

Discrimination and abuses in employment and exercising employment rights among young people including volunteering and internships.

Prepared by:

National Youth Council of Macedonia (NYCM) (Marko Pankovski, Andrea Ugrinoska, Ivona Krstevska)¹

Macedonian Young Lawyers Association (MYLA) (Bojan Trpevski, Angela Shumkoska, Svetlana Crvenkovska)²

Institute for Human Rights (IHR) (Maja Stojanoska, Alex Johnson)³

1. SUMMARY

The report analyses the present forms of discrimination that are not exclusive to but affect young people most frequently such as discrimination based on age, sex, gender, pregnancy or possibility of pregnancy, ethnic, social and political grounds. The report has four objectives. First, provide overview and report the upgrades when it comes to the legal and institutional framework. Second to provide context of the current situation from a perspective of young people and the youth organizations. Third, do detect abuse and misconduct when it comes to volunteering and internships. Finally, to provide relevant recommendations for improving the situation in specific areas.

2. The relevant international conventions ratified by Macedonia are enclosed in Annex 1 of this submission.
3. *Recommendation: The State should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.*

4. LOCAL REALITIES

5. While Macedonia has ratified key conventions, what lacks are concrete and effective action plans for implementation of these international treaties. Beyond the Universal Declaration of Human Rights⁴ and the European Convention of Human Rights⁵ that set standards for favourable working conditions and for prevention of discrimination on any ground, there are additional conventions and protocols that Macedonia signed in order to guarantee the rights arising from employment. As signatory to the International Covenant on Economic, Social and Cultural Rights, Articles 6 and 7 oblige the country to achieve full realization of the right to work and ensure workplace free of discrimination with emphasis on same working conditions and equal pay for equal work for men and women.⁶ Further, Macedonia ratified the European Social Charter, which guarantees the right to vocational guidance (Article 9) and the right to vocational training (Article 10). According to the Charter, the parties

undertake to provide and promote services to facilitate the access to vocational guidance and to ensure effective exercise of the right to vocational training.⁷ Instead, citizens including young people lack information on their rights and the means for their realization. In that regard it is necessary for the country to work on effective promotion and protection of young people's guaranteed rights. .

6. *Recommendation: Establishing a youth focused mechanism consisted of relevant governmental institutions and CSO representatives that will monitor and evaluate the level of implementation and promote the ratified documents concerning human and labour rights.*

7. National context in which youth employment relates to discrimination

8. Youth unemployment and underemployment represents a major challenge for the Republic of Macedonia. One in every two young persons in the national labour force is unemployed.⁸ According to the Youth Progress Index, Macedonia ranks 96th globally when it comes to young people that are not in the system of education, employment or training (NEET)⁹. The high youth unemployment rate means a loss of investment in education and training, a reduced tax base and higher social costs. At the same time, long periods of unemployment in the early stages of life affect the job prospects across the working-life span of young people. Low quality employment affects approximately half of the young workers. In this regard, five in ten young workers receive a wage that is below the average of all workers (paid workers and own-account workers), five in ten are in informall or irregularl employment, three in ten are overeducated or undereducated for the job that they hold and most problematic is the case with young people that are working an excessive number of hours. Only 16.5 percent of youth work part-time, and among them, nearly half qualify as "involuntary part time workers".¹⁰ Despite the Law on Prevention of and Protection against Discrimination contains guarantees and provisions for complaints, Macedonia is still facing substantial discrimination when it comes to employment.
9. On the side of the employers, the lack of awareness of discrimination makes them to behave in such way and do not respect the rights of the current and future employees. A research report by OSCE and the state Commission for Prevention of Discrimination shows that discrimination is present in 24% of the vacancies published in the printed media.¹¹ Highest level of discrimination exists in the vacancies published by the private sector.
10. The human rights based approach understands development of policies through a conceptual framework normatively based on international human rights standards and operationally directed towards their protection. The institutions and the other relevant stakeholders should embrace this approach as a basis in their policy development process.¹²
11. *Recommendation: Establish and/or utilize already established unilateral and multilateral mechanisms for civic and human rights education for young people and employers in order to make them capable to recognize, avoid and/or report discrimination with focus on gender based discrimination;*
12. *Recommendation: Support and implement Human Rights Based Approach when developing new programmes and policy that affects young people.*

13. To address the high level of youth unemployment and NEET, in March 2018, the Ministry of Labour and Social Affairs in partnership with the Agency for Employment and the National Youth Council of Macedonia started to implement the Youth Guarantee program. The program follows an already established model in many European countries and is designed to offer employment, training or education opportunity within four months following the young person's registration within the Agency for Employment. While the Youth Guarantee aims to address this problem, the mechanism (while in its early phase) should be available to larger audience and should prevent discrimination based on social and economic background. Currently, the mechanism is not accessible for young people that do not have personal documents which is a nationally rare occurrence but frequent case in the Roma communities. While the problem with illiteracy and documentation is beyond the Youth Guarantee itself, its manifestation creates challenges and should be addressed accordingly when the full implementation starts.

