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## **Horizontal Facility for Western Balkans and Turkey**

### **HF II: HF 12 - Supporting enhanced access to higher quality Free Legal Aid services in North Macedonia**

**Dr. Marija Risteska**

**Gender mainstreaming consultant**

## **REPORT ON GENDER ANALYSIS, CAPACITY ASSESSMENT AND GENDER PROJECT STRATEGY**

**Engendering the project 2246- HFII: Supporting Enhanced  
Access to Higher Quality Free Legal Aid (FLA) Services in North  
Macedonia**

Skopje, April 2020

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## Gender analysis

The gender analysis is encompassed of analysis of legal and policy framework for gender equality and free legal aid - FLA as well as the relevant bylaws from gender perspective; capacity assessment of the staff that has mandate, capacity and awareness on gender perspectives in FLA, gender awareness and partnership of non-state actors /providers of free legal aid and para legal aid to vulnerable groups; and assessment of the gender skills, awareness and knowledge of the 27 branches of the Ministry of justice as authorized staff for free legal aid, attorneys of law that are registered as providers of free legal aid.

The gender analysis is based on desk-top research and analysis of legal and policy documents, interviews and survey with which capacity assessment was made. The data collection was organized from 13<sup>th</sup> February until 4<sup>th</sup> March. Since March 5<sup>th</sup> the consultant has analyzed gathered data using the analytical method of triangulation for assessment of the situation and the institutional framework, as well as values of stakeholders that will be included in implementation. Based on the analysis the consultant provides recommendations on:

- (i) guidelines and other tools and methods to be adopted by the project stakeholders to ensure gender mainstreaming;
- (ii) capacity and awareness that should be built and raised in order for gendered law implementation;
- (iii) type of partnerships that need to be built in order for effective implementation of the FLA law to benefit women and men, especially vulnerable groups of both, and
- (iv) knowledge management strategies so that gender mainstreaming is embedded in the implementation of legal framework after the life of the project.

In addition, the consultant provides comments and recommendations to the training needs assessment, the communication strategy and the monitoring and evaluation framework of the project developed by different consultants from a gender perspective.

## Situation of women and men

As signatory of CEDAW<sup>1</sup>, the UN Beijing Platform for Action (BPfA),<sup>2</sup> and as an EU accession country, North Macedonia has committed to achieving *de jure* and *de facto* gender equality, and ensuring full development and advancement of women. Although significant efforts have been made to further the gender equality agenda, gender inequalities in the country remain pronounced in all spheres of socio-economic and political life.<sup>3</sup> We can conclude that the legislation and the institutions responsible for gender equality (and, in general, equality) are relatively new and are still in the initial stages. This explains why the country's 2018 female HDI value is 0.737 in contrast with 0.778 for males, resulting in a Gender Development Index - GDI value of 0.947<sup>4</sup>. According to the Gender Inequality Index (GII), the country ranks 36<sup>th</sup> with score of 0.145.<sup>5</sup> According to the 2018 Global Gender Gap Report, the country ranks 70th out of 153 countries in 2019<sup>6</sup> well above average on educational attainment, health and survival, and political empowerment and below average on economic participation and opportunity. The fact the country has gender quota for political participation of women (in Parliament and local government) in the domain of power it outperforms most of European member states and puts the country only 5.4 points behind the European average in the most recent Gender Equality Index.<sup>7</sup>

Furthermore, CEDAW Concluding Observations for the country, recommend further efforts for increasing budget transparency, improving public financial management reforms and strengthening efforts to advance gender equality including through increased financial allocations. These recommendations are aligned with the 2030 Sustainable Development Agenda (SDA) and the adopted Sustainable Development Goals (SDGs), where, among others, the level (share) of expenditure for GEWE will be used as an indicator to measure the progress on gender equality.

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<sup>1</sup>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

<sup>2</sup>The Beijing Declaration and Platform for Action (BPfA) is an international declaration of women's rights set up at the UN's landmark Fourth World Conference on Women, held in Beijing in 1995. The BPfA covers 12 key critical matters of concern and areas for action including women and poverty, violence against women and access to power and decision-making.

<sup>3</sup>See more in the following sub-chapter- Status of Gender Equality in North Macedonia.

<sup>4</sup> UNDP (2019) Human Development Report, available online <http://hdr.undp.org/sites/default/files/hdr2019.pdf>, p.313

<sup>5</sup> UNDP (2019) Human Development Report, Former Yugoslav Republic of Macedonia, p.317)

<sup>6</sup> World Economic Forum – Gender Equality Gap Macedonia, 2019 , available online: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>7</sup> EIGE Gender equality index – North Macedonia GEI is 62 points, the European average is 67.4

However, as a recent analysis suggests, the country's national strategic documents are narrowly correlated to the SDA goals concerning gender equality and demonstrate partial alignment with the targets and indicators outlined under the agenda. In order to inline its national documents, the country should undertake a revision and, in particular, improve its data gathering systems, which are perquisite for monitoring results.<sup>8</sup>

In this regard, the proposed recommendations will be closely interlinked with the current country specific processes of SDG localization and prioritization of national targets. It will support both the prioritization of SDG localization through participatory processes, and SDG implementation by ensuring that gender concerns are considered in policy and budget planning.

The gender gap index<sup>9</sup> of the World Economic Forum, which assesses gaps between women and men through economic, political, education and health criteria, ranked North Macedonia as 70<sup>th</sup>(Index of 0.711) in 2019 in the range of 153 countries. The country has declined there from the 66<sup>th</sup> place in 2017. The country is assessed rather well with regards to educational attainment and health and survival, but low on economic participation and opportunity and especially-political empowerment.<sup>10</sup>

In addition, the conclusions and recommendations of the UN Human Rights Mechanisms for the country, identified persisting gender inequalities and discrimination against women in various policy fields (employment, social protection, health), which are particularly emphasized among women from non-majority ethnic communities and women living in rural areas. Some of the more prominent areas of inequality, and the underlying reasons, are presented below.

**Women spend three times more time on household activities compared to men, and have less free time.** Time-use survey data indicate that the use of time hasn't improved significantly from 2009 to 2014 (when the survey was last conducted). Women bear the burden of domestic activities, spending three times more (four times more in rural areas) time on them compared to men. While

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<sup>8</sup> Jovanovski, B., Zdravev D., Skrielj S., Ilikj S., Gender Equality in the Republic of Macedonia and the 2030 Sustainable Development Agenda, 2016; [http://hera.org.mk/wp-content/uploads/2016/12/POST\\_2016\\_Ang.pdf](http://hera.org.mk/wp-content/uploads/2016/12/POST_2016_Ang.pdf)

<sup>9</sup>The Index benchmarks national gender gaps on economic, political, education and health criteria, and provides country rankings that allow for effective comparisons across regions and income groups, and over time, <http://reports.weforum.org/global-gender-gap-report-2016/>

<sup>10</sup> See:

[http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

women spend one hour less in paid employment compared to men, men still have one hour more free time, especially during weekends<sup>11</sup>, confirming the feminist argument that employed women need to work a ‘second shift’ at home.

Women with children have additional burden and spend more time both on paid employment and on unpaid domestic activities; while reducing the free time. For men, having children is only linked to increased time at paid employ. The fact that time spent by women on domestic activities starkly rises for the age group of women aged 25-44, while it reduces for men of the same age-group; paints a picture of a patriarchal family where the woman almost completely takes over the care for children, but also other family members. This indicates that the traditional gender roles are rather dominant within the society, and get strengthened with entering into partnership/marriage and especially with having children.

**Traditional gender roles are strongly held by nearly half of women, especially ones belonging to non-majority communities.** Findings from a recent study indicate that “*women themselves make strong distinction between the gender roles within the household, and in the society in general*”<sup>12</sup>. Almost half of women (respondents) agreed with the socially conservative views that while ‘it is good to work, women prefer to take care of the home and the children’, and more than half support the myth that ‘it is better for a pre-school child if the mother doesn’t work’. These beliefs are found to be more frequently held by women from non-majority communities and by economically inactive women. Consistent to their beliefs, women tend to be socially active mainly in the realm of the family, considering this to be their role, while the activity outside of the community – role of men.

**Lack of ownership of assets by women is factor for economic discrimination.** Although the laws in North Macedonia are gender-neutral when it comes to owning and managing land, traditionally, property, i.e. real estate acquired in a marriage is usually registered under the name of men. The practice of leaving the estate to the male heirs is prevalent in urban and rural areas and is spread across each of the communities that live in Macedonia. Due to these male-normative customs, the gender disaggregated data for May 2016 of owners of property show a serious

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<sup>11</sup> Time-use survey 2009, State Statistical Office; Time-use survey 2014/15, State Statistical Office

<sup>12</sup> [http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/fyr%20macedonia/nat\\_research\\_female\\_labour\\_market\\_research.pdf?la=en&vs=936](http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/fyr%20macedonia/nat_research_female_labour_market_research.pdf?la=en&vs=936)

unbalance where 72% of total owners are male and 28% are female. Such practice has multiple effects on gender equality. First of all women are not entitled to the income made as a result of, in example, lease of the property, nor can access finance for doing business because they do not have property on their name to be put as a collateral.<sup>13</sup>

**While participation of women and men in the public sector is balanced, the participation of women in executive functions is very low.** When it comes to participation of women in the public sector, it is worth noting that the participation in politics has improved as a result of the continuous improvement of election regulations.<sup>14</sup> However, the participation of women in the executive branch is still rather low. Currently, only 3 out of 14 members of the Government are women and only 3 out of 80 LGU Mayors are women. When it comes to public sector, there is gender parity with 50.46% are men and 49.54% women public sector employees<sup>15</sup> and 48.21% women and 51.79% men civil servants<sup>16</sup> Nevertheless, gender stereotyping of professions is evident in public sector as education, health and judiciary are predominantly employing women whereas in forestry, water supply, sewage, customs and public transport predominantly - men.

