

Contribution to the Focus chapter of the Fundamental Rights Report 2022: Social rights and equality in light of the recovery from the COVID- 19 pandemic.

North Macedonia

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1 Measures implemented to foster social rights and equal treatment in the recovery from the pandemic

1.a.

Name of the measure in English	Pregnant women are released from working duties requiring physical presence
Name of the measure in the national language(s)	Се ослободуваат бремените жени од работа и работни обврски со физичко присуство на работно место.
Reference document for the measure <i>Include an url, where available</i>	Одлука за превентивни препораки, временни мерки, наредени мерки, наменски протоколи, планови и алгоритми за постапување за заштита на здравјето на населението од заразната болест КОВИД-19, предизвикана од вирусот SARS-CoV-2, случаите и временскиот период на нивна примена [Decision on preventive recommendations, temporary measures, ordered measures, protocols, plans and algorithms for actions direct to protection of the health of the population from the contagious disease COVID-19 caused by the SARS-CoV-2 virus and the period for their implementation], Official Gazette of the Republic of North Macedonia, Nos. 263/2020; 265/2020; 269/2020; 275/2020; 287/2020; 292/2020; 298/2020; 300/2020; 304/2020; 306/2020; 317/2020; 13/2021; 45/2021; 53/2021; 55/2021; 58/2021; 64/2021; 65/2021; 75/2021; 87/2021; 94/2021; 100/2021; 106/2021; 109/2021; 113/2021; 116/2021; 119/2021; 121/2021; 126/2021; 133/2021; 139/2021; 141/2021; 146/2021; 153/2021; 162/2021; 176/2021; 187/2021; 193/2021; 199/2021; 204/2021; 220/2021; 234/2021; 237/2021; 242/2021. Art.13(9) Government website announcement: https://vlada.mk/node/23684?ln=mk
	<ul style="list-style-type: none"> - equality between women and men (Article 23), - right to fair and just working conditions (Article 31)
	<ul style="list-style-type: none"> - Others: pregnant women <p>This measure applies to all women. No intersectional considerations were given in relation to this measure, as is clear from the possible impact and limitations of this measure (discussed below).</p>
Summary description of how the measure applies to the population group(s)	The Government adopted decision stated that all pregnant women are released from working duties requiring physical presence at the workplace (Art.13(9)). This means that pregnant women are entitled to receive 100% of their normal pay even if, due to the nature of their work, they cannot perform their work tasks remotely. According to the decision, this measure

	<p>applies to “state bodies, legal persons established by the state, units of local self-government, legal persons established by the units of local self-government, and all national and foreign physical or legal persons on the territory of the Republic of North Macedonia” (Art. 2). A confirmation from a gynaecologist confirming the pregnancy is the only conditions from being released from working duties requiring physical presence.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>The measure can have both a positive and a negative impact on the social rights and equal treatment in general. It also has some limitations. However, it is highly likely that it will have a negative impact on social rights and equal treatment in the recovery from the pandemic.</p> <p>The measure will have a positive impact on women who work in front line and directly with the general public. It will also have a positive impact on women that work in overcrowded workplaces (such as textile factories), where in practice the health protection measures are not respected, and employees are not provided with (adequate) personal protective equipment (PPE).</p> <p>The measure might have a negative impact on the gender employment gap overall and especially on the long run. In the national context, young women of a perceived “childbearing age” have always been less employed due to what is perceived as financial losses for the employer tied from pregnancy and maternity leaves. Outlawed discriminatory practices, such as asking women job candidates questions about pregnancy planning, persist. Thus, any measure which might contribute to fortifying the view that young women are a financial liability due to costs arising from pregnancy/maternity leave periods, will on the long term negatively impact the employment rate of women. Considering that this measure applies until the end of the COVID-19 pandemic, there is great chance for such negative impact.</p> <p>The measure also has two key limitations. Firstly, it can offer protection from dismissal only to women formally employed. Women in other types of working relationship (workers, but not employees) have no protection related to the implementation of this measure. Second, in the national legal context, it is considered that only women can be pregnant persons. Thus, any trans person that is pregnant but not a woman will not be able to benefit from the measure. This is discrimination of pregnant trans workers in front line jobs, jobs with the general public or those working in overcrowded places. It also leaves them in a vulnerable position.</p> <p>In conclusion, the measure might have some positive impact, but serious weaknesses remain from the lack of targeting of this measure in a way that would ensure that it applies to all pregnant persons that are de facto workers and who work only in front line jobs, jobs with the general public or those working in overcrowded places. This can pose a significant negative impact on gender equality in the recovery from the pandemic.</p>

