvement and promotion of gender equality within the Assembly by introducing the use of gender mainstreaming tools in its internal policies and procedures and by the adoption, implementation and monitoring of gender equality measures;
 - 4) Reviews reports from the competent institutions regarding gender equality from different areas and acts in accordance with its competencies;
 - 5) Collects, analyses and publishes gender-disaggregated data related to its work;
 - 6) Establishes a permanent working body - Commission for Gender Equality and determines its composition and competencies; and
 - 7) Performs other activities determined by law.
- (2) The Assembly shall adopt a two-year Plan for Gender Sensitive Assembly, upon a proposal of the Commission for Gender Equality in the Assembly.
- (3) In order to monitor the implementation of the Plan referred to in paragraph 2 of this Article, the Assembly shall prepare an annual report.
- (4) When electing the composition of the working bodies, in determining the composition of its delegations for cooperation with international organisations and in cooperation with the parliaments of other states, the Assembly shall be obliged to apply the principle of balanced participation.
- (5) The Assembly, upon a proposal of the Government, shall adopt the National Strategy for Gender Equality and shall monitor the results of its implementation in the sectoral policies and programmes by reviewing and adopting the report submitted by the Government in accordance with Article 15 of this Law.
- (6) The Assembly shall convene an annual thematic plenary session for improvement and promotion of gender equality.

Commission for Gender Equality Article 14

- (1) The Assembly shall form and determine the composition and competencies of the Commission for Gender Equality as a permanent working body.
- (2) The Commission for Gender Equality shall undertake the following activities:
- 1) proposes adoption and amendment of laws and other regulations in the field of gender equality
 - 2) monitors the adoption and application of permanent and temporary measures for gender equality in all areas in the public and private sector through various activities in accordance with the Rules of Procedure of the Assembly;
 - 3) prepares a two-year Plan for a Gender Sensitive Assembly
 - 4) initiates initiatives and activities to promote changes in the social and cultural patterns of behaviour of women and men, in order to eradicate prejudices, habits, traditions and all other practices based on the idea of inferiority of women or stereotypical roles for women and men;
 - 5) prepares and implements an annual programme of sessions, public hearings and thematic events related to gender equality;
 - 6) requests thematic reports from other entities of this Law and reviews them;
 - 7) establishes cooperation with the commissions for gender equality in the units of local self-government, the associations of employers, trade unions, associations and foundations active in the field of gender equality, as well as the respective commissions of other countries
 - 8) considers other issues related to gender equality.

Government of the Republic of North Macedonia Article 15

- (1) The Government of the Republic of North Macedonia (hereinafter: the Government) shall perform the following activities within its competencies:

- 1) Establishes priority objectives in relation to gender equality for all strategic priorities set out in the annual decisions on establishing the strategic priorities of the Government of the Republic of North Macedonia, on proposal of the Secretariat;
- 2) Includes gender mainstreaming in by-laws and methodologies that govern the strategic planning and impact assessment of the regulation;
- 3) Reviews, give directions and conclusions about the connection of the programmes contained in the strategic plans of the ministries with the strategic priorities, compliance and implementation of the strategic and annual plans, reports and budgets with the priority objectives, the progress and the impact thereof;
- 4) Obliges the ministries and other state administration bodies to harmonise their draft strategic plans with the strategic priorities of the Government and according to the by-laws and methodologies for strategic planning and impact assessment of the regulation;
- 5) Takes measures within its competences and propose to the Assembly to take appropriate measures, when it assesses that the implementation of laws and other regulations or the established development and economic policy and the measures for realisation of that policy have negative effects or stagnation effect on the gender equality;
- 6) Ensures compliance with the principle of balanced participation in the composition of its working bodies and delegations, consultative and coordinating bodies and in appointing representatives to the boards of public enterprises and institutions and publishes the data;
- 7) On the proposal of the Secretariat, adopts an eight-year National Strategy for Gender Equality, and submits it to the Assembly for adoption, in addition to a report conducted evaluation of achieved results from the implementation of the previous national strategy for gender equality, within one month before the end of the period to which it relates;
- 8) Submits to the Assembly the Annual Report on realisation and promotion of gender equality, the results achieved from the implementation of the National Strategy for Gender Equality no later than July 31 of the current year for the previous year;
- 9) Continuous works and monitors the situation for promotion of the gender equality and
- 10) Performs other activities determined by law.