**Gender sensitivity in policy-making is lacking among public administration.** In general, while the majority of senior positions in public administration are occupied by women, as a recent survey shows, both women and men in the public sector lack a clear understanding of the gender equality concept.<sup>17</sup> Specifically, 43% of the surveyed women confirmed that it is very important for women to have managerial position, compared to 15% of men. This shows a lack of gender awareness on men's (but also women's) side, which needs to be tackled in terms of gendering organizational culture and changing mindsets.<sup>18</sup> In order to achieve this, civil society representatives, interviewed for the aims of the study, consider that gender mainstreaming should be first applied at strategic planning and budgeting level in order to be effective.<sup>19</sup>

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<sup>13</sup>Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH ORF Legal Reform Project and FAO (2016), Legal Assessment Tool. Macedonia Country Profile: Gender and Land Rights

<sup>14</sup>Gender quota first introduced in 2001 (30% of candidates on electoral lists to be from the less represented gender); amended in 2006 with a provision stipulating every third person on the list must be of the less represented sex; and in 2015 raising the bar to 40%

<sup>15</sup>Annual report of the Ombudsman, 2016, available online in Macedonian only: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf>

<sup>16</sup> The Annual public sector employees report 2016, Ministry of information society and administration available online: [http://mioa.gov.mk/files/pdf/dokumenti/Godisen\\_izvestaj\\_2016\\_Registar\\_na\\_vraboteni\\_vo\\_JS.pdf](http://mioa.gov.mk/files/pdf/dokumenti/Godisen_izvestaj_2016_Registar_na_vraboteni_vo_JS.pdf), p.48

<sup>17</sup>Gender Equality in Public Administration in Western Balkans. Beneficiary Report: The Former Yugoslav Republic of Macedonia (unpublished)

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

**Women exhibit tendencies of lower participation in local policy agenda setting and decision-making.** Besides being more frequently involved in domestic activities, women are also more involved in community assistance activities and they know the real needs of citizens. Regardless of this, they engage less frequently through the local participation mechanisms, compared to men.<sup>20</sup> The reasons for this can be found in (1) their lack of time for such activities and (2) lack of trust that their involvement would result in effects. This, in turn, results in their needs and opinions being insufficiently included in the local-level programmes and budget allocations. This, in turn, makes the local policies un-inclusive and insufficiently accepted by all citizens.

#### Gender equality legal and policy framework

The Constitution<sup>21</sup> is the highest legal act, stipulating equality in its Preamble. Article 9 regulates that *“the citizens have equal rights and freedoms regardless of sex, race, color of their skin, national or social origins, political or religious beliefs, their material and societal position. All citizens are equal before the Constitution and law”*. The freedoms and rights of the individual and citizen, though, *can be restricted only in cases determined by the Constitution*, but this restriction *cannot discriminate on grounds of sex, race, color of skin, language, religion, national or social origin, property or social status* (Art.23).

However, the Constitution does not mention women and men specifically, neither speaks of gender equality but refers to “individual citizen”. *Marital status, pregnancy, gender identity and sexual orientation* have not been enlisted as grounds for discrimination. The Constitution in (Art. 42), notes that *“The Republic particularly protects mothers, children and minors. A person under 15 years of age cannot be employed. Minors and mothers have the right to particular protection at work”*. At the same time, in a neutral language, the Constitution proclaims the freedom to procreate *“It is a human right freely to decide on the procreation of children”* (Article 41) without confirming women’s reproductive rights, including the CEDAW determined right of women and men *“to decide freely and responsibly on the number and spacing of...children”*.

The Constitution ensures protection from discrimination by the Constitutional Court, which *“protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity*

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<sup>20</sup> Engendering participation mechanisms on local level: Guidebook with checklists, CRPM

<sup>21</sup> Constitution of Republic of Macedonia, available online: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=239363](http://www.wipo.int/wipolex/en/text.jsp?file_id=239363)



*as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation” (Article 110).*

## **Law on Equal Opportunities**

The Law on Equal Opportunities for Women and Men<sup>22</sup> (hereinafter: LEO) was for the first time adopted in 2006. In 2012, the LEO was changed extending the list of grounds for discrimination, as well as introducing conceptual reforms such as the gender responsive budgeting. The Law therefore approximates Macedonian legislation with the one of the EU.

The objective of this Law is *to establish equal opportunities of women and men in the political, economic, social, educational, cultural, health, civil and any other area of social life; and any other sphere of the social life* (Article 2). It also defines specific obligations for central and local level institutions regarding gender responsive budgeting (Art.11 and Art. 14) and requires establishment of a consultative advisory inter-sectoral working group on gender equality within which a specific sub-group on GRB is provisioned.

The Law regulates basic (Art.5 and 6) and specific measures (Art.7) which are considered temporary measures, to overcome the existing unfavourable situation of women and men, and which is the result of systematic discrimination or structural gender inequality arising from historical and socio-cultural circumstances, aligning itself with CEDAW. To this end, the law obliges public institutions to take specific positive measures (Art.8) which foresee under equal circumstances, priority to be given to persons belonging to the less represented sex, until equal representation is reached in all of the bodies and at all levels in the area of legislative, executive and judiciary power and in other bodies and organisations, the local government, as well as in all the other public institutions and services (Art.7, p.3). Furthermore, the law commits all institutions to submit annual report to the Ministry of Labour and Social Policy about the specific measures taken to increase gender equality by 31 March in the current year for the previous year (Art.8, p.4). In this regard, the law follows CEDAW.

The Law regulates the institutional network for its implementation, consisting of the: (i) Department on Equal Opportunities (hereinafter: DEO) within the Ministry of Labor and Social

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<sup>22</sup> Law on Equal Opportunities for Women and Men, Official Gazette no.6/2012, 30/2013, 166/2014 и 150/2015, available online: [http://mtsp.gov.mk/content/word/LEOWM\\_6\\_12\\_EN2.doc](http://mtsp.gov.mk/content/word/LEOWM_6_12_EN2.doc)

Policy (Art.12); Gender Focal Points (GFP) appointed in line Ministries also called Coordinators on Equal Opportunities within the Ministries (Art.11); Parliamentary Commission on Equal Opportunities of Men and Women, with a task to monitor the legal regulation which is proposed by the government from the aspect of gender equality and implementation of the National Strategy for Gender Equality (Art.9); the Inter-sectoral working group tasked to promote the concept of inclusion of gender in the general policies of all public institutions, to monitor the integration of the concept in sectoral policies (Art.10); the Ombudsman, responsible for establishing the equal opportunities through legal protection of the equal opportunities of women and men (Art.13); Commissions on Equal Opportunities on Women and Men (EOC) within the local self-government units that develop and adopt Local action plan on gender equality (Art.14); and Coordinators on Equal Opportunities on Women and Men within the local self-government units that coordinate the work of the EOCs and also report to the Ministry of Social Policy and Labor on the specific gender mainstreaming activities that occurred on municipal level (Art.14, p.8).

Furthermore, the law strengthens the institutions to gender mainstream policies by regulating an obligation for the Assembly and the Government of the North Macedonia, the state administration bodies, the judicial and other state bodies, and the bodies of the local self-government; obliged by law to collect, record and process statistical data shall be obliged to present these data according to gender and to submit them to the State Statistical Office (Art.18). Hence, it provisions a gender discrimination protection mechanism<sup>23</sup> and procedure for protection of the right to equal treatment within the Ministry of labour and social policy (Article 21).

Stemming from the law the Ministry of Justice as a responsible ministry for implementation of FLA has appointed a coordinator for equal opportunities, which does not exclusively look at the gender equality in the Ministry, but has a responsibility to report on equal opportunities on the top of the job description s/he has. Hence, from the interview with the department for free legal aid it was clear that they did not recognize the coordinator's for equal opportunities role as an asset in ensuring that gender is integrated in the activities for implementation of the FLA law<sup>24</sup>. Although according to the LEO the coordinator should provide for gender mainstreaming of all ministry's activities, work on capacity and awareness raising, the Department for free legal aid was not aware

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<sup>23</sup> Article 21, p.3. *"The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men."*

<sup>24</sup> Consultant's assessment based on the interviews with the representatives from FLA department in Ministry of Justice

of it. The consultant assesses that this might be a result of the fact that the coordinator for equal opportunities has other primary tasks and gender equality is a secondary task assigned to the coordinator by the Minister. In addition, the coordinator for equal opportunities does not have a specifically defined TOR for the equal opportunities part of the job which has an impact why their role within the civil service of the Ministry is not clearly recognized in respect to gender equality mainstreaming.

### **National Strategy for Gender Equality 2013-2020**

The National Strategy for Gender Equality 2013-2020<sup>25</sup> (hereinafter Gender Strategy) is currently the most comprehensive strategic document adopted to enhance equal opportunities for men and women. The adoption of the Strategy included organized public debates and consultations with the wide community of stakeholders, such as CSOs, academia and etc.

It has three strategic goals: *Strategic goal 1* - Establishing effective and efficient system for gender equality through functional mechanisms for support on national and local level, harmonized indicators for measurement of the progress in achieving gender equality and ensuring gender disaggregated statistics. *Strategic goal 2* – Improving the level of gender equality in priority areas, hence access to justice is not one of the priority areas. *Strategic goal 3* - Building culture for equal opportunities and promotion of equal treatment and non-discrimination based on sex.

