Land and Gender_Macedonian experience

TATJANA CENOVA MITREVSKA
Agency for Real Estate Cadastre, Republic of Macedonia

t.cenova@katastar.gov.mk

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Abstract

Gender equality is one of the fundamental values of the constitutional order of RM, based on full recognition and promotion of equal opportunities for women and men, an indispensable precondition for sustainable development, human rights enjoyment and exercise of democratic values. Equality between women and men are considered the question of human rights and a prerequisite and indicator of sustainable human development in general.

In the past years Macedonia has made a significant progress in the area of promoting gender equality and respecting the human rights, which at the same time are one of the guiding principles and goals of the Macedonian government (contribute to the economic empowerment of women, to encourage parents to equally divide their property)

Despite of the progress made in the past years, the gender gap continues to exist. Another factor, that leads the woman to refrain from exercising her right of ownership besides the mentioned tradition, is of course the economic issue.

How to effectuate legal rights to land? Requires a continuum of action: 1) Legal Reform, 2) Legal awareness, 3) Legal information and 4) Legal capacity. The expected results should be: More women shall be owners of property and more women shall own more property.

Key Words:
Gender equality, human rights, land policy and property market development, sustainable development
Introduction

The Republic of Macedonia has a population of 2,06 million citizens of which 50% are woman. Surface area is 25,710 sq. km, 1767 settlements, 84 local municipalities, 1912 Cadastral Municipalities, 4.2 million parcels, cca. 1 million owners, cca. 737,000 buildings and cca. 894,000 apartments.
Macedonia is a candidate country for EU membership and takes pride of its established mechanisms for equal opportunities that targets gender equality. Inspired by the common agricultural policy of the EU the country also reaffirmed its rural development policy. This is in particular important as 45% of the population in the country live in rural areas. Mainstreaming gender into the rural development policy as well as defining development priorities for rural women in other policy areas (such as education, health, social protection, and economy) becomes necessary as 49% of the rural residents are women.

The Committee on the Elimination of Discrimination against Women was in 2006 particularly concerned about country lagging behind in progress on the status of rural women, as well as of ethnic non-majority women, particularly Roma and Albanian women. It concluded that in Macedonia rural women as well as women from ethnic minorities remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life (CEDAW Committee, 2006).

- Rural women have lower levels of education compared to rural men and especially compared to urban women.
- In the economic life of society, rural women represent the most excluded group, compared either to rural men or to their male and female urban counterparts.
- Gender differences in education remain to be determined by ethnic/cultural background.
- The CRPM survey of rural women shows that ethnic Macedonian women record higher educational attainment compared to ethnic Albanian and ethnic Turkish women.

1.1. Some data about Agency for real estate cadastre

The Agency for Real Estate Cadastre (AREC) of the Republic of Macedonia was first founded in 1947 as the State Authority for Geodetic Works and until today, on the basis of legislation, the institution has changed its name, authorities and competences several times. In 2008, on the basis of an institutional reform, SAGW was transformed into the Agency for Real Estate Cadastre. In 2013, a new Law on Real Estate Cadastre was enacted. AREC has a Steering Board, which comprises of five members, appointed for a period of 5 years, without a right to re-election. The General Director and the Deputy Director are appointed for a period of 5 years, with the right for re-election via public notice. The Director General is directly responsible for his work in front of the Government of the Republic of Macedonia.
AREC employs a total of 917 people with different levels of education. In terms of gender representation of employees and the management structure, the percentage is almost equally distributed, of which 47% are women and 53% men. AREC has good representation of women at senior levels in both legal and technical departments, and increasingly as managers of local offices.

AREC conducts its activities through 29 regional departments for REC, the Center for REC in Skopje and in the headquarters located in Skopje, where the several sectors are also located.
Modern democracies take pride in their capacity to secure equality for all citizens regardless of their age, gender, religion, ethnic origin etc. However, all societies have to deal with the issue of gender equality, and in almost all cases it is an ongoing process. It is a matter of common sense to conclude that gender sensitive policy-making is best achieved through equal participation of men and women in the decision-making process. This goes hand-in-hand with the concept of empowering women, defined as a “bottom-up process of transforming gender power relations, through individuals or groups developing awareness of women’s subordination and building their capacity to challenge it. The ultimate goal of women’s empowerment is for women themselves to be the active agents of change.” In order for policy outcomes to take into consideration the needs and concerns of both groups, the institutional architecture in a democratic society should be founded on the principles of equal opportunities for men and women.

**Gender** is the socially constructed differences between men and women. This is different from sex, which is the biological difference between men and women. When we say that men and women are not the same, we refer not only to differences in biology (biological/sex differences) but also to the different roles that have been created by society (gender differences).
Gender Awareness

Recognition that women and men perform different roles in society and therefore have different needs which must be recognized.

Gender Equality

Equal rights and opportunities for women, men, girls and boys in all sectors, political, social, legal and economic.

Gender Sensitivity

Being aware that women and men perform different roles and have different needs which must be planned for accordingly.

Gender Framework

This is a tool for streamlining the analysis of needs and issues of men, women girls and boys (especially their relationships in society). It is also a guide for approaching methodologies and policies of an organization.

Gender Balance

This is an ideal situation where women and men boys and girls live harmoniously enjoying equal opportunities and have mutual respect for each other.

Gender Focus

This refers to specifically addressing the needs of women and men, girls and boys in the society as determined by their gender.

Gender Disaggregated Data

This is classified information on the basis of genders e.g men, women, girls or boys. This data provides important indicators of gender needs.

Gender Equity

Just treatment, balanced recognition and appreciation of both women’s and men’s potential.
3. Gender in RM

The Republic of Macedonia is a democratic country in which the principle of equality is incorporated in the Constitution and laws, guaranteeing an extensive list of human rights and freedoms without distinction of gender and other personal characteristics of the individual.