14. *Recommendation:* *The Agency for Employment and the Ministry of Labour and Social Affairs should adjust the procedures for undocumented young people and facilitate their access to labour rights and social support mechanisms.*

15. LEGAL AND INSTITUTIONAL FRAMEWORK

16. Domestic legal framework:

When it comes to employment and exercising employment rights, the legal framework for protection against discrimination is the following:

17. Constitution of the Republic of Macedonia – establishes and guarantees the right of equality in Article 9. However, in this article the age isn't set as a ground on which a person must not be treated unfavorably. Article 32 establishes the equal access to employment for everyone while Article 42 establishes special protection of minors and mothers in aspect of employment and employment rights. Article 110 in conjunction with Article 50 of the Constitution establishes jurisdiction of the Constitutional Court over protection against discrimination on grounds of sex, race, religious belief, nationality, social status or political belief. Thus, the Constitutional Court does not provide protection against discrimination on the ground of age, which limits young people in the mechanisms they can use in protection against discrimination and proper implementation of the right to equality.

18. *Recommendation:* *Amend the Constitution to be more sensitive towards the age as a ground for discrimination and setting the age as a ground on which the Constitutional Court offers protection against discrimination.*

19. Law on Labor Relations (LLR) is the *lex generalis* when it comes to employment, establishment of employment rights and their implementation. Article 6 establishes the principle of non-discrimination and the right to equality through establishing a general ban on discrimination according to which job seeker or the employee must not be treated less favorably on any of the grounds laid out in the article, including age, sex and gender. However, the paragraph 1 of the Article 6 lays out a closed list of grounds for discrimination

which can be considered as too formalistic approach limiting the scope of protection against discrimination.

20. The law regulates direct and indirect discrimination, exceptions to the ban on discrimination, harassment and sexual harassment and mobbing in the following Articles 7, 8, 9 and 9-a.
21. Article 9-b stipulates clear protection against discrimination of women on grounds of pregnancy, giving birth and parenthood. The paragraph 2 of the same article defines that the prohibition of discrimination on these grounds refers to access to employment, working conditions, and all other rights under the employment and the termination of the employment contract of female employees that are pregnant or exercise rights resulting from giving birth and parenthood.
22. Article 25 of the Law establishes obligation for the employer to refrain from requiring information or proof on the candidate's family, marital and family planning situation (including pregnancy test or a certificate of such a test at conclusion of employment contract with a female employee, regardless of the job for which the employment is established) as well as concluding or conditioning the employment contract on such information obtained
23. The Law in its provisions establishes special protection of persons younger than 18 and women. The Law stipulates that the approved leave of absence due to illness or injuries, pregnancy, childbirth and parenthood, care for a family member and unpaid parenthood leave, are to be considered as unfounded reasons for terminating the employment contract. In addition, Article 101 refers to the ban on dismissal due to pregnancy, childbirth and parenthood, according to which the termination of the contract shall be null and void, assuming that the employer was familiar with the circumstances of the pregnancy, childbirth or parenthood, or was properly notified within 15 days from the dismissal. However, paragraph 3 of Article 101 lays out an exception from the obligation aforementioned, under which the circumstances of the pregnancy, childbirth and parenthood do not prevent the termination of the employment contract concluded for a defined period of time as soon as this contract expires. Having this in mind, there are a lot of cases where women are employed with an employment contract concluded for a defined period of time, which are not renewed right after the acknowledgement of the employer about the pregnancy. This practice is contrary and discriminatory to the purpose of the protection of women due to pregnancy, childbirth and parenthood.¹³ It must be emphasized that most young people decide to establish family and have children up to 29.
24. *Recommendation: Even though the LLR establishes basis for protection against discrimination, it needs further improvement concerning protection against discrimination of women on grounds of pregnancy, childbirth and parenthood in light of the termination of the employment contract concluded for a definite period of time.*
 - a. **Law on prevention of and protection against discrimination** (Anti-discrimination law) is a *lex specialis* when it refers to discrimination in the sphere of employment and labor relations. The Law defines discrimination and its more severe forms, establishes the Commission for protection against discrimination and includes provisions concerning the

judicial protection against discrimination which have supremacy over the provisions in the Law on Litigation Procedure (LLP).