Ministries and other state administration authorities

Article 16

- (1) The ministries and other state administration authorities, within their competencies, perform the following activities:
- 1) Monitor the situation with gender equality in the areas for which they have competencies and establish a framework for implementation, monitoring and evaluation;
 - 2) Establish priorities, goals, performance indicators, measures and activities for achieving gender equality in the policies;
 - 3) Report on the progress, results and impact of the implementing policies within their annual reports;
 - 4) Plan, implement, monitor, evaluate and report on the gender equality measures taken in accordance with Article 2 and Article 3 of this Law;
 - 5) Collect and publish gender-disaggregated data and data that will enable the monitoring of multiple and intersectional inequalities related to their work and submit them to the Resource Centre;
 - 6) Publish data on the implementation of the principle of balanced participation in the working bodies;
 - 7) Implement the methodology for gender responsive budgeting;
 - 8) Conduct consultations and collect proposals from associations active in the field of gender equality, trade unions, employers' associations and others, in the policy-making processes;
 - 9) Submit an annual report on the implementation of the obligations under this Law to the Secretariat for Gender Equality and publish it on their website no later than March 31 of the current year for the previous year;
 - 10) Submit proposals for adoption or amendment of the laws and other regulations relevant to the gender equality;
 - 11) Publish thematic reports on the gender equality in their competence; and

12) Perform other activities determined by law.

(2) For performing the expert activities and coordination related to the realisation of the gender equality pursuant to the provisions of this Law, the ministries and state administration authorities shall systematize a special job position Advisor on Gender Equality (hereinafter: Coordinator) of Category B1 pursuant to Law on Administrative Servants. A Deputy Coordinator on Gender Equality shall be appointed from the ranks of the employees of Categories C or B pursuant to law. The special job competencies of the Deputy Coordinator on Gender Equality shall be established in the Act on Systematization of job positions for the respective job position.

(3) The competences of the Coordinator and Deputy Coordinator on Gender Equality shall be the following:

1) Monitoring and analysing the situation with gender equality in all areas that are within the competence of the authority;

2) Ensuring the development and implementation through initiating, monitoring and reporting of temporary measures of the state administration authority and support to the other organisational units for implementation of the gender mainstreaming tools;

3) Providing expert support to head units and administration in identifying thematic issues through consultations, strategies and working methodologies for mainstreaming gender equality in the policies, plans and budgets of the state administration authorities;

4) Monitoring the implementation of measures and budgets in the annual plans in the areas of competence through annual reports;

5) Coordination and preparation of the reports on the manner and level of implementation and the results of the measures and budgets of the state administration authority;

6) Participation in preparation of a gender training plan for the state administration authority;

7) Cooperation with the Secretariat, participation in inter-ministerial working groups, working coordination meetings, cooperation with the other state administration authorities and local self-government units and other entities referred to in Article 3 of this Law;

8) Performing other activities provided by law.

(4) The Minister of Labour and Social Policy shall prescribe the form and the content of the report referred to in paragraph 1 item 9 of this Article.

State Audit Office Article 17

(1) The State Audit Office shall, in addition to the obligations laid down in Article 16, also have an obligation for regular planning in its annual programmes and regular conduction of performance audits for achieving the objective of this Law.

(2) The State Audit Office shall monitor the implementation of the recommendations given within the audits referred to in paragraph 1 of this Article.

State Statistical Office Article 18

The State Statistical Office, in addition to the obligations laid down in Article 16, during the regular performance of the tasks of its activity, shall have the obligation to:

1) Include sex, gender and gender identity as a basis in statistical and analytical operations, including multiple and intersectional inequalities, established in the methodological bases for statistical surveys and in the survey instruments;

2) Develop gender indicators for analysis of the roles, situations, conditions and needs of women and men;

3) Prepare and publishes a biennial gender Index;

4) Establish gender-sensitive statistical definitions and protocols;

5) Publish the reports to the public in accordance with this Article.