WHY? A widely acknowledged fact is that women possess only an estimated 1-2 percent of all titled land worldwide and are very often denied the right to inherit property that legitimately belongs to them. That is why the economic empowerment of women, and among other issues the protection of women’s property and inheritance rights has been recognized in a vast number of laws and other national legal acts, as well as in international conventions, treaties and other legal instruments. The general conclusion from all of these legal acts is that “women have the right to be free from discrimination; they have the right to an adequate standard of living; they have the right to adequate housing; they have the right to enjoy financial independence and to earn a livelihood; and therefore have the right to own, manage, enjoy, and dispose of property” The gender equality legislation has been improved in the process of approximation of Macedonian legislation to the EU acquires. Greatest progress has been achieved in the area of labor relations where Macedonia incorporated directives addressing issues of equal pay and equal treatment of women and men at work. However the Family Law and the Criminal Law have also been approximated. In addition articles that promote positive discrimination of women were inserted in the Law on Elections of Members of Parliament and the Law on Local Elections. Another affirmative action was the adoption of the Law on Equal Opportunities that for the first time regulates direct and indirect discrimination, harassment and, what is more, sexual harassment. The Law on Equal Opportunities for Men and Women was enacted in May 2006.

Although agriculture and rural areas are not explicitly mentioned in the legal text, all ministries and government agencies bear equal responsibility to implement all aspects of the law in their domain. The law aims at eliminating gender inequality in all spheres of society, the private, as well as the public sector, thus agriculture and rural development are most certainly areas where the principle of non-discrimination is the standard. Gender is one of the cross cutting themes that the Macedonian government pursues at national level by promoting equal opportunities focal points in every Ministry and in the administration of the local self-government units. This is one of the priority activities outlined with the National Plan for Gender Equality (NPGE) that enforces the commitments Macedonia undertook with the signing of the Beijing Platform and Action Plan. In addition, one of the strategic goals of the NPGE is to focus future
legislative activities on improving the social status and living conditions of women in rural areas. Most relevant to this research is the IV strategic goal of the NPGE which specifically addresses the need to increase employment opportunities for rural women. The basic activities that the NPGE envisages to achieve this goal are:

- improved education and training for women (including project management trainings),
- encouraging rural women to initiate projects and stimulate entrepreneurship among them,
- regulate the legal status of women farmers and others.

As measurable indicators the NPEG mentions significant increase in projects initiated and completed by women, increased number of registered women farmers, increased participation in education and training activities, and a rise in the number of legal acts designed to improve the status of rural women. However one must note that with the reform of the policy making process at the level of Government and with the introduction of regulative impact assessment as compulsory phase of every process for development of new policies the impact of policies on gender equality is not specifically addressed. As the review of policies in Macedonia shows, both the Constitution and the national laws guarantee complete equality between men and women. The fact that the law does not make any distinction between the legal capacity of men and women means that there are no legal limitations for women to own property, initiate court proceedings, obtain credits, etc.

Gender Balance in transition countries, rather poorly developed and with conservative, at times even patriarchal, traditions is a policy issue that needs to be addressed through comprehensive gender mainstreaming approach across all sectors and to be initiated from the top political leadership. Gender mainstreaming is a process of “assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality”. Gender balancing in the agricultural sector should be policy priority for any government of a country that has significant number of the people living in rural areas. In Macedonia 40% of the women live in rural areas. They are “unemployed housewives, who take care of the house, the cattle and the fields”; they “don’t own land, property, and businesses, and lack access to favorable loans”. Almost all rural women younger than 30 want to move to the cities, and that 20 percent of older women
want to stay in the village, but not work in agriculture. “The unemployment, bad communal infrastructure and the insecurity of the agricultural markets were identified as the basic problems for women living in the countryside.” Also the Union of the Women’s Organizations of R.Macedonia came up with the study entitled “Gender Concept in the Rural Areas of Macedonia,” where the general conclusion was that the rural areas are predominantly patriarchal; while politics and economy are reserved for the men, the role of women is mostly reproductive.

3.1. The Agricultural Policy

The Agricultural Policy to-date has not been made gender sensitive. The Government of the Republic of Macedonia has however contributed to achieving gender equality in this sector through several incentives, especially through the IPARD program, whose criteria are favorable toward women in the application process for agricultural investment funds. There are several active projects that are intended to raise awareness and capacity for participation of women in the agricultural sector.

Registered Farming as a gender issue

Less than half of the female participants responded they have been farmers for more than 15 years. Most of them have started farming during the past 9-5 years, while several have been introduced to it when they got married into a farming family. On the other hand, the vast majority of the male participants said that they had been farmers most of their lives.

Women as farmers

Both men and women agreed that there are many women working as farmers, although most of them may not be registered. Specifically, if a woman lives in a farming family, she automatically becomes a farmer and needs to help in the family’s business.

Gender division of farming activities

In general, participants agreed that nowadays women can participate in all aspects of the farming business. Women from Bitola were especially supportive of this opinion and concluded that 90% of the activities are being performed jointly by men and women, and women are now even performing the traditionally male activities.
Membership in farmers’ organizations/associations

None of the women from the group from Gostivar (including other women farmers they know) is a member of any farmers’ association;

In general, both men and women agreed that women are insufficiently represented within these organizations, both in terms of number and decision-making power.

Both men and women agreed that this situation is mainly due to the traditional norms, i.e. the opinion that men of the family should be members of such organizations is still dominant, causing many women not to even consider joining, since a member of their family is already associated. In addition, since women are much more occupied with household activities, they often do not have time to join associations and participate at meetings. Finally, many women farmers are not informed about the possibilities of joining these organizations and do not see their benefit in doing so. Many male participants added that they believe that women don’t want to be members, an opinion which was not shared by the female participants.

Access to trainings and consultative services

About half of the participants (both male and female) said they have participated in trainings, mostly organized by the Federation of Farmers and their respective organizations. However, while all participating women from Bitola reported to have been involved in trainings, none of the women from Gostivar said to have participated although there is an interest for this among some of them. “I would very much like to participate in trainings for farmers, but here women are not being informed about this. Even if we show interest, they would respond that the training is not made for us and only men can participate.”

“My husband participates in the work of the regional center of the Federation and goes to trainings, but does not allow me to participate.”

The Macedonian women farmers have participated in different trainings: leadership, organic production, market research and presentation, education on specific topics from the Faculty of Agriculture etc.

Everyone, with the exception of women from Strumica, said that the participation of women at these trainings has been rather low (although some training offered advantage for women), and detected the main reasons for this in the:
- Lack of organized transportation

- Too many domestic responsibilities

- Lack of information on the trainings

The traditional opinion that men should participate in those trainings, since they are not for women. The male participants supported this opinion by claiming that it is tradition for the man to have bigger responsibilities for knowledge upgrade.