- b. The Law faces numerous inconsistencies and flaws. Article 2 stipulates that the protection against discrimination shall apply on exercising all rights and freedoms guaranteed by the Constitution and the laws of Macedonia, not mentioning the international agreements, the UN conventions and the ECHR and their importance and positive impact in the international human rights protection.
- c. Even though age is explicitly set as a ground for discrimination in the Article 3, this article is not comprehensive enough because it does not recognize sexual orientation as a specific ground for discrimination. Although, there is an open clause at the end of the article saying “or any other basis anticipated by a law or ratified international agreement”, according to all international documents and recommendations, the sexual orientation has to be explicitly recognized in the domestic legislative as a ground for discrimination.

25. Another interesting fact is that marriage is defined as a union exclusively between a man and a woman, which is not aligned with the progressive societal flows and can be considered as discriminatory.

- a. The definitions for direct and indirect discrimination, harassment, discrimination of persons with disability and the call for and incitement to discrimination need further improvement.
- b. Article 10 which defines victimization is too restrictive by giving protection against victimization only to the persons which formally initiated any procedure for protection against discrimination or took part as a witness in a procedure for protection against discrimination. The definition needs improvement in a manner of giving more extensive protection against discrimination to any person who undertook any action to protect himself or any other person from discrimination.
- c. The Law only vaguely sets the more severe forms of discrimination by only mentioning them in article 12 without giving extensive and proper explanation on each of them.
- d. The Ministry of Labor and Social Policy prepared a new Law on prevention of and protection against discrimination which improves the flaws of the current law. It explicitly defines forms of discrimination which occurred regularly in practice such as segregation, discrimination of association, discrimination of perception, intersectional discrimination, adds sexual orientation as a ground for discrimination, improves the definition of the existing articles in general and establishes the *action popularis*.

26. Recommendation: Adoption of the new Law on prevention of and protection against discrimination and devotion of the state institutions on its proper implementation in practice.

27. **Law on protection against harassment at the workplace** is a *lex specialis* to Anti Discrimination Law concerning harassment at the work place as a form of discrimination.

- a. Article 3 establishes jurisdiction of the Law not only over persons employed with an employment contract but to persons engaged in labor under other contract types.
- b. However, Article 10 stipulates an obligation for the employer to undertake measures for preventing harassment on the work place without defining in concreto the measures that the employer is obliged to undertake, in order to enable working friendly environment.
- c. Even though the Law sets a deadline for submitting a lawsuit in situation where the employer had failed to appoint mediator in the mediation procedure, it failed to clearly state deadline in cases where the mediation procedure was terminated or finished unsuccessfully, and

refers to the LLR. The Law establishes only general deadline for submitting a lawsuit in cases where the employer can submit a lawsuit within 15 days from the period of 8 days in which the employer had the opportunity to voluntarily remove the violation. However it is unclear if this deadline can be applicable to the situations where the mediation procedure in cases of harassment had finished unsuccessfully or was terminated.