Local self-government units
Article 19

- (1) The local self-government units, within their competencies, shall perform the following activities:
- (2) The Council of the local self-government unit shall perform the following activities:
 - 1) Adopts and monitors the four-year plan for achieving gender equality at the local level, on the proposal of the mayor;
 - 2) Adopts regulations within its competence for achieving the purpose of this Law;
 - 3) Reviews the reports of the local self-government unit and the public services established by the local self-government unit for the results obtained in achieving gender equality.
 - 4) Reviews the information and decides on initiatives and proposals for the promotion of gender equality in the areas of competence; and
 - 5) Performs other activities determined by law.
- (3) The Mayor of the local self-government unit shall perform the following activities:
 - 1) Proposes and implements the four-year plan for achieving gender equality at the local level;
 - 2) Initiates, proposes and implements regulations within the competence of the local self-government unit for achieving the purpose of this Law;
 - 3) During the preparation of policies, implements gender mainstreaming in accordance with Article 11 of this Law; and
 - 4) Performs other activities determined by law.
- (4) When implementing the provisions of this Law and preparing policies, the local self-government unit shall cooperate with all stakeholders.
- (5) The local self-government unit shall publish data on the implementation of the principle of balanced participation within the local self-government unit.
- (6) The local self-government unit shall submit an annual report on the results achieved from the implementation of the obligations and the progress in achieving the goal of this Law to the Secretariat no later than March 31 of the current year for the previous year.
- (7) When preparing the regulations of the local self-government unit, the Council and/or the Mayor shall previously organise public debates, conduct surveys and collect proposals from the citizens on issues related to the realisation of gender equality.
- (8) In order to perform the expert activities and coordination related to the achievement of gender equality in accordance with the provisions of this Law, the local self-government units shall systematize a special job position of Advisor for Gender Equality (hereinafter: Coordinator) pursuant to law. A Deputy Coordinator on Gender Equality is appointed from among the employees in accordance with the law. The special job competencies of the Deputy Coordinator on Gender Equality shall be established in the Act on Systematization of job positions for the respective job position.
- (9) The competencies of the Coordinator and Deputy Coordinator on Gender Equality shall be the following:
 - 1) Monitoring and analysing the situation of gender equality in all areas that falls within the competence of the local self-government unit;
 - 2) Ensuring the development and implementation by initiating, monitoring and reporting the temporary measures of the local self-government unit and other public services established by the local self-government unit, for the application of the gender mainstreaming tools;
 - 3) Providing expert support to head units and administration in identifying thematic issues through consultations, strategies and working methodologies for integrating gender equality in the policies, plans and budgets of the body of the local self-government unit;
 - 4) Monitoring the implementation of measures and budgets in the annual plans in the areas of competence through annual reports;
 - 5) Coordination and preparation of the reports on the manner and degree of implementation and the results of the measures and budgets of the local self-government unit;

- 6) Participation in the preparation of a gender training plan for the body of the local self-government units;
 - 7) Cooperation with the Secretariat, participation in inter-municipal working groups, working coordination meetings, cooperation with state administration bodies and other local self-government units and with other entities referred to in Article 3 of this Law;
 - 8) Performing other activities provided by law.
- (10) The Minister of Labour and Social Policy shall prescribe the form and content of the report referred to in paragraph 6 of this Article.

Gender Equality Commission of the local self-government unit **Article 20**

(1) The Gender Equality Commission of the local self-government unit is a permanent body established by a decision of the Council of the local self-government unit, and its composition, competencies, tasks and obligations are determined by the statute of the local self-government unit.

(2) External members, representatives of associations, social partners and others may participate in the work of the commission referred to in paragraph 1 of this article, without voting rights.