In general, they agreed that both men and women have the same access to consulting services and were not very familiar with the number of women benefiting from these opportunities. While some considered that many women use them, others judged that they are not sufficiently utilized by women. Moreover, two women from the town of Pehcevo who worked as chicken breeders said they try to get information on their own, since even the vets from their town are not much acquainted with some of the issues they face. In addition, two men said that they gain new information from their wives.

Access to land and bank loans

The access to public farmland was assessed as problematic by both men and women. Only one woman from the area of Kocani has reported to own a farmland registered on her name and two men from Bitola have bought public land. Others were quite disappointed regarding the possibilities for receiving farm land from the state for different reasons. Although the Ministry of Agriculture gives priority to women farmers, the main problem are the assets which are registered under the husband/father. Also, the tradition is that the men of the family should register as farmers, while the women remain unregistered, a fact that also prevents them from applying for land. Finally, many reasons which are not gender-specific were mentioned, such as: nepotism, political affiliation, lack of information, unclear criteria for distribution of the land etc. Very few women and very few families in general, reported to have received a bank loan. One woman has managed to do this after her husband authorized her, which has made possible for both of them to raise a loan independently from two separate banks. Very few women were acquainted with the possibility for the husband to authorize the wife to be the ‘bank-loan applicant’ and believed that since they do not own the assets and are not registered as farmers, it would not be possible for them to apply for a loan. On the other hand, most of the male farmers have tried to obtain a loan and seven (five of whom from Bitola) have managed to do this.
The discussions have confirmed the assumption that the status of women farmers in Macedonia is unfavorable. While women are very much involved in the farming activities of their families, their contribution is often under-valuated, they are not considered as equal members of the farming community, hence not invited at trainings as often as men and insufficiently involved in the decision-making bodies. So the starting hypothesis of this research was not confirmed, as women participate highly in the agricultural sector, the formal recognition of this participation however lacks. Agriculture related legislation invariably omits to explicitly mention the necessity of gender balance and the need to introduce measures that favor equal access for women in the various agricultural activities and programs. On the other hand, the constitution explicitly requires all legislation to abide by the principles of non-discrimination and therefore all discriminatory practices are a priori forbidden. Nevertheless, legal clarity and clauses specifically addressing gender balance should be included in all relevant laws and regulations.

The tradition, especially the inheritance practices, and the mentality were detected as the main reasons for this. This, in conjunction with the lack of information being offered to women, causes them to have none or restricted means to individually manage a farming business. In addition, many of the participants have concluded that the interest among the younger generations for farming is very low, and while women over 40 years old do not mind turning to farming (especially if they have no other sources of income), younger people would rather do some other less paid jobs than be farmers.

The CRPM team has identified several recommendations to address the issues that women face in the agricultural sector. This is by no means an exhaustive list, but it offers a starting point for decision-makers and relevant stakeholders who have an interest in ending the existing gender inequality in the agricultural sector.

- Studying further the participation of both sexes in the agricultural sector,

- Introducing gender aware policy making methodology at national and local level

- Introducing new and more efficient methods of disseminating information concerning the possibilities for developing farming activity

- Reducing taxes and expenses for registered farmers, to stimulate women’s participation

- Organizing forums with women farmers in different municipalities where they could discuss their problems, liaise, and share information.
- Overcoming the traditional norms according to which the male family members are owners of the household assets. While this issue was pointed out by the majority of women, the male farmers (especially those from Strumica) did not see property ownership as a problem; because everything belongs to the family; the husband does not want to trouble his wife with bureaucratic procedures.

- Developing additional measures (loans, trainings etc.) for encouraging women’s participation in agriculture.

- Educational measures for changing the perception of the community regarding women farmers

- Developing strategies for bringing young people back to the village and improving the rural infrastructure

In general female participants were optimistic that the situation will change for the better, but emphasized that the Government and particularly the Ministry of Agriculture should play an active role in this, and men should have more understanding of the problems of women farmers. On the other hand, men concluded that since the global situation for everybody is hard, it is especially hard for women. Optimism was not highly shared among them and less than half expressed hopes for a better future.

3.1. The social assessments (SA)

The social assessment made in RM 2005 regarding the gender and ownership of the land identified:

- While women are technically “protected under the law” as equal owners of property with their husbands, in reality stakeholders report that women’s rights are rarely upheld.
- Daughters in Macedonia rarely inherit land, rather they concede their right to their brothers to keep peace in the family.
- Women often lack information about their rights, and do not know which services to use to get advice.
- The ownership of the property has traditionally been in favor of men. The tradition is difficult to change.

*The gap between norms and practice*

A striking impression of various monitors of the democratization processes in Macedonia, is that there is a significant discrepancy between the norms and the practice – while Macedonian laws are adopted there
is no adequate execution. In the 2007 report, an emphasis was made on the “only slow” pace of the implementation of the law on equal opportunities for women and men. It was said that there was a gap between the norms and the practice, as “the definitions provided for in the law are not yet in full compliance with the acquits”.

In 2007, a brief on Women’s rights in Macedonia said that:

“There is a need to introduce measures to eliminate the existing frequent practice of leaving the estate to the male heirs, in spite of the fact that under the inheritance law both male and female siblings are equally entitled to this right. (...) Property, i.e. real estate is usually registered under the name of men(...) even though legally men and women have equal rights in terms of property ownership, this equality is rarely practiced. Women are also often placed in an inferior position when it comes to making financial decisions. The reasons (...) can be found in traditions, customs, and in certain objective circumstances.”

Moreover, according to a survey conducted by the Supervision Mission of the Real Estate Cadaster Agency of Macedonia in 2009, in 55% of the property deeds there is only one owner, while in 45% of the cases the ownership is shared among 2 or more people. In 73% of the cases where only one single owner appeared, that person was a man, and in only 27% of the cases women appeared as owners. The Supervision of the Cadaster report also refers to the inheritance traditions among Muslims in Macedonia, ethnic and Albanians, Turks and Roma, influencing the disproportional distribution of property. For many, among these communities, men are the main heirs of the family property and women are basically deprived of their inheritance rights.