- 28. Recommendation: Improving the Law on protection against harassment at the workplace in a manner of setting in concreto preventive measures that the employer must undertake and setting a deadline for submitting a lawsuit in cases where the mediation procedure had finished unsuccessfully or was terminated.**
- 29.** If the right to equality has been violated, everyone has the right to request determination of violation of equal treatment through extra judicial protection and judicial protection.
- 30.** Regarding to the extra judicial protection in Republic of Macedonia:
- the Ombudsman offers protection against discrimination occurring in the public sector;
 - the Commission for Protection against Discrimination (Commission) offers protection against discrimination in the private and public sector.
- a. **The Commission** is established by the Anti-discrimination Law and is composed of seven members acting on submitted complaints from citizens. The complaint must be submitted within three months from the day that the violation has been committed, or within one year from acknowledging the act of discrimination. The Commission drafts and adopts opinion on whether discrimination has been committed in the particular case and proposes recommendations on the manner in which the discriminatory behavior should be sanctioned and prevented in the future. The person or institution to whom the recommendation is directed, needs to act upon it and eliminate the violation of the right. In contrario, the Commission may raise an initiative for starting a procedure in front of a competent body for determining its liability.
- b. **The Ombudsman** is a body that offers protection from violations of citizen's rights committed by the state administration bodies and other bodies and organizations that have public authorizations. Any person who believes that his rights have been violated, including the right to equality, may submit a complaint to the Ombudsman. However, the opinions and recommendations of the Ombudsman have no legally binding effect, the same as the Commission.
- c. Regarding to the judicial protection, a person may seek protection before the Constitutional Court of RM, the Administrative Court of RM and to initiate a civil procedure before the Basic Courts of the Republic of Macedonia.
- d. **The Constitutional Court of the RM** acts upon a request for protection of the freedom and rights of the citizen defined in the Constitution (Article 110), among which is the right to equality.
- e. The Law on Administrative Disputes stipulates that a person may seek protection in front of the **Administrative Court of RM** of its freedom and rights guaranteed by the Constitution, if the violation occurred in the course of an administrative procedure or is conducted by a final decision, and no other court protection is provided.

f. When it comes to judicial protection against discrimination, the person can initiate a civil procedure for protection against discrimination and violation of the right to equality before **the basic courts of the RM** by filing a lawsuit before the competent court.

31. By filing a lawsuit the party in the court procedure that claims that its right to equal treatment has been violated, may request:

Determination that the defendant has violated the right to equal treatment of the plaintiff;
Prohibition of undertaking activities which violate or may violate the right of the plaintiff to equal treatment;
Compensation of the material and non-material damage caused by the violation of the rights;
Announcement of the verdict in the media whereby violation of the right to equal treatment is determined at the expense of the defendant.

a. The final verdict is obligatory and has a legally binding effect for the defendant and the plaintiff.

b. The institutional framework for protection against discrimination in Macedonia establishes different mechanisms for protection of human rights against discrimination, but many are ineffective due to the absence of systematic sanctions.

c. The Commission has no authority to make legally binding decisions that affect the essential protection of citizens. For example in the annual report of the Commission for 2017 from the total number of cases where violation was found, only in 6 the Commission was informed that the discriminatory behaviour is eliminated.

d. The Commission can act upon a complaint only if there is no court procedure for the same matter initiated or completed in a legally valid manner. The Commission has no competence for possible further independent actions and it does not remedy the situation nor its decision is considered by the court if the case has a judicial closure.

e. With the new proposed Law if the discriminator does not act in accordance with the recommendations, the Commission has the authority to submit a lawsuit in the name of the victim for protection against discrimination in front of the civil court.

32. *Recommendation:* *The Commission must be given greater competences in regarding the follow up procedure after their decisions have been brought.*

33. The Commissioners are usually appointed from the public administration sector. They have to fulfill requirements including at least five years of experience but it is not specified in which area they should have experience. Other problem is that the members are not employed in the Commission and do not have administrative-technical staff which is an additional burden. If we take into consideration the competences of the Commission, vis a vis being employed in other institutions, the Commissioners cannot devote enough to their work on prevention and protection against discrimination. All of these problems, make the Commission nonprofessional and ineffective. The fact that the Commission's opinions and recommendations do not have legally binding effect only contributes to its ineffectiveness as a legal mechanism.