(3) The Gender Equality Commission of the local self-government unit shall perform the following activities:

- 1) Gives an opinion regarding the materials and proposals for the sessions of the Council of the local self-government unit;
- 2) Prepares an annual plan of sessions in which it determines the number and time frame for sessions and consultative public hearings, thematic issues, programmes and reports of the local self-government unit that will be considered;
- 3) Gives an opinion on the strategic documents, budgets and programmes, especially when creating and adopting the strategy for development of the local self-government unit, adopting the budget of the local self-government unit, the statute, the work program, the Council of the local self-government unit and etc.;
- 4) Requests and reviews information from the services on the situation of gender equality in the areas of competence of the local self-government unit;
- 5) Identifies and gives proposals for the ways of gender mainstreaming in the work of the bodies of the local self-government unit and the municipal administration;
- 6) Monitors the implementation of the provisions of this Law and other laws in the field of gender equality, proposing to the Council of the local self-government unit measures and activities in order to achieve the purpose of this Law;
- 7) Reviews and gives an opinion on the annual report of the local self-government unit; and
- 8) Performs other activities provided by law.

National human rights institutions **Article 21**

- (1) The Ombudsman and the Commission for Prevention and Protection against Discrimination takes care, within their legally established competencies, for achieving gender equality by taking measures for prevention and protection of the women's and men's rights pursuant to law.
- (2) In order to achieve the purpose of this Law, the entities referred to in paragraph 1 of this Article within their institutions shall appoint a Coordinator and a Deputy Coordinator on Gender Equality from the ranks of employees.

Mass media Article 22

(1) The mass media through their programme concepts and contents contribute to the development and the raising of the awareness for gender equality, as well as for equal participation of women and men.

(2) The public portrayal and presentation of a person in the mass media should be in a non-offensive, non-derogatory or non-degrading manner, based on sex, gender and gender identity, as well as not to act in the direction of continuing the ideas of inferiority of women or about stereotypical roles of women and men or other stereotypical roles related to sex, gender and gender identity.

(3) The Agency for Audio and Audiovisual Media Services within its competencies follows the manner of presentation and representation of women and men in the programme concepts and contents and submits a report to the Assembly once a year.

(4) The Agency for Audio and Audiovisual Media Services, within its legal authorisations and competencies, once a year prepares an analysis of the gender issues in the programme concepts and contents of the mass media for which it is competent to control and supervise the programme contents, to submit it to the Assembly for review and adoption and to publish it on its website.

Political parties Article 23

(1) The political parties in their acts shall regulate the manner and the measures for promotion of the gender equality in the authorities and bodies of the parties.

(2) The political parties have an obligation to monitor the representation of women and men in their internal authorities and to publish reports on it on their websites.

(3) The political parties have the obligation to prepare programmes for the promotion of gender equality through the use of gender mainstreaming tools, to publish them on their websites and, in accordance with them, to make regular gender audits.

5. SPECIAL GENDER MECHANISMS FOR LAW ENFORCEMENT

Secretariat for Gender Equality Article 24

(1) The Government shall establish a Secretariat for Gender Equality (hereinafter referred to as: the Secretariat) for performing the activities related to the achievement of the goal of the Law and ensuring coordination of the state administration bodies, as well as for performing other professional activities in this area .

(2) The Secretariat for Gender Equality shall have competence to:

- ensure and coordinate the support of the Government in the realisation of its competencies according to Article 15 of this Law;
- ensure coordination and harmonisation of the work of the state administration bodies and the units of the local self-government regarding the realisation and promotion of gender equality, including through the implementation of this Law;
- ensure coordination with donors regarding the achievement and promotion of gender equality;
- cooperate with the mechanisms for gender equality, ensuring their mutual coordination and preparation of guidelines and proposals for fulfilment of their obligations for achieving the goal of this Law;
- cooperate with the Commission on Gender Equality in the Assembly in preparation of laws, strategic documents and reports;
- cooperate with employers' associations, trade unions and associations active in the field of gender equality;
- prepare analyses, reports and other documents related to gender equality and publishing them on the website of the Secretariat;