Also, there are several active projects that are intended to raise awareness and capacity for participation of women in the agricultural sector. Research findings were that less than half of the female participants responded they have been farmers for more than 15 years. Most of them have started farming during the past 9-5 years, while several have been introduced to it when they got married into a farming family. On the other hand, the vast majority of the male participants said that they had been farmers most of their lives. Both men and women agreed that there are many women working as farmers, although most of them may not be registered. Specifically, if a woman lives in a farming family, she automatically becomes a farmer and needs to help in the family’s business.

After all the discussions made on the issue of women’s effective property and inheritance rights in Macedonia, the following points from the SA can be drawn:
- Macedonia has developed a gender balanced legal framework which promotes full equality between men and women regarding their rights, including their economic, property and inheritance rights, with one questionable point (the right to exclude anyone, even children, from the inheritance procedure).

- There is a huge gap between the norms and the practice, as most of the legal acts remain unimplemented, and protection of the women’s rights fails.

- The factual situation is that men are dominant over women: most of the properties are owned by men and women are being discriminated against in the inheritance process.

- The discrepancy between men and women is especially visible in the rural areas.

- Some cultural specifications, in the first place Muslim tradition are important factor in the way property and inheritance rights are being exercised.

In the SA, opinion the shortcomings were addressed by taking the following steps:

Reduce the collision between customary practices and the laws by first, doing a detailed research on the points where tradition and religion negatively impact women’s property and inheritance rights; publicize the research work and demand feedback; try to re-interpret the cultural codes in a manner that would provide an opportunity for opening towards the idea of women’s rights (for example, going back to the basics of Islam as observed in the previous section of the analysis might result in alteration of the discourse among Muslims); as well, the questionable point of the Inheritance Law on the exclusion should be revised and adjusted to the European continental law;

Overcome the lack of delivery on the executive side by

a) getting both women and men involved; as the top-down approach seems to be ineffective, institutions need to thrive for new forms of participatory actions; first listen to the women and then try to meet their demands; also, try to educate men about women rights and gender equality;

b) integration of the capacities; the potential stakeholders at this point are dispersed and not even aware of their overlapping interests; various governmental, non-governmental, judicial and market entities that touch upon women’s rights, property rights, inheritance rights, family issues, land, housing, equal opportunities, affirmative actions need to be brought together in order to create new policies provide more effective policy execution;
Overcome the inferiority of women in rural areas (as their situation is more urgent) by providing access to education, training, and to decision making on the ground level; provide easier access to the labor market; provide easier access to state institutions and programs by taking affirmative actions; provide opportunities for women’s businesses and involvement in the market by supporting micro crediting or providing generic loans for women; include men in these processes – organize workshops for couples, groups comprised of both men and women etc. Anticipate and act in time against the unfair customary practices by providing mediation services; assign trained judicial and law experts that would provide legal aid in cases where women’s property and inheritance rights have been infringed; Bridge the “language” discrepancy: introduce gender sensitive approaches on local level; lobby for the introduction of the gender sensitive language in the institutions on all levels; introduce gender aspect in schools; stimulate civic initiatives that would embrace gender aspect; educate local male leaders on gender.

3.2. National policies for gender equality in education and their implementation

Gender equality is one of the fundamental values of the constitutional order of RM, based on full recognition and promotion of equal opportunities for women and men, an indispensable precondition for sustainable development, human rights enjoyment and exercise of democratic values. In article 9 of the Constitution of RM as a highest legal act is stated: Citizens of the RM equal in their freedoms and rights of sex, race, color, national or social origin, political and religious beliefs; property and social status. Equality between women and men are considered the question of human rights and a prerequisite and indicator of sustainable human development in general.

In the past years Macedonia has made a significant progress in the area of promoting gender equality and respecting the human rights, which at the same time are one of the guiding principles and goals of the Macedonian government (contribute to the economic empowerment of women, to encourage parents to equally divide their property among children of different sexes.)

The issue of gender equality in education has been raised in several strategic documents. However, none of the bellow mentioned policy documents or institutions are specifically concerned with gender equality in secondary education, but within the wider issues of gender equality and/or education.

Nationally and locally, mechanisms for gender equality have been also established with the Strategy for Gender Equality 2013-2020, the Action Plan for Gender Equality 2013-2016, Strategy on Gender Responsive Budgeting 2012-2017. Ministry of Labor and Social Policy (MLSP) authorized for gender equality adopted annual operational plans as well as several bylaws.
3.2.1. Law on Equal Opportunities for Men and Women

Equal opportunities for men and women in terms of dignity and rights means promotion of the principle of equal participation of women and men in all areas of public and private life, equal status and treatment in realizing all rights and in the development of their individual potentials through which they contribute in societal development, as well as equal benefits from the results arisen from that development (Article 4(1) of the Law on Equal Opportunities for Women and Men). The basic measures for realization of the principle of equal opportunities are normative measures from various fields that prohibit gender-based discrimination and foresee an obligation to care for and to create conditions for securing equal treatment in the realization and protection of rights and liberties, and which also foresee sanctions for the disrespect of requirements and prohibitions (Article 5(1) of the Law).

The Law has been carried in 2006 and consists of provisions on the gender mainstreaming aspects in several areas, including education. Equal education of men and women is considered as a necessary precondition for enabling both sexes to equally and actively participate in the social life. Hence, it is the role of the educational institutions to provide a system of measures to provide equal treatment to men and women, especially when it comes to access to education. (Article 10).

In addition the law calls for the establishment of a National Action Plan for Equal Opportunities of Women and Men.
3.2.2. Law on Secondary Education

The Law on Secondary Education states that everyone has a right to secondary education under equal conditions and prohibits discrimination on the basis of gender, race, national and social origin etc.

3.2.3. Family Law

Macedonia’s Family Law explicitly provides for equality between men and women within marriage and family relations, and the Law on Inheritance explicitly stipulates that men and women have the same rights to inheritance.

There are several positive provisions in the Family Law that protect women’s rights to own property. Article 59 states that “when an item is held in joint ownership, the right to own it is not affected by whether or not the joint owners name is in the property register.” Thus, although preferably a woman’s name would be included in the registry as a joint owner, not including her name is not proof that she does not have rights to the property. Article 61 specifically gives each joint owner the right to request his or her name be in the registry.