Unfortunately, the Gender Strategy does not include a measure in which it tackles the issue of access to justice of women and specifically vulnerable women. The only exception is the situation analysis part of the strategy presented at the beginning of the document where it is noted that there “*is necessity to undertake continuous activities for prevention of women and build capacity for recognizing labor market discrimination based on gender and ensuring that these women, women victims of violence on the labor market receive free legal aid*”<sup>26</sup>. In this respect the National Strategy is not in line with the CEDAW Committee’s General Recommendation No. 33 which focuses on women’s access to justice. In the recommendation, the Committee identifies six essential components of access to justice: 1) justiciability, i.e., the unhindered ability of women to

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<sup>25</sup> National Strategy for Gender Equality 2013-2020, Available at: [http://www.mtsp.gov.mk/WBStorage/Files/strategija\\_rodova\\_april.doc](http://www.mtsp.gov.mk/WBStorage/Files/strategija_rodova_april.doc)

<sup>26</sup> Ibid

access justice and to claim their rights under CEDAW; 2) availability, which entails the existence of courts and other quasi-judicial bodies throughout the national territory, including rural and remote areas; 3) accessibility, requiring all justice systems to be secure, affordable, physically accessible to women and that they are adapted and appropriate to respond to the needs of women; 4) good quality, which includes elements such as competence, efficiency, independence, impartiality and timeliness, inter alia; 5) the provision of viable and meaningful remedies; and 6) accountability of the justice system(s).<sup>27</sup>

#### Gender analysis of legal framework for Free Legal Aid

The new Law on Free Legal Aid<sup>28</sup> was enforced in the second half of 2019. It provides improved equal access to justice, with all court and administrative costs to be covered from state budget. Free legal aid is approved and financed by the state to vulnerable categories of citizens who due to lack of finances cannot themselves solve the legal problems they are facing. The Law regulates two types of legal aid: (i) primary; and (ii) secondary. The right to primary legal aid is afforded to every physical entity with a permanent residence or a dwelling on the territory of the Republic of Macedonia and encompasses: general legal information, general legal advice, assistance with filling in forms, assistance with submitting requests for secondary legal aid, writing petitions to the Commission for Protection against Discrimination and to the Ombudsperson.

Primary legal aid is provided by the Ministry of Justice through the 34 branch offices in which there are 19 authorized representatives for FLA requests for secondary legal aid, authorized associations (11 registered of which 5 are reporting currently to the Ministry of Justice<sup>29</sup>) and 4 legal clinics<sup>30</sup>.

Secondary legal aid is approved to a person requiring professional legal aid from lawyers for specific legal matters, who is unable to pay for the procedure expenses due to the financial situation and whose request is justified. Secondary legal aid can be received in all civil procedures, in administrative procedures and administrative disputes, with the exception of customs and tax

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<sup>27</sup> CEDAW/C/GC/33, (2015), Committee on the Elimination of Discrimination against Women General recommendation on women's access to justice, available online:  
[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_33\\_7767\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf)

<sup>28</sup> Adopted on 16 May 2019, available online:  
<https://www.pravda.gov.mk/Upload/Documents/Zakon%20za%20besplatna%20pravna%20pomos.pdf>

<sup>29</sup> Interview with Vesna Cekova, Head of department for free legal aid, 2 March 2020

<sup>30</sup> <https://www.pravda.gov.mk/clinics>

issues, slander and defamation, compensation for non-material damages, public and communal services, property issues, violations and in cases when the legal aid expenses are disproportionately higher in comparison to the value of the dispute.

The person requesting secondary legal aid has to meet the following criteria: the monthly income of the person living alone and requesting secondary legal aid should not exceed the minimum net salary; the monthly income of the person living in a shared household with family members and requesting secondary legal aid should not exceed the minimum net salary, while the monthly income of every next family member should not exceed the amount of 20% of the minimum salary; the person requesting secondary legal aid together with his family members should have not more than the following ownership<sup>31</sup>:

The Law on FLA is gender blind. It does not use gender specific language, nor it does contain gender specific actions. When referring to the providers of FLA, the attorneys and the Minister singular is used referring them as males, considering the masculine form of names and positions as neutral norm.

The Law regulates that the Ministry is keeping evidence of the cases for which primary and secondary legal aid is provided and that reports are submitted by the FLA providers. Hence the law does not mention any gender criteria in the data keeping nor in reporting. This is to be regulated by Bylaws – Book of rules on the forms used for implementation of the law.

### **Gender analysis of bylaws for implementation of the Law on FLA**

All bylaws published on the web site of the Ministry of justice under the tab free legal aid have been assessed from gender perspective<sup>32</sup>. The following gender analysis and recommendations are made for some of them where the consultant saw room for improvement and where the project can intervene.

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<sup>31</sup> only one single building or an apartment in which they live; one or more physically connected plots with a total area of 300m<sup>2</sup> in Skopje; one or more physically connected plots with a total area of 500m<sup>2</sup> in other municipalities outside of Skopje; one or more (physically connected) plots with a total area not exceeding 5000 m<sup>2</sup> in rural areas; only one registered motor vehicle up to 1200 cubic centimeters.

<sup>32</sup> Made available on the web site of the Ministry of Justice:

[https://www.pravda.gov.mk/Upload/Documents/Pravilnici%20za%20zakonot%20za%20Besplatna%20pravna%20pomos\(1\).pdf](https://www.pravda.gov.mk/Upload/Documents/Pravilnici%20za%20zakonot%20za%20Besplatna%20pravna%20pomos(1).pdf)

The Rulebook for the form and content of the request for registering NGOs as providers of primary legal aid is gender neutral and gender mainstreaming is recommended in terms of entering a column for sex of the authorized person that represents the NGO. In this way the electronic register can have gender section as well and can generate data based on gender allowed for further gender analysis.

The Rulebook for the form and content of the registry of providers of free legal aid and the content of the reports of providers is gender responsive. It has sex as a category for registering the beneficiaries and includes gender-based violence as one of the legal basis for protection. The report form also encompasses sex as a category for the beneficiaries of free legal aid, together with age and ethnic belonging. This provides for ability of the MoJ staff to provide inter-sectional analysis that includes gender perspective. Therefore, the data base that is being developed with support of the project should keep this data as well so that further gender intersectional analysis of cases where free legal aid was provided can be produced.

The Rulebook of the pricelist for services of providers of primary free legal aid includes specifically victims of gender based and family violence as beneficiaries of FLA. The Rulebook regulates pricelist of the services of FLA providers, hence the forms regulated with the rulebook do not include sex of the beneficiary of FLA, only the name, surname and address are noted. If the sex is also collected as data with the form, the Ministry of Justice can provide financial analysis of how much women beneficiaries have benefited from the free legal aid provided as opposed to men beneficiaries of FLA.

The Rulebook for the form and content of the request for registering Attorneys at law as providers of secondary legal aid is completely gender neutral. As other forms it uses male denomination as neutral. Hence, it does not include sex as one of the characteristics for registering the provider of secondary legal aid, neither for the beneficiaries' sex is one of the categories detected. Why is this important? So that gender sensitive analysis can be done by the MoJ staff and adequate actions be designed to increase the quality of services provided as well as accountability of legal aid providers (in accordance with CEDAW) if gender bias is observed on the basis of the analysis of documents developed by FLA providers. The request for registering providers of secondary legal aid in the registry of attorneys does not include sex as a characteristic of the attorneys registered.

The Rulebook for the public call for distribution of finances for primary free legal aid by the authorized NGOs and legal clinics completely gender neutral. The project can provide gender mainstreaming of the application form by introducing gender objectives in the call, activities that will lead to their realization as well as budget allocated for their implementation. The same can be done in the report for approved and implemented projects. Through this intervention the MoJ would have an opportunity to gather information to be added of Ministry's annual report to the Ministry of labor and social policy on special measures they have implemented to increase gender equality as required by Art.8 of LEO.

### Gender analysis of capacity of MoJ, branch offices, legal aid providers, legal clinics and attorneys

The department for free legal aid has more women as 3 of the 5 employees are female and the head of department is also from this gender<sup>33</sup>. In addition, the Junior associate Zuriye Memedova has extensive training and experience in gender issues and can be a department's asset in the process of gender analysis and development of gender relevant interventions in the implementation of the Law on FLA. While the staff did not get numerous training in gender equality, they were trained in basic gender concepts and more specifically in gender responsive budgeting (the head of the department Ms Cekova has attended two UN Women organized training sessions; whereas Orhan Sulejmani has been designated by the MoJ in the group that does gender budget analysis of programs and thus has attended several GRB capacity building events). All civil servants in the MoJ were required in the period 2018-2019 to follow the online course on gender equality. Hence, the greatest problem the department for FLA faces is the retirement of staff that is authorized to provide FLA in branch offices, and the fact that the newly employed staff does not have bar exam which is one of the criteria to be authorized for FLA.

To assess the capacity for gender equality the consultant in the period from February 27 to March 5, 2020, conducted an online survey for the MOJ branch offices staff, NGOs as legal aid providers, legal clinics and attorneys that are registered as providers of legal aid. The questionnaire was

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<sup>33</sup> The composition is made of Orhan Sulimani (male), Zuriye Memedova (female), Oliver Davidovski (male), Salie Ibraimi (female) and Vesna Cekova (female).

administered online and was completed by 43 people. It gathered: personal information of the respondents, information related to their knowledge and capacity they possessed, as well as their attitudes and perceptions regarding certain gender issues<sup>34</sup>.

#### Knowledge, capacity, awareness and best practices

The survey respondents were asked about their previous specializations and trainings that they have attended, which are necessary for performing their task in the organization or the legal clinic that is authorized to provide free legal assistance.

