



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	FYR of Macedonia
Title:	Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
Date:	23 January 2018
Expert:	Mirjana Najchevska
<u>Context</u>	
Issue at stake:	Violence against women
Ground of discrimination:	Sex
Source:	Legal development
Field:	other
Applicable law:	Council of Europe Convention on Preventing and Combating Violence against Woman and Domestic Violence (2011)

Content

Legal Development: The Macedonian Parliament ratified the Council of Europe Convention on Preventing and Combating Violence against Woman and Domestic Violence (CoE Istanbul Convention) on 22 December 2017¹. Despite the fact that Macedonia was amongst the first to sign this Convention on 8 July 2011,² the previous Government did not start the procedures for its ratification. The current Government (constituted on 1 June 2017), as promised in the electoral campaign, treated this Convention as a priority and the Governmental Cabinet's procedure for its ratification was concluded on 5 December 2017.³

The President of the country gave a new year's speech on 26 December 2017, during which he commented on the ratification of the CoE Istanbul Convention. His speech included the following statements;

- Ratification of the convention is risky as it *'...introduces a new and unconventional definition of gender as a social construct that is independent of the sex and which can be changed according to will'*;
- *'This will violate not only the fundamental human right of parents to raise their children in accordance with their moral values, but also one of the basic principles of upbringing of young generations in all the era and in all civilizations'*;
- *'...the introduction of a new understanding of gender without open public debate with parents, pedagogues, psychologists and all those involved in the education of young people will lead to imposed tolerance, without real and honest respect for diversity.'*⁴

¹ Proposal for ratification and voting results - <https://www.sobranie.mk/materialdetails.nsp?materialId=53d249d3-50bb-44ae-b643-a86295d10b1f> , accessed 2.01.2018.

² https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/210/signatures?p_auth=prfMuyFI , accessed 2.01.2018.

³ 41. Meeting of the Government - <http://vlada.mk/sednica/41> , accessed 2.01.2018.

⁴ Annual Address by the President Ivanov in the Assembly of the Republic of Macedonia - <http://pretsedatel.mk/mk/2011-06-17-09-55-07/2011-07-19-10-40-39/4677.html> , accessed 2.01.2018.

The president's speech triggered the reaction of the NGO-s "National Network against Violence against Women"⁵ and "Platform for Gender Equality"⁶ as well as many citizens on social media networks where the President was criticized for his statements. The Ministry of Labour and Social Policy also reacted in an equally critical manner.⁷

Key points of analysis: The ratification of the CoE Istanbul Convention is of paramount importance since it opened the issue of the amendments of a rather long list of legal acts where the issue of gender discrimination / equality is not adequately addressed. This list encompasses not only family law, laws on social protection, and equality and antidiscrimination laws, but also laws in the police and penal system. Furthermore, it also encompasses education and laws on health protection, as well as the media and laws on working relations, including the administration. Hence, it was estimated that it would be necessary, at least for the time being, to place reservations on the Articles 30/2, 44/3, 55/1 and 59 of the Convention.

Besides the fact that the above mentioned list of legal acts to be amended is quite long, the main problem might be the fact that the ratification act stipulates the Ministry of Labour and Social Policy as the competent body for its implementation. Bearing in mind that, on one hand, the legal changes are necessary in very different legal areas, and on the other, the administrative practise of the Macedonian ministries, it is hard to imagine that the Ministry of Labour and Social Policy could coordinate such a task, let alone implement it. Only the Governmental Cabinet has the authority to do this.

Internet source: Proposal for ratification and voting results - <https://www.sobranie.mk/materialdetails.nsp?materialId=53d249d3-50bb-44ae-b643-a86295d10b1f>

Annual Address by the President Ivanov in the Assembly of the Republic of Macedonia - <http://pretsedatel.mk/mk/2011-06-17-09-55-07/2011-07-19-10-40-39/4677.html>

⁵ PRESS RELEASE: The President of the State is without basic knowledge of gender (in) equality - <http://www.glasprotivnasilstvo.org.mk/28-12-2017-soopshtenie-za-javnost-pretsedatelot-na-drzhavata-e-bez-osnovni-poznavana-za-rodovata-ne-ednakvost/> , accessed 2.01.2018.

⁶ Reaction - The president of the state is without basic knowledge about gender (in) equality - <http://rodovaplatforma.mk/blog/%D1%80%D0%B5%D0%B0%D0%BA%D1%86%D0%B8%D1%98%D0%B0-%D0%BF%D1%80%D0%B5%D1%82%D1%81%D0%B5%D0%B4%D0%B0%D1%82%D0%B5%D0%BB%D0%BE%D1%82-%D0%BD%D0%B0-%D0%B4%D1%80%D0%B6%D0%B0%D0%B2%D0%B0%D1%82%D0%B0-%D0%B5/> , accessed 2.01.2018.

⁷ MLSP: Ivanov shows elementary ignorance of the Istanbul Convention - <https://www.mkd.mk/makedonija/politika/mtsp-ivanov-pokazhuva-elementarno-nepoznavanje-na-istanbulska-konvencija>, accessed 2.01.2018.