- gender mainstreaming in the promotion, development and evaluation of strategic processes at all levels and at all stages at national and local level;
 - prepare of expert-analytical materials in the field of gender equality for the needs of the Government;
 - ensure the realisation of gender equality in policies by providing expert opinions for harmonisation of the draft laws and other regulations with the Constitution of the Republic of North Macedonia and the provisions of this Law
 - submit initiatives to the Government or to the competent ministries proposals for adoption or amendment of the laws and other regulations important for gender equality, as well as for adoption of general and special measures;
 - expert opinion on the strategic documents of the local self-government units from a gender aspect and other regulations at the request of the local self-government units;
 - prepare of the proposal of the National Strategy for Gender Equality;
 - prepare of an annual National Report on the promotion of gender equality;
 - prepare of an annual report on monitoring the implementation of the international agreements related to gender equality and promotion of the status of the women, in cooperation with the Ministry of Foreign Affairs;
 - supervise the implementation of the temporary measures for gender equality.
- (3) The internal organisation of the Secretariat shall be regulated by a rulebook adopted by the Government.

Resource Centre for Gender Responsive Policy Making and Budgeting Article 25

- (1) The Resource Centre for Gender Responsive Policy Making and Budgeting (Resource Centre) provides:
- 1) expert support, good practices, research and analysis of sectoral policies and programmes, resources and training for capacity building of civil servants;
 - 2) resources and training for capacity building of civil servants in the field of gender responsive policy making and budgeting; and
 - 3) support for the inclusion of a gender perspective in public financial management, strategic planning and sectoral policy making.
 - 4) preparation of curricula and training programmes for gender responsive policy making and budgeting and their organisation and implementation;
- (2) The work of the Resource Centre shall be regulated in more detail by a Rulebook on determining the norms and standards for work of the centre adopted by the Secretariat for Gender Equality.

National Coordination Body for Gender Equality Article 26

- (1) The Government shall establish a National Coordination Body for Gender Equality (hereinafter: National Coordination Body), with a mandate of five years.
- (2) The Government shall determine the composition and the number of members of the National Coordination Body referred to in paragraph (1) of this Article, by a Decision.
- (3) The manner of work of the National Coordination Body shall be regulated by a Rules of Procedure.
- (4) The members of the civil society organisations, the employers' associations, the trade unions and the experts are elected by a public announcement, conducted by the Government.
- (5) The National Coordination Body shall submit an annual Report on its work to the Government.
- (6) The National Coordination Body shall be chaired by the Minister of Labour and Social Policy.

6. JUDICIAL PROTECTION

Article 27

- (1) The person who considers that his right to equal treatment on the basis of sex, gender or gender identity has been violated may file a lawsuit before a competent court.
- (2) The provisions of the Law on Civil Procedure shall apply accordingly in the procedure, unless otherwise determined by this Law.
- (3) The procedure shall be urgent.

Local jurisdiction Article 28

In the procedure for protection of the right to equal treatment on the grounds of sex, gender or gender identity, local jurisdiction, despite the court of general territorial jurisdiction, shall be the court in whose territory is the residence of the plaintiff.

Lawsuit Article 29

- (1) With the lawsuit of Article 27 of this Law, the following can be requested:
 - 1) to establish that the defendant has violated the plaintiff's right to equal treatment on the grounds of sex, gender or gender identity, i.e. the action he has taken or missed may directly lead to a violation of the equality rights in the proceedings;
 - 2) to prohibit undertaking actions that violate or may violate the plaintiff's right to gender equality, i.e. to perform actions that eliminate the consequences;
 - 3) to compensate the material and non-material damage caused by the violation of the right to gender equality, pursuant to the Law on Obligations.
 - 4) to publish in the media the verdict by which a violation of the right to equal treatment at the expense of the defendant has been determined.

Burden of proof Article 30

- (1) The plaintiff who claims that in accordance with the provisions of this Law a violation of his right on the basis of sex, gender or gender identity has been committed is obliged to present the facts that make the claim probable and then the burden of proof passes to the defendant to prove that there is no injury.
- (2) The provision of paragraph (1) of this Article is not applied in the misdemeanour and criminal procedure.