Most of the survey respondents relate their previous experience closely to the level of education and the skills and experience acquired at the faculties where they graduated, have a master's degree or have passed the bar exam. Also, they have gained significant experience through internships in lawyer's offices as well as at their workplace. Nine respondents said that they have high-level of knowledge of the subject and attending important trainings and specializations organized by relevant organizations and institutions. Out of the 43 respondents only 10 people said that they had not attended previous training and specializations, which presents 25% of all respondents.

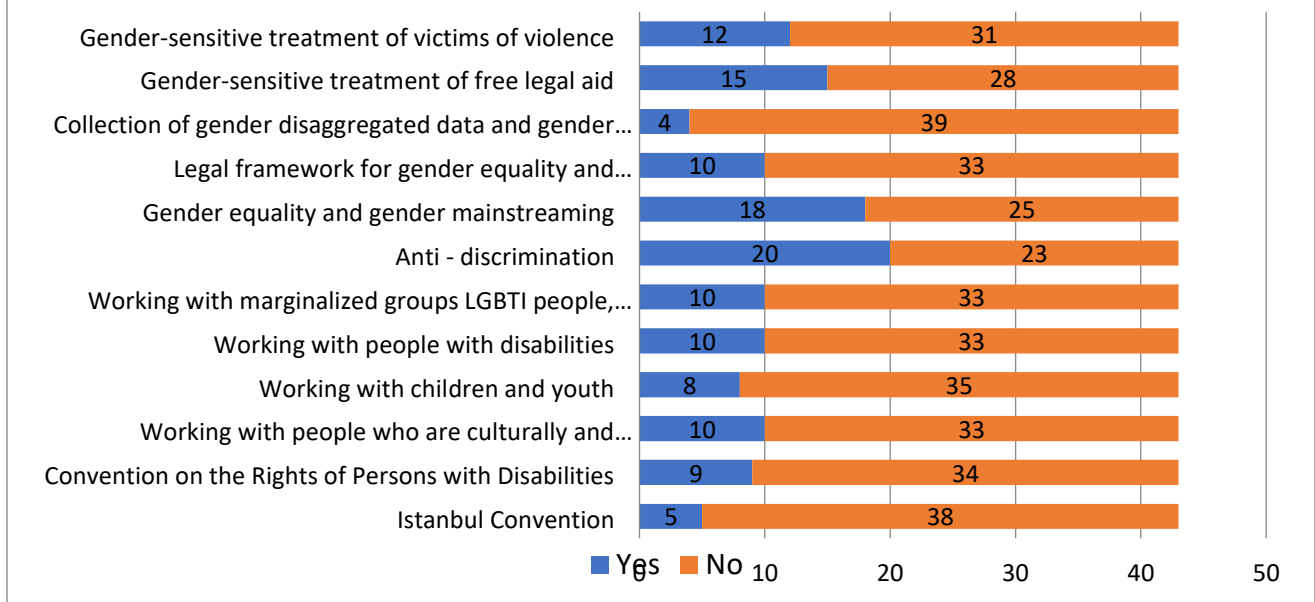
In terms of gender equality on average one third of the respondents that completed the survey added some kind of gender training. The biggest number 20 and 18 respectfully attended antidiscrimination and gender equality and gender mainstreaming training followed by 15 that received gender sensitive treatment of free legal aid training. It is very important to note that only one fourth of the free legal aid providers that responded on the survey have specifically been trained in dealing with vulnerable groups: people with disabilities (10), children and youth (8), people who are culturally and linguistically different (10) and LGBTI people (10). Finally and considering that the Law on FLA recognizes children and women as victims of gender-based and family violence as specific group of beneficiaries of the free legal aid it is especially important the providers of free legal aid are knowledgeable of the Convention on the rights of Persons with Disability, Convention of the rights of the child and the Istanbul convention. Less than 10 respondents reported knowledge on these international legal acts. The chart below lists the data in absolute numbers.

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<sup>34</sup> The technical report on who participated in the online survey is presented in Annex 1 of the Gender analysis



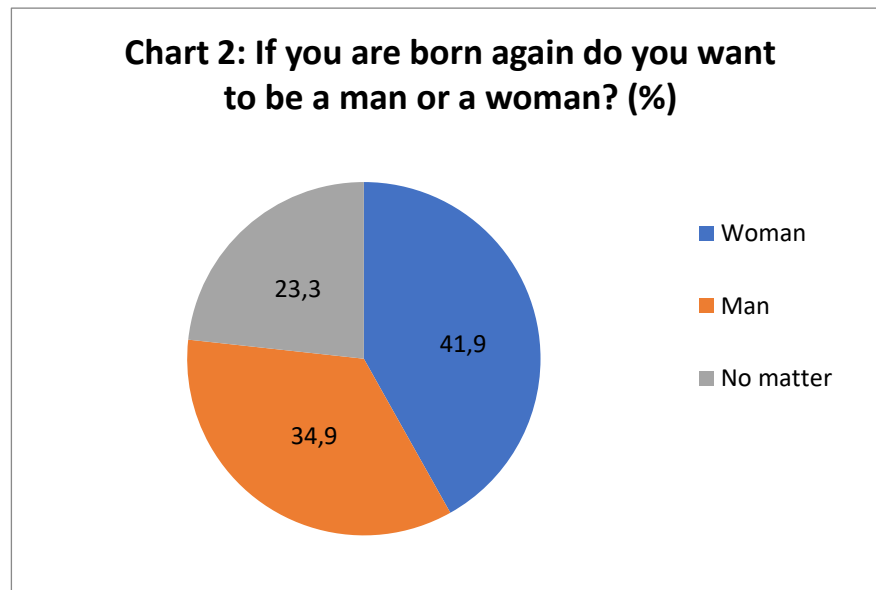
**Chart 1: Have you participated in any of these trainings?**



Source: Online survey on gender equality capacity of free legal aid providers, 2020

### Gender equality attitudes and perceptions

With the survey the consultant also measured the perceptions of the respondents towards gender equality as well as their values. The first question was if they were born again would they like to be born as a woman (almost 42%) or men (nearly 35% said that if they could choose they would like to be born as a man) It is worth noting that the majority of the survey participants or 62.8% are women, hence it can be concluded that a significant proportion of women would prefer to be men if they had a choice to be born again. This suggest that the respondents recognize women to be lesser favored in society and choosing a men's life as an easier option is preferred for at least one third of them. This conclusion is seconded with the results on the question: *Is our society treating men better than women?* Just over 65% of the respondents, think that in our country, the community / society treats men better than women. Almost 35% of them consider that men and women are treated equally, while no respondent considers women to be better treated than men within the community / society.

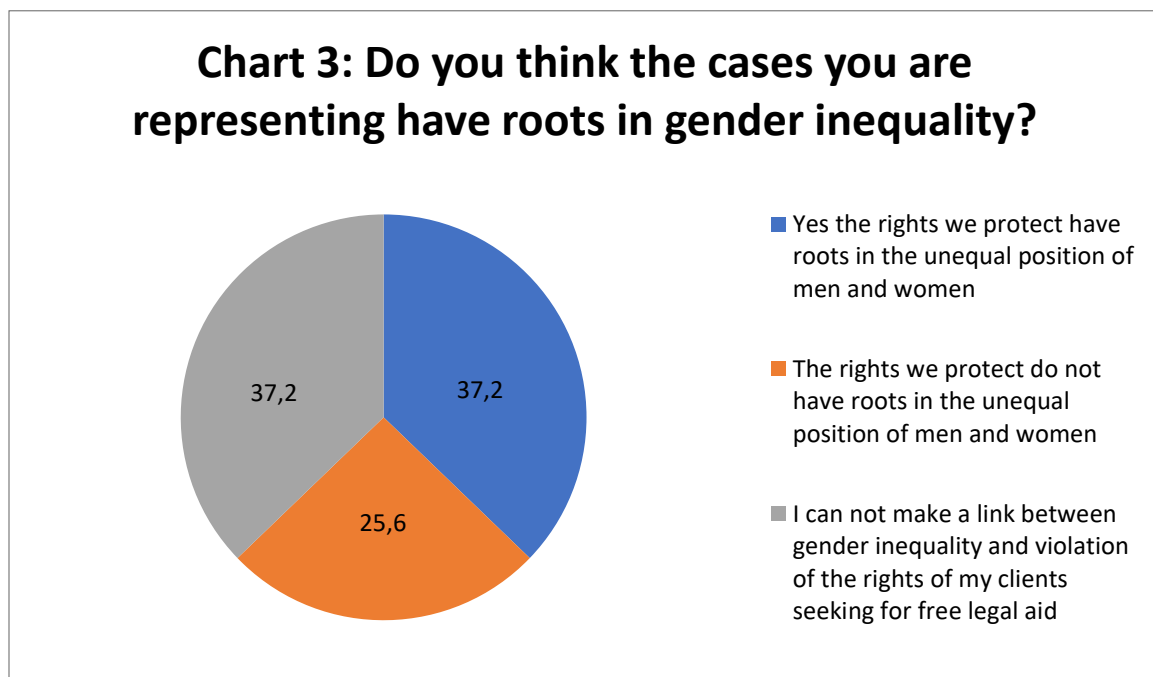


*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

When asked what is best for the society and how the family should be organized, the majority of respondents (88.4%) believe that both parents should work and take care of the children and the household. This suggests a rather gender equal values among respondents that does not coincide with the reality as the Time use survey for the country shows that women are spending 4 hours more in unpaid care work (household, children, elderly and etc.) than men. Hence, such gender equality values are demonstrated again when asked about preference on the sex of their manager at work. Namely 67.4% of the respondents said that for them it does not matter on their new job if the manager is a woman or a man. More than 30% said that they would prefer to work with a woman as a manager, while only 2.3% if had the opportunity to choose, they would prefer to work with a man as a manager.