Summary description of the extent to which the measure foresees the provision of enabling social services	The measure does not foresee provision of enabling social services.
Entity or organisation responsible to implement the measure	The State Labour Inspectorate has general competence to monitor the compliance of measures in the area of labour relations in both the private and the public sector. This inspectorate also has competence to monitor the compliance of this particular measure. On 09 September 2021, the SLL published an announcement which it states comes after "increased public interest in the measure". It reiterated that the measure is still in force and applicable to all employers, reminding workers to report breaches of the measure to the SLL. (Source: SLL, Public Announcement on COVID-19 and Pregnant Women, 09.09.2021, https://dit.gov.mk/?cat=978)
Duration of the measure	Until the World Health Organisation proclaims end of the COVID-19 pandemic.
Budget allocated to implement the measure	No budget allocated.
Summary description of how any foreseen impact assessment of the measure will be carried out	Information not available.

1.b.

Name of the measure in English	Strengthening the system of social inclusion of vulnerable persons
Name of the measure in the national language(s)	Закнување на системот за социјална инклузија на ранливи категории на лица
Reference document for the measure	Economic Reforms Program 2021-2023 (Програма на економски реформи, 2021-2023) (January 2021), p.129.

<i>Include an url, where available</i>	
Social rights covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to one discrete right</i>	<ul style="list-style-type: none"> - right to social security and social assistance (Article 34)
Population group(s) covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i>	<ul style="list-style-type: none"> - Unspecified: vulnerable people <p>Intersectional considerations do not seem to have been made in relation to this measure.</p>
Summary description of how the measure applies to the population group(s)	<p>The measure is focused on activating persons from vulnerable groups on the labour market by supplementing their guaranteed minimum income with additional activation measures that can support their (re)integration in the labour market, such as mentoring and counselling. Another aspect supports the establishment of social enterprises which can employ persons from vulnerable groups.</p>
Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery	<p>The measure foresees (1) activation of persons from vulnerable groups on the labour market and (2) improving the quality and availability of social services.</p>
Summary description of the extent to which the measure	<p>The measure foresees provision of quality personal services which will support vulnerable groups with labour market integration, such as mentoring and counselling. The primary focus is on support for establishing and running of social enterprises and establishing services for care and assistance in the home and in the community. The foreseen actions include</p>

foresees the provision of enabling social services	awareness raising and visibility of social entrepreneurs, and, developing and launching a service on integrating of social services. It also lists the following as activities "brochures, videos, short documentary films, activities for informing via social media" (p.131).
Entity or organisation responsible to implement the measure	Agency on Employment and Centres for Social Work.
Duration of the measure	3 years
Budget allocated to implement the measure	11.855.000 EUR
Summary description of how any foreseen impact assessment of the measure will be carried out	Although impact assessment is not specifically foreseen, monitoring and evaluation of the measure is planned, through the following result indicators: poverty rate, percent of families living with low economic activity, percent of persons that were social assistance recipients that established employment, and number of provided licensed services in the community.

1.c.