As in the other countries in the Western Balkans and most of Western Europe, marital property can be joint or separate (Art.66). The presumption is that property acquired during marriage is joint ownership (Art 67), but inherited or gifted property can be one spouse’s separate property (Art 68).

Under the Family Law, if an unmarried couple has co-habituated for more than a year, legally they are treated as a married couple, in regard to property ownership and access to state support. This progressive
provision provides women who do not have a registered marriage to still have rights to co-owned property.

Macedonia’s Family Law explicitly provides for equality between men and women within marriage and family relations, and the Law on Inheritance explicitly stipulates that men and women have the same rights to inheritance. Although inheritance law provides equal treatment of legal heirs, the tradition in all communities (Macedonian and Albanian, urban/rural) is of male heirs. We can say that this occurrence is even more drastic in rural environments and even in families from urban environments where families have a higher degree of education.

3.2.4. National Action Plan for Equal Opportunities for Men and Women (NAPEO)

The relevant stakeholders have prepared a five-year National Action Plan for gender equality, which also includes education-related issues. Specifically, the third strategic goal of the Action Plan is: **Increased inclusion and decreased dropout rate of girls from the non-majority rural communities.** Part of the activities predicted for achieving this goal include:

- Preparing an analysis on the reasons and inclusion of girls from non-majority and rural communities at all educational levels. Girls in secondary education: How to increase the enrollment?

- Conducting an intensive campaign in the ethnic communities (especially the Roma and Albanian community) directed towards higher inclusion in the education.

- Conducting an analysis regarding the respect of the legal provision for mandatory secondary education

- Activities for educating parents and/or guardians on the need for education
- Conducting activities for sensitization, education and inclusion of teachers in active policies for reducing dropout rates

The Action Plan contains the basic principles of equal opportunities in accordance with the contents of the long-term program documents, and in particular:

- guidelines and measures for achieving the goals in certain areas of public life and in particular in the field of employment, social security, health care, education, family relations and representation of women and men in public life;

- responsibility for implementing the measures for achieving the goals;

- contents, competent bodies and persons responsible for preparing and implementing the periodic plans that are in function of implementing the tasks from the Action Plan in particular areas of public life;

- the data that are collected and processed are connected, stored, analyzed and presented separately by gender structure within the activities of the State Statistical Office;

- the method for monitoring and reporting on the enforcement of the Action Plan, and necessary resources for the implementation of measures from the Action Plan, sources and manner of securing such resources (Article 21(1) of the Law).

The institutions responsible for implementing the action plan include: MoES, MTSP, Ministry of Agriculture, ULSG, The Macedonian Parliament, BDE, Citizens’ associations; and the main organ responsible for coordination is the Ministry of Labor and Social Policy.

MLSP in cooperation with the Ministry of Education have a responsibility to perform regular analysis of the content of curricula, programs and textbooks in terms of promotion of equal opportunities for women and men. This activity is part of the Action Plan for Demographic Policy 2015-2016 year, stems from the Strategy for Demographic Policy of RM 2015-2024, and the Strategy for Gender Equality 2013-2020. The local governments are obliged to form a Commission for Equal Opportunities for Women and Men and appoint a coordinator and deputy coordinator for equal opportunities for women and men.

MLSP in 2015 reported:

Ministry of Economy includes women in the labor market. 15 applications for female entrepreneurship were accepted.
Ministry of Culture had a significant influence and presence of women in the management of projects in the field of culture (147 women and 125 men project managers).

Ministry of Information Society and Administration measured 21 cybercafés, presence of women in internet clubs was 22.9% versus 77.1% male visitors. Enrollment of girls ICT faculties in school year 2015-2016 increased to 32.16% versus 29.12% in the academic year 2014-2015.

Women’s rights to real property in RM are also well protected by both, the law and practices.

However, despite the good intentions, the proposed actions have not been realized. One of the reasons lays in the insufficiently defined specific responsibilities of the concerned parties. The budgetary constraints are additional restrictive factors.

3.2.5. Committees for Equal Opportunities

The Law on Equal Opportunities for Men and Women (Article 13) predicts mandatory assignment of a person – coordinator for implementing the equal opportunity policies in the relevant ministries. The coordinators are responsible for preparing an annual report for their work to the Ministry of Labor. Still, the analyses regarding their work point out to several problems which are in the way of implementing the gender equality policies (e.g. majority of other functions, insufficient experience in the area of gender equality and mainstreaming, have not been included in the development of the Action plan and do not believe to have the mandate on implementing the activities).
Committees for equal opportunities have also been established at the level of municipalities.

However, even though the case-study municipalities – Struga and Strumica have established such committees, the interviews conducted revealed that their representatives do not consider the gender aspect of the secondary school enrollment as much important, as they believe that this problem in their municipalities is not gender-related. Hence, they have not taken or predicted activities for overcoming the specific obstacles certain groups of young girls face when it comes to secondary school enrollment.

In addition, the interviews with representatives of the education sector in the two municipalities also indicated that they do not perceive the low enrollment as being partially determined by gender. They said that the gender has nothing to do with the low enrollment and that it is primarily a financial and social problem.

Educating and supporting the institutions established by law to support gender equity on women’s lack of property rights and potential avenues for change could have a sustainable impact.

How to effectuate legal rights to land?

Requires a continuum of action:

1) Legal Reform,
2) Legal awareness,
3) Legal information and
4) Legal capacity.

*****

It can be concluded that the policies are in place and the relevant laws and institutions have been established. The laws have been carried, but there is lack of sensitivity for the issue on behalf of the stakeholders. Apart from acknowledging the problematic issues regarding gender equality in education, no specific action has been taken. The gender as an issue is not perceived as a priority among the policy.

In Macedonia, discriminatory customs, traditions, and stereotypes are widespread and undermine women’s basic rights, especially those of women in rural areas. Institutions do not appropriately exercise
their role in ensuring better integration of the gender perspective into policy areas, and there is no strategic approach to implementing national strategies and action plans (Commission 2012).

The national action plan for gender equality for 2008-2012 is implemented in a piecemeal approach, depending largely on external financing. Moreover, the capacity of the equal opportunity commissions at the local level remains limited. Support for activities to combat discriminatory customs, traditions and stereotypes remains limited (Commission 2012).