Interestingly just over 37% of respondents believe that the cases they represent have roots in the unequal position of men and women in society. On the other hand, an identical percentage of respondents consider that they are not able to make a link between gender inequality and the violation of the rights of clients seeking free legal aid. Hence, more than 25% believe that the rights they protect do not have roots in the unequal position of men and women. Considering that

no situation is gender neutral one should consider building capacity and raising awareness of providers so that they can recognize the gender dimension in cases they represent.



*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

This is especially needed in respect to violence against women and gender-based violence as well as related to other criminalized offenses as a result of the implementation of the Istanbul Convention- IC. As we have determined in the gender analysis of the legal aid policy framework the victims of gender-based violence have been recognized as a specific beneficiary group of the law on FLA, therefore it was important to test the tolerance of the FLA providers to violence against women. Hence responses to the survey of the FLA providers shows that one person considers violence as an expression of affection or love, one that there are women who provoke to be beaten and 3 respondents believe that violence should be tolerated by women in order to keep family together. This does not comply fully with the ‘no tolerance to violence’ policy that the country adopted with the ratification of the Istanbul convention.

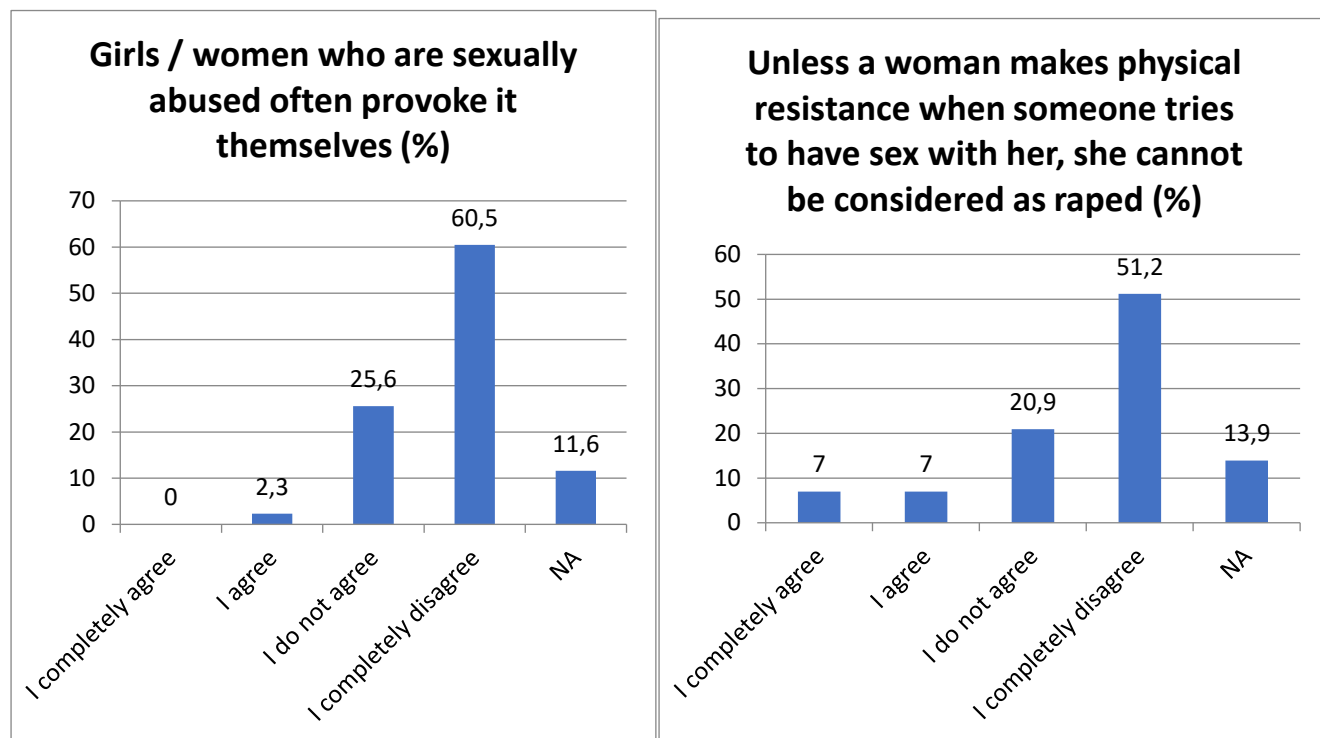
**Chart 4: Testing tolerance to violence against women**



*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

The awareness has to be raised and capacity built about sexual abuse, gender based harassment and stalking (all regulated by the IC) as the survey shows that 1 of the respondents agrees that girls/women who are sexually abused provoke the assault themselves, whereas 6 people (3 completely agrees and other 3 agrees) that if there is no physical resistance the sexual assault should not be considered rape.

**Chart 5: Testing tolerance to sexual abuse and rape**



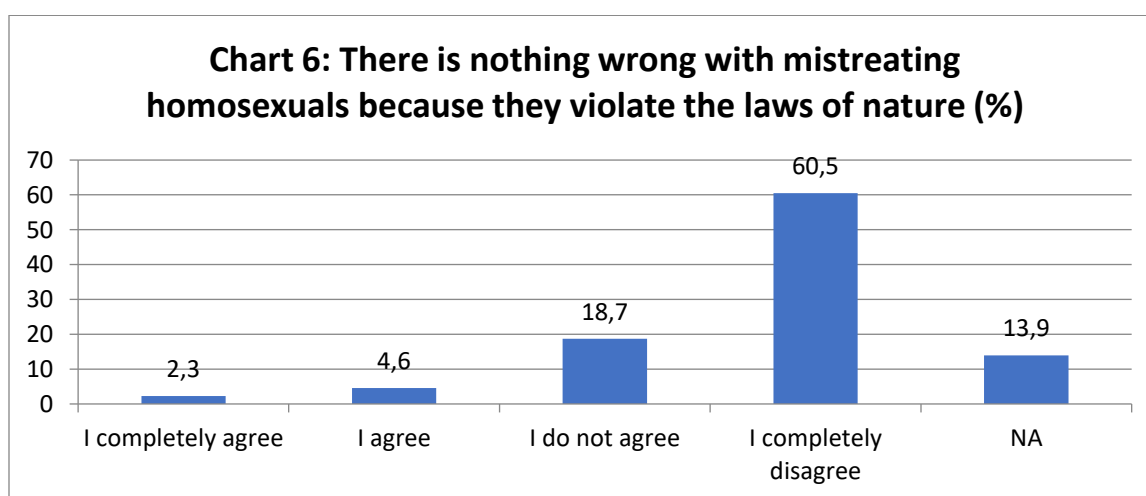
*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

The providers of FLA should be sensitive with populations of other vulnerability such as people belonging to sexual minorities (LGBTIQ) or other very marginalized communities, HIV, sex workers, drug users. The survey shows that there are three people which agree with the statement that there is nothing wrong with mistreating homosexuals because they violate the laws of nature. This should increase the alarm as the people who provide legal aid should be free of prejudices, stereotypes and help protect rights of the marginalized communities. In the process of capacity building the project can rely on the assets of Coalition Margins which together with HERA local bodies against discrimination – Kumanovo, Strumica and Stip, mapped capacity and delivered training for the regional offices of MoJ on how to provide strategic litigation, legal counseling of their target communities<sup>35</sup>. To this end the partnership with CSOs can be used for building capacities, developing sensitivity and skills for prevention from discrimination, de-contrasting

<sup>35</sup> Interview with Dragana Drndarevska from Coalition Margins, 24 February 2020

stereotypes, stigmatizations and protection of human rights. Specific knowledge in some areas of interest of vulnerable women in particular such as Labor relations law (gender-based discrimination in employment) and the Law on family (divorces, and custody) is needed to be passed on the branch offices of MoJ as most of the cases women are predominantly beneficiaries<sup>36</sup>. Hence, CSOs representing the interest of the vulnerable groups of women can be contributors in the development of guidelines and step-by-step guides, protocols for dealing with women with vulnerabilities.

All in all, Training on sensitive dealing with people with vulnerability has to be provided. Hence, a gender perspective in this training needs to be integrated as well as intersectionality of gender with other vulnerabilities as these are specifically relevant for cases where free legal aid is provided. Here the emphasis must be put on the skills, knowledge and sensitiveness in dealing with vulnerable clients, victims. To this end the providers of free legal aid must advance their communication skills and go through an empathy training as the experience of CSOs working with potential beneficiaries is that clients are not satisfied with the quality of the service which is mostly based on the lack of adapted approaches the providers have to the vulnerable groups especially women<sup>37</sup>.



*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

<sup>36</sup> Interview with Oliver Davidovski, MOJ department for free legal aid, 2 March, 2020

<sup>37</sup> Several interviewees from the CSO group interviewed on 24<sup>th</sup> February, 2020

In general, the assessment of the FLA providers is that awareness among the beneficiaries of legal aid is very low, “in many cases people cannot even recognize if justice have been done as a result of the mistrust in institutions”<sup>38</sup>. Also, NGOs providing primary FLA stated that in order to increase trust of beneficiaries in the system, the MoJ needs to provide feedback to the beneficiaries and NGOs providing FLA. At the moment MoJ informs the clients directly that the request for FLA is accepted without informing the organization that is providing legal aid. For that purpose, a Guideline by MoJ to branch offices for feedback provision procedure should be developed<sup>39</sup>.