7. INSPECTION OVER THE IMPLEMENTATION OF THE LAW

Article 31

Inspection supervision over the implementation of the provisions of this Law and the regulations adopted on the basis of this Law shall be performed by the inspection services, each within its competences.

8. MISDEMEANOUR PROVISIONS

Article 32

- (1) A fine in the amount of 800 to 1000 Euros in Denar counter-value shall be imposed for a misdemeanour to the legal entity that fails to act in accordance with Article 12, Article 16 paragraph 1, point 9 and paragraph 2, Article 19 paragraph 6 and paragraph 8 of this Law.

- (2) A fine in the amount of 100 to 500 Euros in Denar counter-value shall be imposed for the misdemeanours referred to in paragraph (1) of this Article, to the responsible person in the legal entity.
- (3) A fine in the amount of 50 to 250 Euros in Denar counter-value shall be imposed for the misdemeanours referred to in paragraph (1) of this Article to the official.

Article 33

- (1) For the misdemeanours set out in Article 32 of this Law, the competent inspector, before submitting a request for initiating a misdemeanour procedure, shall be obliged to offer a settlement procedure to the responsible person or a person authorised by him/her by issuing a misdemeanour payment order, in accordance with the Law on Offenses.
- (2) When the perpetrator of the misdemeanour agrees with the settlement procedure, the inspector shall compile a report and issue a misdemeanour payment order to the responsible person or a person authorised by him.
- (3) The minutes and the payment order shall be signed by the inspector and the perpetrator of the misdemeanour. Upon receipt of the misdemeanour payment order, the perpetrator is obliged to pay the fine imposed in the misdemeanour payment order, within eight days from the day of receipt of the misdemeanour payment order.
- (4) When a legal entity appears as a perpetrator of a misdemeanour, the minutes and the misdemeanour payment order shall be signed by the responsible person or a person authorised by him.
- (5) The perpetrator, who will pay the fine within the deadline referred to in paragraph (3) of this Article, shall pay only half of the imposed fine, a right which is instructed in the legal precept.
- (6) If the perpetrator does not pay the fine within the deadline referred to in paragraph (3) of this Article, the inspector shall submit a request for initiating a misdemeanour procedure to a competent body.
- (7) In the settlement procedure, the fine in the misdemeanour payment order shall be imposed in a fixed amount prescribed by law, and if the fine is prescribed in a range, the minimum prescribed amount for the misdemeanour shall be imposed.
- (8) In the procedure that will end with the payment of a misdemeanour payment order, no costs of the procedure shall be paid.
- (9) If the perpetrator does not agree a misdemeanour payment order to be issued, the same shall be noted in the minutes for established misdemeanour, and the inspector shall submit a request for initiating a misdemeanour procedure before the competent court.

Article 34

The amount of the fine for legal entities shall be assessed pursuant to the Law on Misdemeanours.

Article 35

For the misdemeanours referred to in Article 32 of this Law, a misdemeanour procedure shall be conducted and misdemeanour sanctions shall be imposed by a competent court.

9. TRANSITIONAL AND FINAL PROVISIONS

Article 36

The by-laws provided by this Law shall be adopted within six months from the day this Law enters into force.

Article 37

The Government, the ministries, other state administration authorities and the local self-government units shall establish the mechanisms for gender equality in accordance with Article 16 paragraph 2, Article 19 paragraph 8, Article 25 and Article 26 within six months from the day this Law enters into force and to inform the Secretariat about it.

Article 38

The Ministry of Labour and Social Policy will perform the competencies referred to in Article 24 of this Law until the establishment of the Secretariat for Gender Equality.

Article 39

The Law on Equal Opportunities for Women and Men ("Official Gazette of the Republic of Macedonia" No. 6/2012, 30/2013, 166/2014 and 150/2015) shall cease to be valid on the day this Law enters into force.

Article 40

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of North Macedonia".