Daughters in Macedonia rarely inherit land, rather they concede their right to their brothers to keep peace in the family. The family is the source of women’s welfare, so many wives and daughters will not insist on claiming their share of property or having their names on property titles (Sourcebook 2009). Women often lack information about their rights, and do not know which services to use to get advice.

4. Steps taken to increase the percentage of women owners of the property

In order to achieve gender equality and tackle existing inequalities, it was necessary to undertake activities which will use a different approach and work on raising the awareness of women, as well as men. During this process, we do take into consideration that these groups have different needs and priorities. They face different obstacles and have different aspirations. Naturally this brings us to the issue that it is necessary to have a specific approach and raising awareness with parents, especially among young parents, for the equal opportunities for their offspring, especially considering the fact that children acquire and build their habits and attitudes within the family they are raised in and develop as separate individuals.

Taking this into consideration, it was necessary to develop an appropriate approach and methodology for the main problem we wish to address with this project, which is the effective realization of ownership rights of women in the Republic of Macedonia.

To improve the situation, several institutions in RM were included in the project called: How to increase the level of percentage of women owners of property, supported by the WB.
4.1. How did we start?

With a survey, to see how citizens think about the division of property and inheritance. Whether the property should be divided between male and female children equally, or should boys be the only ones who inherit? How great is the influence of tradition? And what kind of meaning does the ownership of property hold for the economic social position of women and men in the community?

Meetings with local policy makers. What is their position regarding this issue? What do local politics say about this issue? Commitment of the advisors to implement activities and involvement of the local council in raising citizens’ awareness.

Campaign, meetings with citizens, leaflets and other educational and promotional materials distributed throughout the municipality.
Do you believe that tradition has an influence on the division of inheritance in your environment?

- Yes: 75%
- No: 25%

When you make a decision for the division of property, do you consult with the entire family, or is the decision on who will inherit what, made by the male part of the family?

- It is a joint decision: 88%
- The father decides: 12%
4.2. Key message was………………..

To increase the percentage of women owners of real properties and land. To contribute to the economic empowerment of women. To reduce violence against women. To encourage women to get what legally belongs to them. To encourage parents to equally divide their property among children of different sexes.

The municipality of Aerodrom is a success story in terms of numbers, but also in terms of the willingness of all stakeholders to improve the participation of women in the total number of owners of real property and land and to create policies that are gender sensitive.

The municipality of Aerodrom has nearly twice as many women property owners (30.2 %) compared to the average in the Republic of Macedonia (16.63 %)

4.3. Networks and action plans supported this reform process, were:

- Nationwide strategy for equal opportunities and non-discrimination and the action plan based on non-discrimination on grounds of sex, age, ethnicity and disability,
• The Law on Real Estate Cadastre provides equal opportunities for both genders in the process of registering property rights,
• A good cooperation between the Notary Chamber and AREC, the Ministry of Labor and Social Policy and non-governmental institutions,
• Conducted survey, to see how citizens think about the division of property and inheritance.
• Meetings with local policy makers.
• At the local level special departments in charge of gender equality,
• Commitment of the advisors to implement activities and involvement of the local council in raising citizens’ awareness.
• Campaign, meetings with citizens, leaflets and other educational and promotional materials distributed throughout the municipality.
• AREC has opened the Contact Center to improve the level of services and to instantly deliver information to the clients. This application provides also gender segregated data about the clients.

4.4. Key Institutions Involved in the Reform

<table>
<thead>
<tr>
<th>Name of institution</th>
<th>Role they play in the reform process.</th>
<th>Is the institution in favor, not in favor or indifferent to the program? Briefly explain why.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency for Real Estate Cadastre - AREC</td>
<td>Registration of ownership rights</td>
<td>In favor - owners are well informed about registration procedures</td>
</tr>
<tr>
<td>Ministry of Labor and Social Policy - MLSP</td>
<td>Creates policies for gender equality</td>
<td>In favor - national strategy for equal opportunities is well accepted and understood by all stakeholders</td>
</tr>
<tr>
<td>Ministry of Agriculture, Forestry and Water Management</td>
<td>Encourage the role of women farmers in rural areas</td>
<td>In favor - increased number of women farmers claiming subventions</td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td>Monitoring the implementation of legislation</td>
<td>In favor - legislation implemented</td>
</tr>
</tbody>
</table>
### Organizational Stakeholders

Organizations who are involved in the reform process or should be involved in the reform process

<table>
<thead>
<tr>
<th>Name of Person or Organization</th>
<th>Describe how the reform process impacts these organizations?</th>
<th>Is this person/organization, for the reform, against the reform or neutral? And why?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Education and Science</td>
<td>Ministry of education will make some modifications in the curricula, and Ministry of Justice will elaborate about the procedures</td>
<td>The impact will be directed more towards women registering their property rights in the cadastre</td>
</tr>
<tr>
<td>Ministry of Agriculture, Forestry and Water Management</td>
<td>More women owning land property and parcels, providing land for vulnerable groups</td>
<td>Policy for access to information about opportunities for loans and subsidies for agricultural activities</td>
</tr>
<tr>
<td>Ministry of Labor and Social Policy (Gender and equal office opportunities)</td>
<td>Evaluate gender equality</td>
<td></td>
</tr>
<tr>
<td>Agency for Real Estate Cadastre</td>
<td>Registration of real property rights</td>
<td></td>
</tr>
</tbody>
</table>

### Community Stakeholders

Community groups who will (or should) be directly or indirectly affected by the reform process

<table>
<thead>
<tr>
<th>Name of Person or Organization</th>
<th>Describe How they Influence Financial Resources</th>
<th>Is this person/organization, for the reform, against the reform or neutral? And why?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Governmental Organizations-NGOs</td>
<td>Submission of initiatives to change the regulations</td>
<td>Strengthening the role of the non-governmental sector</td>
</tr>
<tr>
<td>Federation of Farmers of Republic of Macedonia</td>
<td>Establishment of a special unit for women farmers in Macedonia</td>
<td>Can influence Government policies to encourage women from rural areas to be engaged in the agricultural sector. Increasing the number of</td>
</tr>
</tbody>
</table>
4.5. The top 4 critical success factors to create a change? What would success look like?