Overall gender awareness is higher among the population, but service providers remain to be less aware; and continue to often enforcing stereotypes (respecting privacy and being discreet is very important and on local level this is not respected). Civil society organizations are continuously raising awareness among different relevant stakeholders, judges, prosecution, police, social and health services and the legal professionals working at MoJ and the attorneys at law. In this respect they can become partners of government in the process of gender awareness raising. They (5 CSOs) have already developed a video that was disseminated on Facebook, on information on free legal aid, coupled with brochures for information<sup>40</sup>. To reach out to vulnerable groups of women identified as rural women, women with disability, Roma women, single mothers and women victims of violence, sex workers and etc. the Government must partner with the organizations that represent their interest in public education initiatives on free legal aid. Also using TV as a medium for campaigning is still preferred as most people watch TV<sup>41</sup>. Hence distributing information such as flyers on free legal aid on locations where women circulate such as markets, shops, schools, kindergartens, public health institutions and etc. will enhance reach out to women as beneficiary of free legal aid.

All of the CSOs that have been providing free legal aid have their own database that is gathering sex disaggregated data. One organization in particular is specialized in domestic and gender-based

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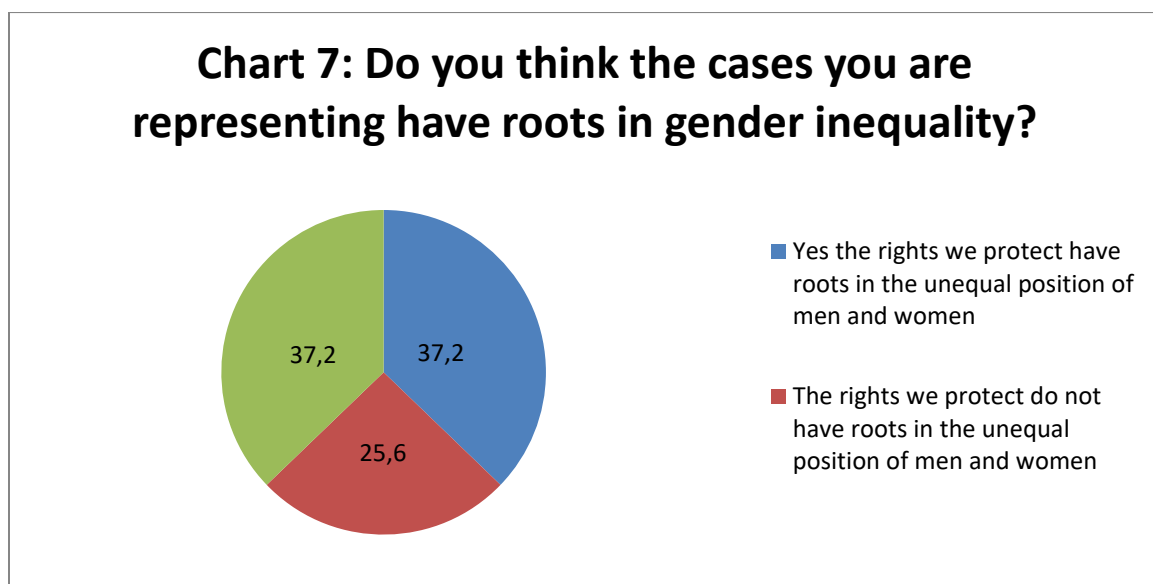
<sup>38</sup> Interview with Darko Avramovski, Coalition for fair trials, 24 February 2020 representing a coalition of 14 organizations that do not necessary represent vulnerable groups, but people who lost trust in the legal system.

<sup>39</sup> Interview with Slavica Anastasovska, Helsinki Committee for Human Rights, 24 February 2020

<sup>40</sup> Interview with Ivona Stalevska, FOSM that provides financial support and advocacy for free legal aid system, 24 February 2020

<sup>41</sup> Ibid

violence case – EcHO Shtip which has a database of women victims of violence<sup>42</sup>. When the Ministry of Justice will develop its own database can cooperate with the CSOs on their data bases from previous year. The Ministry staff lacks skills on generating sex disaggregated data, the survey results also shows that around 40% of free legal aid providers are not recognizing gender stereotypes as roots for violation of human rights and thus not being able to link gender inequality and violation of the right of the client seeking free legal aid. This will inevitably have negative impact on the capacity of the state to ensure equal access to justice and lead to limited capacity in responding to the evaluations of GREVIO<sup>43</sup> and the UN (in terms of assessing the achievement of 16.3 SDG indicator<sup>44</sup>).



*Source: Online survey on gender equality capacity of free legal aid providers, 2020*

Therefore, in addition to capacity building on gathering sex disaggregated data, one must think about the structure of the data base, the type of data it will gather to allow for capturing information

<sup>42</sup> Interview with Beti Pejeva, EcHO Shtip, 19 February, 2020

<sup>43</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) has been set up. The Convention creates research and data collection obligations for state parties. In particular, Article 11 requires state parties to “collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention” and to “endeavor to conduct population based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention”.

<sup>44</sup> Target 16. 3 addresses the promotion of “the rule of law at the national and international levels” and the commitment to “ensure equal access to justice”.



on basis of which FLA providers can link gender inequality with the violation of the rights of their clients. For example the data base should gather details on the bases for protection from discrimination as well as if possible assessment of what pertaining gender stereotypes or gender roles were influencing on the behavior or acts of the violation of the right that is being protected with FLA. Notably, data collection and use of indicators are among the measures the CEDAW Committee recommends to improve women's access to justice. Therefore, except for systematically sex disaggregated data the Ministry of Justice and specifically the Department for FLA needs to have capacities for gender analysis and analyze the sex disaggregated data in conjunction with demographic data highlighting gender gaps in specific areas. Indeed, in order for a justice system to ensure access to all, it must have the ability to detect and respond to the needs and challenges of all users. Qualitative studies and critical gender analysis are an essential step in that direction measuring the demand side of justice, and account for the different ways in which women and men experience justice, and the different barriers they face. Finally, by doing this the Department for FLA will be able not just to measure women's access to justice, but also provide continuous advice to the MoJ for further improvement of the quality of justice, where women and men will benefit equality.

## Opportunities and challenges for mainstreaming gender equality in the COE project

Based on the gender analysis of the law for FLA voted in 2019, and its bylaws; as well as information collected from the meetings with the Sector for political system and free legal aid and with all staff in the Department for free legal aid: Sanela Hadzic, Salije Ibraimi, Petar Mirkovic, Orhan Sulimani, Zuriye Memedova, Oliver Davidovski and Vesna Cekova; including interviews with representatives from civil society organizations that provide legal litigation or free legal aid: Dragana Drndarevska – Coalition Margins; Ivana Marinkovska- NRC Kumanovo; Slavica Anastasovska, Helsinki Committee for Human Rights; Darko Avramovski - Coalition for fair trials; Ivona Stalevska – FOSM; and the capacity assessment survey conducted in the end of February 2020; SWOT analysis is made on gender mainstreaming in the CoE project.

Inevitably there are important limitations to the gathered information and thus the analysis is also limited. Namely except for the Department for FLA all other stakeholder groups were not met and researched in a representative sample, so the conclusions of the analysis might have a certain bias. Hence, if the detected information is correct it provides a good basis for gender mainstreaming of the COE project.

Please see below an overview of the situation presented through SWOT method analyses

<p style="text-align: center;"><b>Strength</b></p> <ul style="list-style-type: none"> <li>➤ MoJ operational branch offices in 31 municipalities, of which 19 with authorized staff for deciding on FLA requests for provision secondary legal aid</li> <li>➤ Support from Concil of Europe</li> <li>➤ CSOs with experience to work with target groups as partners for FLA</li> <li>➤ Clinics for free legal aid in Skopje, Stip and Tetovo as partners for FLA</li> <li>➤ Number of registered attorneys as providers of FLA</li> <li>➤ Strong political support; FLA part of 3-6-18 plan</li> <li>➤ New law and whole bylaw framework adopted</li> <li>➤ The staff have already been trained in gender equality but more specialization is needed</li> </ul>	<p style="text-align: center;"><b>Weakness</b></p> <ul style="list-style-type: none"> <li>➤ There is a perception that the laws apply to all and there should not be gender lenses applied</li> <li>➤ The MoJ staff are not aware of the role of the equal opportunities coordinator</li> <li>➤ The MoJ authorized staff as providers of FLA is retiring, the junior associates that are employed cannot provide legal aid as they do not have bar exam (which is one of the criteria to be provider).</li> <li>➤ Target groups are not informed about access to FLA</li> <li>➤ Signed memorandums for cooperation between MoJ and CSOs but they are not coordinated (some CSOs do not send reports to MoJ)</li> <li>➤ No empathy or sensitiveness to vulnerability although aware that women are main beneficiaries of FLA but do not understand reasons why is that so</li> <li>➤ No use of coordinator for equal opportunities within the MOJ hierarchy</li> <li>➤ No M&amp;E or any analysis done in terms of access to justice or quality</li> </ul>
<p style="text-align: center;"><b>Opportunity</b></p> <ul style="list-style-type: none"> <li>➤ Financial support for capacity building, awareness raising, building partnerships and reaching out to target groups in order to improve access to justice and quality of FLA is available</li> <li>➤ Big number of vulnerable women that are socially, economically disadvantaged need FLA</li> <li>➤ Network of 11 associations working on the issue and wide network of MOJ regional offices</li> <li>➤ Equal opportunity coordinator is appointed by MoJ</li> <li>➤ The Department for FLA has an expert in gender equality on staff</li> </ul>	<p style="text-align: center;"><b>Threats</b></p> <ul style="list-style-type: none"> <li>➤ Covid 19 has an impact on number of cases where FLA is needed, but because restriction in working hours of institutions and CSOs and attorney, and courts the justice cannot be accessed</li> <li>➤ People have great distrust in the system and cannot even recognize if justice is served</li> <li>➤ Covid 19 impacts on the budget of the donor and on the MoJ budget for CSOs and other FLA providers</li> <li>➤ Lack of coordination between MLSP and MoJ may influence on efficiency and effectiveness of</li> </ul>

## Recommendations and gender mainstreaming strategy

The project's **impact** is wider accessibility and higher quality of more comprehensive FLA available in the country. To measure this impact the project will need to conduct a baseline and end-line study on the perceptions of access to justice and quality of FLA services provided in the country. The study will have to be conducted with the users of FLA and the data gathered analyzed from gender perspective depicting the different experience women and men have in accessing justice and on the quality of justice they get.