Name of the measure in English	Introducing new e-learning platforms for children: TV channel by the national radio and TV broadcaster for children
Name of the measure in the national language(s)	Отворање на нов ТВ канал за деца на националниот радиодифузер
Reference document for the measure <i>Include an url, where available</i>	Statute of the Public Broadcasting Company "Macedonian Radio-Television Skopje" [Статут на јавно радиодифузно претпријатие "Македонска Радиотелевизија Скопје], Official Gazette of the Republic of North Macedonia, Nos. 181/2019, 275/2020.
Social rights covered by the measure <i>Delete as appropriate</i>	- right to education (Article 14)

<p><i>Multiple answers possible, but preference should be given to measures that apply to one discrete right</i></p>	
<p>Population group(s) covered by the measure</p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i></p>	<p>- Children and youth;</p> <p>Intersectional considerations do not seem to have been made in relation to this measure.</p>
<p>Summary description of how the measure applies to the population group(s)</p>	<p>The MTV national broadcasting company’s channel 5 was opened specifically targeting children and their right to education, motivated by the lack of physical access to schools during the early days of the pandemic. Considering the continuation of the online studying for some students, the channel continues to be of relevance.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>The measure supports children and their parents in continuing their education during the pandemic by providing them with support via TV programs.</p>
<p>Summary description of the extent to which the measure foresees the provision of enabling social services</p>	<p>The measure does not foresee provision of enabling social services.</p>
<p>Entity or organisation responsible to implement the measure</p>	<p>Ministry of Education; Agency for Audio and Audio-Visual Media Services</p>

Duration of the measure	Indefinite.
Budget allocated to implement the measure	Information not available.
Summary description of how any foreseen impact assessment of the measure will be carried out	Information not available.

2 Tools or mechanisms to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic

2.a.

Name of the monitoring tool or mechanism in English	Ombudsperson Annual Report
Name of the monitoring tool or mechanism in the national language(s)	Годишен извештај на народниот правобранител
Reference document for the monitoring tool or mechanism <i>Include an url, where available</i>	Закон за народниот правобранител [Law on the Ombudsperson], Official Gazette of the Republic of North Macedonia, Nos. 60/2003; 143/2008; 114/2009; 181/2016; 189/2016; 35/2018.

<p>Organisation(s) involved in the monitoring tool or mechanism</p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible</i></p>	<p>- National human rights institution: <i>Ombudsperson of the Republic of North Macedonia</i> <i>[Народен правобранител на Република Северна Македонија]</i></p>
<p>Summary description of how these organisation(s) are involved in the monitoring tool or mechanism</p>	<p>The Ombudsperson has competence for monitoring the social rights and equality in the public sector in general, thus it will also hold this competence during the recovery phase. It is not, however, a mechanism specifically tasked to monitor the effectiveness of the measures of national schemes to foster social rights and equal treatment in the recovery from the pandemic. No such mechanism is established yet at the national level. The Ombudsperson and its reports are the closest to this in the national context.</p>
<p>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery</p>	<p>The Ombudsperson is obliged under law to publish annual reports in which it informs the public and the Parliament of the work it has been engaged in the previous year as well as any challenges that the institution might be facing. As already mentioned, this annual report is a general tool for monitoring social rights and equal treatment, not a specific one as per the guidelines established for this task.</p> <p>The annual report is published once a year, by the end of March for the previous calendar year. It contains sections on social rights, health rights and equality and non-discrimination. The 2020 report contained information on the implementation of these rights in the context of the pandemic, especially in terms of shedding light on how the pandemic shaped the realisation and the ways for realisation of these rights.</p> <p>There is no publicly shared information thus far of any plans for the Ombudsperson to step up its role and perform public monitoring of the effectiveness of the recovery measures regarding social rights and equal treatment.</p>
<p>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</p>	<p>There are no obligations, standards and benchmarks for evaluating the effectiveness.</p>

<p>Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action</p>	<p>The opinions of the Ombudsperson are non-binding. Thus, in a situation of non-compliance the institution can address the Parliament or the public to generate public pressure. However, it has no hard means for legal enforcement and compliance.</p>
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2.b.