34. *Recommendation: Republic of Macedonia needs to have professional and competent staff for administrative-technical service, that will support the Commission, and the members to have full time job in the Commission and be experts in the area and more so determining the work task of every employee.*
35. Even though under current Law, the Commission can raise an initiative for starting a judicial procedure in front of the competent bodies, there is no time limit for the initiation of the procedure and it is not stipulated in front of which bodies the procedures can be initiated. Another thing not specified is the burden of proof in the procedure before the Commission which is very problematic for the victims, as well for the legal certainty in general.
36. *Recommendation: Improving the provisions of the Law that regulate the procedure in front of the Commission in aspect of defining the shifting of the burden of proof.*
37. The most effective remedy for protection against discrimination is the civil court procedure. An advantage to this court procedure is the transfer of the burden of proof. The alleged victim of discrimination has to provide prima facie evidence of discrimination. It is in that moment that the burden of proof shifts to the discriminator as an exception to the regular rules of procedure stipulated with the LLP. However, there is insufficient level of understanding of the transfer of the burden of proof itself, the extent to which the plaintiff is obliged to provide evidence, and the exact time when does the shift of the burden of proof to the defendant happens. On the one hand, the legal provisions state that the burden of proof passes on the opposing side, and on the other hand the Law states that alleged victim of discrimination should submit all the facts and evidence justifying his/hers claim.
38. *Recommendation: Specification in which moment is the transfer of the burden of proof itself, the extent to which the plaintiff is obliged to provide evidence, and the exact time when does the shift of the burden of proof to the defendant happens.*
39. Even though, the LLP stipulates that the proceeding for protection against discrimination are urgent, there is no clear definition what does “urgent” in cases of protection against discrimination mean. This legal loophole allows courts to interpret the provision in different manners and to have discrimination procedures that last more than 2 years. This is contrary to one of the most important principles for protection in due time from further discrimination activities and establishing the responsibility for the party who violated the right to equality.
40. From a procedural aspect, this reflects the inefficiency of the court procedure, the prolongation of the proceedings leads to an enormous increase in court costs, hence the compensation that the defendant should pay if liability is established. Having this in mind, the term “urgent procedure” should be defined and a time limit should be stipulated in the Law.
41. *Recommendation: Specification of the time limit that the courts are obligated to make a decision in civil procedures. In addition, although a specific time limit is not foreseen, as the LLP, stipulates for employment disputes (six months), the principle of urgency (although unwritten)*

may be respected by the six-month time limit as the most appropriate in the discrimination proceedings.

42. ABUSES DURING VOLUNTEERING AND INTERNSHIPS

43. Volunteering

- a. Even though there should be clear distinction of the volunteering and internship, in the Macedonian society these two are observed as identical which leads to their misapplication. While volunteering is encouraged to build a more humane society based on social cohesion, internships are included in educational programs and within active employment measures. Unlike volunteering, internships have an internal dimension and it is focused on the individual who performs the practical work and strives to upgrade his / her knowledge, skills and abilities. It is directed mainly to students / unemployed people, unlike volunteering that covers all the structures of society. To employers, the internship program allows them to identify capable future staff."¹⁴
- b. In most cases the main motive of volunteers is the hope that they will get a permanent job after the volunteering. Most employers promise permanent employment if the individual is prominent and proves to be the best during volunteering. However, in practice this is different and it often happens that one group of volunteers is replaced by the other.
- c. The adoption of the Law on Volunteering for the Republic of Macedonia in 2007¹⁵ signaled a clear step forward in accession to the EU, as well as recognizing the lack of protection for this social group. With the changes from 2008 the municipalities and the city of Skopje are also included as organizers of volunteering.
- d. In October 2010 the Government adopted its strategy for promotion and development of Volunteering 2010-2015 with an Action Plan for implementation, but not allocated budget items, which means disabled implementation in disadvantage of finance. It proved right in the case in the formation of National Council for Volunteering Development (NSVD) according to the action plan was supposed to be formed in 2010 and is being formed even in January 2012.¹⁶
- e. Article 2 of the Law on Volunteering states that “[v]olunteering shall be an activity of interest for the Republic of Macedonia”, as it assists with “the improvement of life quality” and “the development of a humane and egalitarian democratic society”. This law also provides ease to organizations who may send volunteers to Macedonia, such as the EU, the UN, and other global alliances.
- f. While the law does continue to elaborate on the specifications of what constitutes a volunteer, there is significant grey areas left in which organizations can avoid properly paying their workers. While there are fines in place for these instances, as described in section 7, in articles 22, 23, and 24, it is not difficult for business to argue that they employed workers and not volunteers. This leads to a clear case of labor abuse, especially for the youth who are not well-acquainted with this system of work and this law.
- g. Furthermore, it is especially concerning that article 3 explicitly states that the terms “volunteer” and “unpaid intern” are different and cannot be treated the same way, citing the Law on Labor Relations. It should stand as such then that there be a separate law or provision concerning unpaid internships; however, there is not, and instead unpaid internships are typically regarded in a similar fashion to volunteering while simultaneously not being forced to follow the same rules laid out in the law.