The project's **intermediate outcomes** are the following:

1. The legal and policy framework related to the provision of FLA is harmonized in line with Council of Europe standards. While this is largely done, one important operationalization is missing and that is **framework for monitoring of the implementation of the law** which would include gender analysis so that the Department for FLA can provide advice to the MoJ for further improvement of the quality of justice through enhancement of the law and the bylaws that facilitate the implementation. The M&E can be based on indicators framework **that will include gender indicators** developed within the project. The framework can be translated into bylaw.
2. Capacities of FLA providers to deliver quality legal aid are strengthened. In this regard and based on the above gender analysis and capacity assessment it is recommended that capacity building program for **building capacity and raise awareness on gender equality** and non-discrimination is planned and delivered so that FLA providers stop enforcing stereotypes, deal with empathy with clients, MoJ provides a gender sensitive feedback, understand intersection of gender with other vulnerabilities and other risk factors, as well as developing sensitivity and skills for prevention from discrimination, de-contrasting stereotypes, stigmatizations and protection of human rights. In order to streamline implementation of the FLA law with the IC it is recommended that the project pays **specific attention to knowledge of the criminalized offenses such as sexual violence, sexual harassment, rape** (in accordance with the definition made by the Convention), stalking and etc. Furthermore, and aiming for the people who provide legal aid to be free of

prejudices, stereotypes and help protect rights of the marginalized communities, it is of significant importance to **provide training on sensitive dealing with intersectional groups of people and the importance of responding to their specific situation, experience and identity**<sup>45</sup>.

3. Access to FLA by the population is strengthened. To reach out to vulnerable groups of women such as rural women, women with disability Roma women, single mothers and women victims of violence, sex workers and etc. the Government must **partner with the organizations that represent their interest in public education initiatives on free legal aid**. Distributing information such as flyers on free legal aid on locations where women circulate such as markets, shops, schools, kindergartens, public health institutions and etc., thus enhancing reach out to women as beneficiary of free legal aid.

In terms of **immediate outcomes**, the following recommendations are provided:

- 1.1. Recommendations for improvements to the legislation and policy documents are examined. This gender analysis provides assessment of the law and the bylaws. Specific recommendations are given to amend the following:
  - The Rulebook for the form and content of the registry of providers of free legal aid and the content of the reports of providers needs to be amended in the form that it regulates to allow for sex disaggregated data per age, ethnic dissent and the legal basis for protection (although gender-based violence is one of the basis) that will allow for the MoJ staff to provide cross-sectional analysis that includes gender perspective.
  - The form regulated with the Rulebook of the pricelist for services of providers of primary free legal aid does not have sex as one of the characteristics of the beneficiary, only the name, surname and address are noted and thus needs to be amended.
  - The request for registering providers of secondary legal aid in the registry of attorneys does not include sex as a characteristic of the attorneys registered in the Rulebook for the form and content of the request for registering Attorneys at law as providers of secondary legal aid and hence needs to be amended.

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<sup>45</sup> Equinet (2016) *Innovating at the Intersections. Equality bodies tackling Intersectional Discrimination*

- The project application form regulated in the Rulebook for the public call for distribution of finances for primary free legal aid by the authorized NGOs and legal clinics can be gender mainstreamed by introducing gender objectives in the call, activities that will lead to their realization as well as budget allocated for their implementation.

2.1. Tools and methods are adapted by the Ministry of Justice, Bar Association, CSOs and lawyers to facilitate FLA provision. Within this outcome the consultant recommends that the project develops the following tools:

- Guideline for preparing M&E framework for implementation of FLA Law including development of gender indicators
- Guideline on how to prepare gender analysis and measure the quality and access to justice from gender perspective
- Guideline on gender sensitive feedback provision of MOJ and branch offices to providers and clients
- Guideline on how to coordinate activities with CSOs as the Ministry has signed MoUs but does not consult or work in cooperation with CSOs
- All the guidelines should be internalized with the MOJ and branch offices staff through workshops

2.2. Improved quality of legal aid provided under criminal proceeding through enhanced transparency and coordination. Within this outcome the consultant recommends that the project develops the following training to be provided by the project:

- Training on basic notions on gender and gender equality, gender-based violence and discrimination, roles and relationships of women and men, gender and sex, culture and human rights, the national, regional and international normative framework, data collection and data analysis;
- Training on basic concept of gender equality and women's empowerment and how it applies to development and programming (including such topics as gender-based discrimination, roots of gender-based violence, practical gender-sensitive provision of

legal aid services at different stages of the judicial act) of improvement of FLA based on gender analysis

- Training on gender aspects of international standards stemming from the Convention on the rights of Persons with Disability, Convention of the rights of the child and the Istanbul convention.
- Training for the staff of MoJ working in the branch office will need workshops on the Labour Law and Law on family, Law on inheritance and their intersections with gender.

1.1. People seek more information to better assess FLA and have a better understanding of its provisions. Within this outcome the consultant acknowledges the strategy for communication that was developed by another consultant and recommends that the communication products to be gender sensitive as well have engendered dissemination strategy – posters, leaflets and other materials for reach out to target groups (specifically vulnerable women) to be disseminated on places where women circulate and / or through CSOs that work with target populations.

## Logical framework

Log-frame level	Intervention	Gender Indicators <sup>46</sup>	Tools of Verification
<b>Impact</b> Wider accessibility and higher quality of more comprehensive FLA available in the country	Baseline and end-line study on the perceptions of access to justice and quality of FLA services	<ul style="list-style-type: none"> <li>○ % of people who live within (X amount of time) from a justice forum, by sex</li> <li>○ % of people reporting that physical access to justice fora is convenient in terms of distance, by sex</li> <li>○ Existence of procedures and facilities affording privacy (e.g., separate rooms) for FLA interview with provider, waiting areas (list all of existing procedures and facilities)</li> <li>○ Average length of procedure in cases related to (stakeholders to choose one or more among the following depending on their needs and priorities): 1) divorce 2) contract enforcement 3) employment dismissal case 4) immovable property 5) insolvency cases 6) inheritance claims 7) child custody 8) robbery cases 9) intentional homicide cases 10) rape cases 11) domestic violence cases 12) sexual violence (other than rape and domestic violence) 13) restraining orders in instances of domestic violence, including rape</li> <li>○ Time taken to resolve case, disaggregated by sex of plaintiff/defendant/victim/perpetrator and by type of case.</li> <li>○ How long did a case take to resolve – disaggregated by sex of respondent?</li> <li>○ Outcomes of cases, disaggregated by type of dispute and sex of victim/perpetrator, plaintiff/ defendant</li> </ul>	The survey reports and a comparative report on the results of the two surveys

<sup>46</sup> The indicators are from the Framework for measuring access to justice including specific challenges facing women <https://rm.coe.int/168069cf4e>

		<ul style="list-style-type: none"> <li>○ Extent to which women and men are aware of FLA law</li> <li>○ Number of women and men having benefited from legal aid, by sex and income</li> <li>○ Whether citizens express confidence that they can access affordable and quality legal assistance and representation, by sex</li> <li>○ % of people expressing confidence that they would be treated fairly and without discrimination by the FLA providers/judges, by sex</li> </ul>	
<b>Intermediate outcomes</b>	<b>Intervention</b>	<b>Gender Indicators</b>	<b>Tools of Verification</b>
1. The legal and policy framework related to the provision of FLA is harmonized in line with COE standards	Monitoring and evaluation framework for the implementation of the law – M&E plan	<ul style="list-style-type: none"> <li>○ Number of women and men having benefited from legal aid, by sex</li> <li>○ Existence and impact of legal literacy and legal awareness programs for women and men, focusing on gender equality, non-discrimination, gender-based violence, and other areas of particular interest for women.</li> <li>○ Number and content of programs on FLA in the last calendar year</li> <li>○ Number of CSO projects financed by the MoJ with gender equality outcomes</li> <li>○ % of MoJ budget spent on FLA on gender equality cases where beneficiaries are women and men</li> </ul>	<ul style="list-style-type: none"> <li>○ Annual reports of the MOJ for implementation of the Law</li> <li>○ Annual report of the coordinator for equal opportunities of MoJ to MLSP</li> </ul>
2. Capacities of FLA providers to deliver quality legal aid are strengthened	<ul style="list-style-type: none"> <li>○ building capacity and raise awareness on gender equality</li> <li>○ building capacity on criminalized offences stemming from IC</li> <li>○ building capacity on dealing with sensitivity with vulnerable people</li> </ul>	<ul style="list-style-type: none"> <li>○ Number of trained FLA providers</li> <li>○ Number of trained prosecutors and judges</li> </ul>	Pre and post training questionnaires, and % of change in acquired knowledge
3. Access to FLA by the population is strengthened	Reach out to vulnerable groups of women, rural women, women with disability Roma women, single mothers and women victims of violence, sex workers and etc.	<ul style="list-style-type: none"> <li>○ Number of women and men who participated in the FLA literacy programs</li> <li>○ Measurable impact of programs in terms of increased FLA legal literacy and awareness</li> </ul>	<ul style="list-style-type: none"> <li>○ Dissemination reports</li> <li>○ Report from CSOs doing awareness raising and literacy projects financed by MoJ and donors</li> <li>○</li> </ul>