The four key factors to contribute to the introduction of the changes are as follows:

1) **Raising the awareness of women for the opportunities provided by the legal framework of the Republic of Macedonia.**

During the implementation of the reform of the Agency for Real Estate Cadastre through the World Bank Project entitled "Real Estate Cadastre and Registration" it was noted that property has not been registered in areas where the majority of the population is Albanian and has predominantly been owned by their ancestors (grandfather, great-grandfather). An ongoing campaign was conducted to raise the public awareness of property owners on the importance of registering their property, called open days with the cadastre. TV spots were produced; informative - educational brochures were prepared in order to inform on the process of property registration. One of the goals of this project was to provide an accurate database of registered property owners. The social assessment of the project, before its implementation, it was determined that the not updated database of owners may be one of the obstacles for women to exercise their right to property, for example the right of inheritance, etc. However with the establishment of Real Estate Cadastre throughout the entire territory of the Republic of Macedonia, from the 100% of established REC, only 16% of registered rights owners are women.
2) **Raising the public awareness by introducing a free hotline, publishing informational brochures, TV spots, panel discussions, platform discussions**

There are several ways in which we could raise the public awareness for women’s rights in the Republic of Macedonia:

Establishing a free open hotline, where women can inform themselves about their rights and speak about the problems they face. Such a line can be set up within the ministries, NGOs, municipalities etc. Also, these so called places for encouraging women will also assist in providing legal advice and information on how to realize their property rights. Women in rural areas are a vulnerable group of population that needed to be encouraged.

Education of all other stakeholders shall be needed in the field of land administration, including:

- Education of private surveying companies,
- Education for real estate agencies, and so on.
3) Contact points at the municipality level

National Strategy for Equal Access allows councilors at a local level - municipalities to take into account the equal representation of men and women. These councilors could perform an educational function of women about their rights and the procedures regarding the same. These councilors will have to be trained in order to gain enough knowledge as to provide counseling services related to women's property rights.

4) Educating the younger generations

Schools could be included as places where young generations will be educated on gender equality, equal opportunities for both sexes for all social issues, including issues in the area of property rights. However, we should be aware that this is a two-way process. The question is whether there is enough trained staff from among the teachers in the schools that would support these educational programs. The Ministry of
Education is one of the actors which would help in breaking the stereotypes in society, by reforming the educational program.

5. Gender issues reported 2015

- Women’s access to property is well protected by both the law and practices. As a result of the law, banks and notaries must ensure that both spouses agree to a mortgage and they are encouraged to register the property in both names.

- The common practice is to record both husbands and wives as owners.

- Due to reforms to the property and registration system, there has been greater public awareness of property rights and the entitlements of women.

- Notaries credited with raising the awareness of people regarding rights and obligations towards women. It was noted that close to 70 percent of notaries are women.

The findings from the SA from preparation were that women’s property rights are legally protected. However, both in urban and rural areas and among the Macedonian, Albanian and Roma ethnic groups the tradition favors male inheritance of property, though this appears to be slowly changing particularly among the urban population. Regarding joint ownership of property, all property acquired during a marriage is considered joint property however women are seldom registered as a co-owner. It is possible to include both names in the register; however this can only be done if both names are included on the deed of sale or sale contract. In discussion with the notaries they stated that more and more couples request that both names are included on the deed of sale or contract.

While there may not be active discrimination against women, better awareness and information to women of the need to include their name on the deed of sale or contract is recommended.

Every law in Macedonia establishes that employment should be proportionally representative of the ethnic groups existing in the country. There is, though, a provision that states the need of guaranteeing equal opportunity to women. AREC has good representation of women at senior levels in both legal and technical departments, and increasingly as managers of local offices.
However, in spite of the progress made in the institutional, political and legal framework, the gender gap continues to exist. One reason for this may be found in the tradition and the traditional role of the wife, mother and daughter within the Macedonian family. Namely, the husband is member of the family that most often owns property, next in importance is the father, followed by the wife and finally the mother. Within the existing database of the Agency for Real Estate Cadastre as of 2015, only cca. 17% of the registered property rights are registered real estate rights whose holder is a woman. Although inheritance law provides equal treatment of legal heirs (son/daughter), the dominant tradition in all communities (Macedonian and Albanian, urban/rural) is of male heirs. It often happens that a woman refrains from accepting her right as heir of the property subject to the inheritance, for the simple reason that she believes she will be judged by her family and immediate surroundings.

We can say that this occurrence is even more drastic in rural environments. One of the factors contributing to this is the fact that most women accept this situation as normal, most of them see nothing discriminatory in this tradition and adhere to this tradition without objection. Some reasons for this include the belief that the woman will take with her the inherited property to a different house, i.e. belief that the family will lose the said property. We would like to mention that this is also a very common occurrence even in families from urban environments where families have a higher degree of education.

Another factor, that leads the woman to refrain from exercising her right of ownership besides the mentioned tradition, is of course the economic issue. In the process of inheritance, the value of the costs charged by the notary is somewhere around 150 euros, which can also be one of the reasons that lead the woman to refrain from exercising her right of ownership, especially considering the economic situation in the country.

When it comes to divorce cases and proof of title to property acquired in marriage, it should be known that property disputes can last a long time, and sometimes expert evidence is necessary, which further creates both financial difficulties and lengthens the period for women in the realization of their rights.

In order to achieve gender equality and tackle existing inequalities, it is necessary to proceed the activities which will use a different approach and work on raising the awareness of women, as well as men. We need to take into consideration that these groups have different needs and priorities. They face different obstacles and have different aspirations. It is necessary to have a specific approach and raising awareness
with parents, especially among young parents, for the equal opportunities for their offspring, especially considering the fact that children acquire and build their habits and attitudes within the family they are raised in and develop as separate individuals.

In Macedonia approximately 17% of all property is owned by women while men own approximately 83% of all property. It is worth to mention that in the urban municipalities where young couples lives, has nearly twice as many women property owners (30.2 %) compared to the average in the RM (16.63 %). The percentage of women owners is higher in urban areas than in the rural one, in areas where the tradition have less influence and in the areas/cities where the economy is more developed, meaning where the number of woman employees is higher.

6. Country Level Data

Women in Macedonia own approximately 17% of all property while men own approximately 83% of all property.

6.1. Local Level Data

There is no difference between rural and urban areas in Macedonia, and cca 17% of women own any amount of property (from 100% of a property to less than 20% of a property) in any part of the country.
However, even with these low levels of property owned by women, there is only a 12% difference between the number of women and men who use their property as collateral.