- h. Section 1 of Article 10 states that the compensation for the previously agreed costs connected with volunteering, while Section 2 of Article 10 defines that the compensation for food costs and transportation costs to and from the volunteering place shall be paid in the amount of 15% of the average monthly salary in the Republic paid in the previous year. Business trips costs and training costs shall be paid in the same amount as for the employees in the volunteer work organization. According to the data of the State Statistical Office, the average monthly wage paid per employee in 2017 was 32.877 denars.¹⁷ In this regard, the volunteering compensation for 2018 amounts 4.900,00 denars which merely covers the transport and food costs.
- i. Articles 11 and 13 describe the responsibilities of the volunteer and the volunteer work organizer. As listed in article 11, responsibilities of the volunteer include a variety of obligations, including, but not limited to: “provide services in accordance with law [and] the contract for volunteering”; “keep... confidential data”; and “notify the volunteer work organizer of the harmful consequences... that can occur for the organizer and for him/herself or for third parties”.
- j. In contrast, article 13 describes the responsibilities of the volunteer work organizer, which includes: “provide conditions for the performance of the voluntary work in accordance to the Law and the volunteer work contract”; “provide prompt payment of previously agreed cost”; and “provide insurance on professional illnesses and injury at work... if so agreed”.
- k. The fines that are described in articles 22, 23 and 24 of section 7 range from 200 to 2.000 Euros in Macedonian denar equivalent. Organizations choose to employ interns that are paid far below what is required for volunteers, and employers are not required to follow the same strict guidelines as with volunteers. Interns are not required to be provided with funds for work, food, rent, insurance, transportation, and other living expenses.
- l. There is also a great deal of subjectivity by institutions in the recruitment of volunteers, so under conditions where it is very difficult to get to employment, we have a reality in which it is just as hard to find opportunities to volunteer. Hence, there are very frequent situations when volunteers, although informed about their rights deriving from the law, are silent about their exploitation as a substitute for a job, overtime or subjectivity in assessing their work.
- m. On the other hand, the experience and expertise of the civil society organizations is little used work in the field of volunteering in the recruitment, selection and training of volunteers and organizers of volunteer work and rare are the cases of concrete cooperation with the public institutions.¹⁸
- n. 11 years after the adoption of the Law on Volunteering in the Republic of Macedonia, there is no monitoring and evaluation reports on its practical implementation. No statistical data is available regarding the number of volunteers, volunteering by areas, the economic benefits of volunteering etc. Some actions regarding improving the conditions can be recognized but focus of these activities is on companies and civil society organizations, while the role of the state is not met yet.

44. Recommendation: Undertake concrete measures by the State in order to prevent the exploitation of volunteers.

45. Internships

- a. The Law on Labor Relations¹⁹ regulates one segment of the internship that is traineeship but just in case it is needed for further education, professional exam or self-employment. Article

56 of the Law states that person, in practice usually young person that has finished his/her education, can conclude an employment contract as a trainee, who for the first time begins to work according to the type and level of his / her vocational education, to qualify for self-employment in a working relationship. The duration of this kind of internship is up to one year, unless otherwise provided by law.

- b. The Law in article 58 states that in the duration of the internship, the employer shall be obliged to provide training for independent work to the trainee and at the end of the internship, the trainee must take an exam, which is an integral part of the internship and is taken before the expiration of the internship.
- c. In the Law it is defined that the employment contract for the traineeship/internship shall determine the amount of the salary and the duration of the probationary work, which may not be longer than six months. Based on the assessment of the unsuccessfully completed probationary work, the employer may terminate the employment contract after the expiry of the probationary work.
- d. In the Law on Labor Relations is a part dedicated to volunteer work in case it is needed for taking professional exam. This Law in its article 61 states that If the volunteer service is a condition for taking the professional exam or performing an independent activity in accordance with a special law, this should be done by concluding a contract for volunteering between the employer and the volunteer.
- e. All of the above stated shows the theoretical and practical realization of the volunteerism and internships and speaks of the incomplete regulations which result in the utilization of volunteers and interns by replacing job positions in private or public sector.

46. Recommendation: Closing the legal gaps with regulating the internship which is not with the sole purpose of taking professional exam or self-employment.

- a. With this current law in place, there is a large grey area left that does not adequately protect volunteers and unpaid interns specifically from youth labor abuse. By stating that unpaid internships do not need to follow the same stipulations as volunteer opportunities, and then refusing to adopt laws protecting unpaid interns, leave them vulnerable.
- b. The volunteering, internship and traineeship in Macedonia are regulated in Law on Volunteering for the Republic of Macedonia, the Law on Labor Relations and the Strategy for promotion and development of Volunteering with an Action Plan for implementation. The Strategy is not valid since it covers the time span for 2010 to 2015 and new one should be written and its action plan for implementation should reflect and tackle the current conditions and needs.