<p>Name of the monitoring tool or mechanism in English</p>	<p>Main Coordinative COVID-19 Crisis Committee</p>
<p>Name of the monitoring tool or mechanism in the national language(s)</p>	<p>Главен координативен КОВИД-19 кризен штаб</p>
<p>Reference document for the monitoring tool or mechanism <i>Include an url, where available</i></p>	<p>Одлука за формирање на Главен координативен кризен штаб за обезбедување целосна координација на органите на државната управа, на правните лица основани од државата како и на единиците на локалната самоуправа во врска со спречување, внесување и ширење на Коронавирус COVID-19, 14.03.2020. https://koronavirus.gov.mk/wp-content/uploads/2020/05/Одлука-формирање-кризен-штаб.pdf</p>
<p>Organisation(s) involved in the monitoring tool or mechanism <i>Delete as appropriate</i> <i>Multiple answers possible</i></p>	<p>- National authority/authorities: Prime Minister of the Republic of North Macedonia, deputy Prime Ministers, Minister for Defense, Minister of Interior, Minister of Foreign Affairs, Minister of Health, Minister of Transport and Communications, Minister of Finance, Minister of Economy, Minister of Education and Science, Director of the Centre for Crisis Management, Director of the Protection and Rescue Directorate. - Civil Society Organisations</p>
<p>Summary description of how these organisation(s) are</p>	<p>The national authorities can exercise all functions of this body described below. Two representatives from civil society organizations were part of this body as observers without a right to vote, with the purpose of transparency of the work of this body. They were</p>

involved in the monitoring tool or mechanism	<p>elected by the Council for Cooperation with Civil Society Organizations from among its members. The Council is a mixed body of government and CSO representatives. The members of the Council that are from CSOs are selected on public open elections among all CSOs in the country.</p>
Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery	<p>This is the main steering body established by the Government following the outbreak of the COVID-19 pandemic. According to the decision with which it was initially established, the body has five key tasks:</p> <p>“Propose conclusions, measures, activities and recommendations to all state administration bodies, legal entities established by the state and units of local self-government; Monitor the dynamic of the realization and implementation of the conclusions and measures adopted by the Government; Provide guidance to the state administration, the legal entities established by the state and units of local self-government for coordination, organization, implementation and operationalization of the conclusions, measures, activities and recommendations of the Government; Undertakes other tasks in relation to the prevention, import and spread of the COVID-19 virus.”</p> <p>As is evident, the body is not strictly speaking focused on recovery from the pandemic, but on dealing with the pandemic in more general terms. In its work, the body has been overwhelmingly proposing measures and recommendations which did not target social rights and equality in general, but it mainly focused on supporting the economy, supporting businesses and preserving jobs, and/or proposing measures for tackling the pandemic from a medical point of view. Its work has been well documented and analyzed by a number of CSOs.¹ Also, its lack of a human rights perspective came to the front on several occasions and was criticized by CSOs that work with violence against women and persons with disabilities² for introducing blanket measures limiting freedom of movement which disproportionately negatively</p>

¹ For example: Association on Research and Analysis ZMAI, Response to the Socio-economic Effects from COVID-19 on the Textile Industry (2021); Finance Think and UNICEF, Social and Economic Effects of COVID-19 on Children in North Macedonia (2021); Analytica, Analysis of the Effect of COVID-19 over Workers that are Part of the Unformal Economy and Temporary Employed Workers Through Proposal Measures for their Support (2020).

² For example: National network to end violence against women and domestic violence (Национална мрежа против насилство врз жените и семејното насилство), [‘Subject: Request for Imposing Urgent Measures for Protection of Women and Child Victims of Domestic Violence during the State of Emergency’](#) (Предмет: Барање За Изрекување На Итни Мерки За Заштита На Жените и Децата Жртви На Семејно Насилство Додека Трае Вонредната Состојба), 13 April 2020.

	affected these groups, although it is worth noting that following the reactions by CSOs these measures were adjusted.
Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated	Effectiveness is mainly assessed in terms of realization of the budget, whether the funds allocated for a certain measure are spent. The body does not adopt a perspective which would enable monitoring of the impact on social rights and on equality.
Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action	There is no particular non-compliance mechanism or tool to this specific body. However, since this body instructs other state bodies, entities and local units, and since it adopts measures which are in general binding (save for those adopted as recommendations) it has the capacity to instruct enforcement by sections of the government that can enforce these measures and actions.