This indicates that the difficulty is in women gaining title to property, but once women have this title, they are able to make decisions and engage in economic transactions. Thus, cultural norms against women as economic actors may not be strong, but there are other reasons for women’s lack of documented rights to property. Understanding why women are not engaging in registration but are using property as collateral will be critical for messages developed.

6.2. Data for % of registered female property owners for the municipalities Aerodrom, Chair, Zelenikovo

<table>
<thead>
<tr>
<th>Male citizens</th>
<th>Female citizens</th>
<th>Total of citizens</th>
<th>Male %</th>
<th>Female %</th>
<th>Municipality</th>
</tr>
</thead>
<tbody>
<tr>
<td>42090</td>
<td>18211</td>
<td>60301</td>
<td>69,8</td>
<td>30,2</td>
<td>Aerodrom</td>
</tr>
<tr>
<td>678</td>
<td>128</td>
<td>806</td>
<td>84,12</td>
<td>15,88</td>
<td>Zelenikovo</td>
</tr>
<tr>
<td>18580</td>
<td>4921</td>
<td>23501</td>
<td>79,06</td>
<td>20,94</td>
<td>Chair</td>
</tr>
</tbody>
</table>

Ownership of the property has traditionally been in favor of men. And the numbers confirm that tradition is difficult to change. The municipality of Aerodrom has nearly twice as many women property owners – 30, 2%. But this is not enough. Therefore, the activities will be directed towards strengthening the awareness of women and men about the impact of the ownership of property and land over the economic independence and improved social status of women who have property ownership rights and manage it.

7. Other Gender statistics

For statistics to be useful in gender sensitive policy making and planning, it must be disaggregated by sex and reflect gender issues in society. All data on individuals should be collected, analyzed and presented by sex. The Law states that data that are collected, processed and presented according to gender structure within the activities of the State Statistical Office (Article 22(2)).
The responsibility to produce gender statistics is obligatory at the international level. The Beijing Declaration and Platform for Action, adopted in Beijing on 15 September 1995 by the Fourth World Conference on Women: Action for Equality, Development and Peace urges governments, the international community and civil society to take action in twelve critical areas of concern. The numerous paragraphs in these documents emphasize the need for improved statistics in various statistical fields, including health, education, work and economic conditions, violence, power and decision making.

According to the data from the last Census of Population, Households and Dwellings in 2002, the Republic of Macedonia had 2 022 547 inhabitants, which is 3.9% more compared with the Census in 1994 and 43% more compared with the Census in 1948.

The population in the Republic of Macedonia, as a result of the positive natural increase, still maintains an upward trend. According to population estimates (on 30.06.2015), the Republic of Macedonia has 2 070 226 inhabitants. The percentage distribution of women and men in the total population is almost equal, 49.9% of the population are women, while 50.1% are men.

Regarding the age structure, the Macedonian population is increasingly aging. In the period 2005-2015, the participation of the young female population (age group 0-14) in the total population decreased from 19.2% to 16.2%, while the share of the old female population (age group 65 and over) increased from 12.2% to 14.3%. An increase in the number of women can be observed in the age group of 65 and over.

Data show that women in the Republic of Macedonia live 3.9 years longer than men, i.e. 77.4 years compared to men’s life expectancy of 73.5 years. According to the value of the total fertility rate (TFR), which was 1.49 (live births per woman) in 2015, the women in the Republic of Macedonia more often decide to give birth to one or two children. According to the mothers’ age, in 2015, most (34.5%) were live births to mothers aged 25-29, and the mean age of mothers at first birth was 27.0 years. Legitimate live births account for 89.0%, while illegitimate births make up 11.0% of all live births. As a result of the postponement of marriage to older age, the average age at first marriage is 26.2 years for bride and 29.0 for groom. Changes in the age structure of the population have their impact on the number of deaths in the country. The average age at death is 75.1 years for females and 70.4 years for males. Net migration (the difference between immigration and emigration) in 2015 was 2 860 persons, i.e. 1259 women and 1601 men. Over the years, the gender structure of female and male students in primary and lower secondary and in upper secondary education has remained the same. The number of female students who are continuing their education from primary to upper secondary level is decreasing, while the number of males is increasing. The number of students who dropped out of school is insignificant (both for females...
and for males), and the drop-out rate in both primary and secondary education is 1%. Primary, lower secondary and upper secondary education is dominated by female teachers. In upper secondary education, the female students are more interested in gymnasium education, while the male students prefer vocational education. The net enrollment rates (for both sexes) in primary lower secondary and upper secondary education show a slight decrease. Over the years, there has been an increase in the number of women enrolling at the faculties. Also, there are more women enrolling in the second and third cycle of studies and graduating from the first, second and third cycles. The number of women enrolled and graduated from the first, second and third cycle is generally higher in social sciences, humanities and medical sciences, while for technical and technological sciences the number of women is lower in comparison with male students.

Net enrollment rate in primary and lower secondary education is the ratio between students in primary and lower secondary education who are of official primary school age, as prescribed by the Law on Primary Education, and the population of the corresponding age (6-14 years of age). Regarding computer and Internet usage, the gender gap was also present in 2015. In 2015, of the total number of computer users (1122721), 47.7% were women and 52.3% men. Of the total number of Internet users (1141488), 47.6% were women and 52.4% men. Data by age groups show that the gender gap concerning regular usage of the Internet is largest among individuals aged 55-74, 12 percentage points in favor of men, while in the age group 15-24 the gap is 4 percentage points in favor of women. Data by educational groups show that gender inequality with respect to regular usage of the Internet is highest among individuals with secondary education, almost 5 percentage points in favor of men, while among individuals with higher (tertiary) education the difference is 3 percentage points in favor of women.
8. LONG TERM GOALS

- Further development of the registration system can provide more brother statistics on gender issues.

- Equal opportunities for women in all spheres of society - not only de jure but also de facto
• All segment in society should be engaged (Notaries, Ministries, NGO’s, local government)
• More women shall be owners of property and
• More women shall own more property

9. References

http://www.katastar.gov.mk – Official web site of the Agency for Real Estate Cadastre


http://www.mtsp.gov.mk/rodova-ramnopravnost.nspx