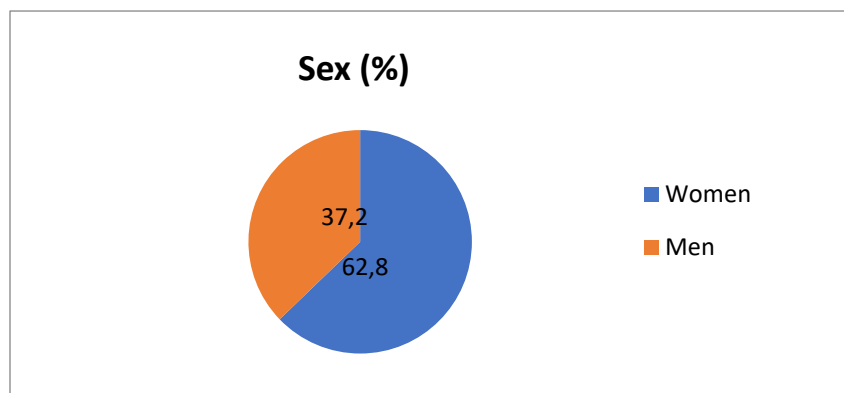


<b>Immediate outcomes</b>	<b>Intervention</b>	<b>Gender Indicators</b>	<b>Tools of Verification</b>
Recommendations for improvements to the legislation and policy documents are examined	<ul style="list-style-type: none"> <li>○ Amendment of the Rulebook for the form and content of the registry of providers of free legal aid and the content of the reports of providers;</li> <li>○ Amendment of the second form regulated with the Rulebook of the pricelist for services of providers of primary free legal aid;</li> <li>○ Amendment of the request for registering providers of secondary legal aid in the registry of attorneys regulated in the Rulebook for the form and content of the request for registering NGOs as providers of secondary legal aid;</li> <li>○ Gender mainstreaming of the project application form regulated in the Rulebook for the public call for distribution of finances for primary free legal aid by the authorized NGOs and legal clinics.</li> </ul>	<ul style="list-style-type: none"> <li>- % of NGOs budgets spent on gender equality objectives</li> <li>- Number of intersectional gender analysis produced by MoJ on quality of FLA</li> <li>- Number of women lawyers registered as secondary legal aid providers</li> <li>- Number of FLA NGO providers that have gender mainstreamed in their provision of legal services</li> </ul>	<ul style="list-style-type: none"> <li>○ Rulebook for the form and content of the registry of providers of free legal aid and the content of the reports of providers</li> <li>○ Rulebook of the pricelist for services of providers of primary free legal aid</li> <li>○ Rulebook for the form and content of the request for registering NGOs as providers of secondary legal aid</li> <li>○ Rulebook for the public call for distribution of finances for primary free legal aid by the authorized NGOs and legal clinics</li> </ul>
Tools and methods are adapted by the Ministry of Justice, Bar Association, CSOs and lawyers to facilitate FLA provision.	<ul style="list-style-type: none"> <li>○ Guideline for preparing M&amp;E framework for implementation of FLA Law including development of gender indicators</li> <li>○ Guideline on how to prepare gender analysis and measure the quality and access to justice from gender perspective</li> <li>○ Guideline on gender sensitive feedback provision of MOJ and branch offices to providers and clients</li> <li>○ Guideline on how to coordinate activities with CSOs as the ministry has signed MoUs but does not consult or work in cooperation with CSOs</li> </ul>	<ul style="list-style-type: none"> <li>○ Number of women and men having benefited from legal aid, by sex</li> <li>○ Number of staff trained in gender analysis, by sex</li> <li>○ Number of gender analysis produced</li> <li>○ Number of engender policy advice for improvement of FLA law and procedures</li> <li>○ Number of feedbacks provided</li> <li>○ % of satisfied FLA client with feedback provided, by sex</li> <li>○ Number of joint activities with CSOs for reaching out to target groups and increasing FLA literacy</li> <li>○ Number of joint activities with CSOs for training in gender equality and sensitive dealing with vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>○ Guideline for preparing M&amp;E framework for implementation of FLA Law including development of gender indicators</li> <li>○ Guideline on how to prepare gender analysis and measure the quality and access to justice from gender perspective</li> <li>○ Guideline on gender sensitive feedback provision of MOJ and branch offices to providers and clients</li> <li>○ Guideline on how to coordinate activities with CSOs as the ministry has signed MoUs but does not consult or work in cooperation with CSOs</li> </ul>

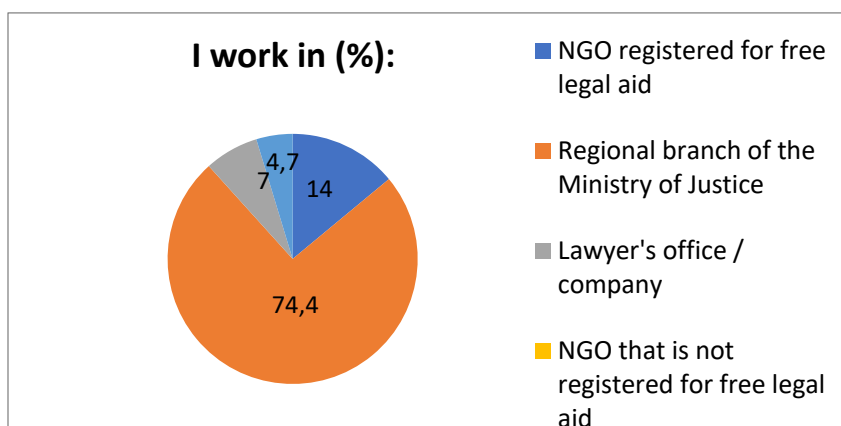
		<ul style="list-style-type: none"> <li>○ Number of women and men participant at the workshops for internalizing the guidelines</li> </ul>	
Improved quality of legal aid provided under criminal proceeding through enhanced transparency and coordination	<ul style="list-style-type: none"> <li>○ Training on basic notions on gender and gender equality;</li> <li>○ Training on basic concept of gender mainstreaming (including such topics as gender-based discrimination, roots of gender-based violence, practical gender-sensitive provision of legal aid services at different stages of the judicial act) of improvement of FLA based on gender analysis</li> <li>○ Training on gender aspects of international standards stemming from the Convention on the rights of Persons with Disability, Convention of the rights of the child and the Istanbul convention.</li> <li>○ Training for the staff of MoJ working in the branch office will need workshops on the Labour Law and Law on family, Law on inheritance and their intersections with gender.</li> </ul>	<ul style="list-style-type: none"> <li>- Number of women and men participants on the training</li> <li>- % of change in acquired knowledge, by sex</li> </ul>	<p>TNA</p> <p>Training program</p> <p>Training materials</p> <p>Pre and post training questionnaires</p> <p>Training reports</p>
People seek more information to better access FLA and have a better understanding of its provisions	<ul style="list-style-type: none"> <li>- Dissemination of information materials on places where women circulate and / or through CSOs that work with target populations</li> </ul>	<ul style="list-style-type: none"> <li>- Number of materials disseminated on places where women circulates</li> <li>- % of change in awareness of women in FLA accessibility</li> </ul>	Communication strategy report

## Annex 1 Technical report from online survey

1. Most of the respondents who completely filled the questionnaire were women, ie 62.8%, while 37.2% of the respondents were men.



2. Most of the respondents are employed in regional branch of the Ministry of Justice, ie 74.4%, while 14% work in an NGO registered to provide free legal aid. A smaller proportion of respondents work in a law office / company, an NGO that provides legal assistance but is not registered for this service, or a legal (law) clinic that operates within the law faculties in the country.

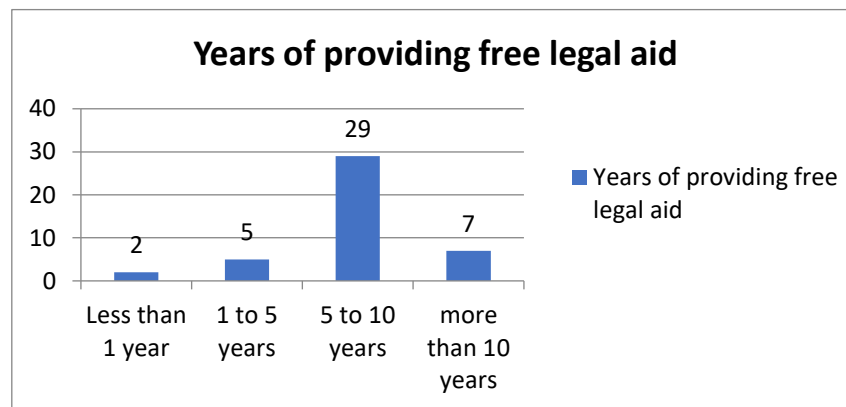


3. Most of the respondents are state administrative officers, heads of departments within institutions or junior associates within the institutions. The table below shows us the data in absolute numbers.

Current position in the institution / organization/ ... :	Number of persons employed in the institution / organization/ ... :
State administrative officer	7
Junior associates	8
Head of department	4
Senior Associate	1
Independent administrative officer	5
Junior associates for free legal aid	3
Legal Adviser	3

Coordinator / project coordinator / legal clinic coordinator	3
Lawyer	3
Project assistant	1
Authorized officials	2
Adviser for free legal aid	1
Lawyer providing primary legal assistance	1
Dean	1

4. Most of the respondents or 67.4% had between 5 to 10 years of experience in providing free legal aid. A significant proportion of the respondents (16.3%) have more than 10 years of experience in providing free legal aid. The table below show us data in absolute numbers.



5. The largest percentage of respondents have experience in providing free legal aid consulting or advice between 5 and 10 years, or 76.75%, while a significantly smaller proportion have more than 10 years of experience, or 13.9%. The table below show us data in absolute numbers.