47. Recommendation: Update the Strategy for promotion and development of Volunteering with an Action Plan for implementation including all the stakeholders.

- a. It proved right in the case in the formation of National Council for Volunteering Development (NSVD) according to the action plan was supposed to be formed in 2010 and is being formed even in January 2012.²⁰

48. Recommendation: Increase the activities of National Council for Volunteering Development (NSVD).

¹ The National Youth Council of Macedonia (NYCM) is a representative body for youth organizations in Macedonia. NYCM unites 47 organizations, including youth organizations, organizations for youth, wings of political parties, in order to promote and advocate for the rights of the Macedonian youth. The council is a full member of the European Youth Forum. Contributors from NYCM: Marko Pankovski, UPR Coordinator & Board member at NYCM (marko.pankovski@nms.org.mk), Andrea Ugrinoska, Board member at NYCM (andrea.ugrinska@nms.org.mk) & Ivona Krstevska, Secretary General at NYCM (ivona.krstevska@nms.org.mk).

² The Macedonian Young Lawyers Association (MYLA) is an independent, non-profit professional organisation established in 2004, which provides legal aid and strategically litigates to protect human rights. Equipped with the knowledge and innovative capacities of young lawyers, MYLA promotes the rule of law and influences policy through research and advocacy. MYLA strives for a society in which the rule of law is established and people proactively strive for the respect of human rights. Contributors from MYLA: Bojan Trpevski, Lawyer at MYLA (btrpevski@myla.org.mk), Angela Shumkoska, Lawyer at MYLA (ashumkoska@myla.org.mk) & Svetlana Crvenkovska, Program Coordinator at MYLA (skjoseva@myla.org.mk).

³ The Institute for Human Rights (IHR) is a citizens association established in Skopje in 2009 in order to promote, improve and protect human rights and freedoms through continuous education of the professional public, analysis of the situation and organizing expert discussions within the legal profession and the general public. (Contributors from IHR: Maja Stojanoska, Project Coordinator at IHR (maja.stojanoska@ihr.org.mk) & Alex Johnson, Research Intern at IHR (ajjohns@ihr.org.mk)).

Our vision is: credible and recognizable stakeholder in acting towards securing, promotion, advancement and protection of human rights and freedoms.

Our mission is securing, promotion, advancement and protection of human rights and freedoms through research, analysis, education and other actions.

⁴ Universal Declaration of Human Rights, United Nations, December 1948. Available at: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

⁵ European Convention of Human Rights, Council of Europe, November 1950. Available at:

⁶ International Covenant on Economic, Social and Cultural Rights, OHCHR, December 1996. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁷ European Social Charter. Council of Europe, May 1996. Available at: <https://rm.coe.int/168007cf93>

⁸ Data on unemployment. World Bank. Available at: <https://data.worldbank.org/indicator/SL.UEM.1524.ZS>

⁹ Youth Progress Index, pp. 228, European Youth Forum & Deloitte, 2018

¹⁰ National program for decent work 2015-2018, International Labour Organization and Ministry of Labour and Social Policy of Republic of Macedonia. Available at: http://www.mtsp.gov.mk/content/pdf/nacionalna_programa_pristojna_rabota.pdf

¹¹ Discrimination in the job vacancies (research report). OSCE & Commission for Prevention of Discrimination, November 2013. Accessed at:

<https://www.osce.org/mk/skopje/116800?download=true>

¹² Human Rights Based Approach. HRBA Portal. More info available at: <https://hrbaportal.org/faq/what-is-a-human-rights-based-approach>

¹³ Legal opinion on the unequal treatment and discrimination in the labour relations. MYLA, May 2018. Available at:

<http://myla.org.mk/wp-content/uploads/2018/05/ПРАВНО-МИСЛЕЊЕ-ЗА-НЕЕДНАКОВОТО-ПОСТАПУВАЊЕ-И-ДИСКРИМИНАЦИЈА-ВО-РАБОТНИТЕ-ОДНОСИ.pdf>

¹⁴ Konekt newsletter, available at http://www.konekt.org.mk/web/images/stories/konekt/global_hr_9.pdf

¹⁵ Law on Volunteering, Official Gazette Number: 85/2007, Date of Publishing: 9.7.07

¹⁶ More at the official web page of the Ministry of Labor and Social Policies. Available at http://www.mtsp.gov.mk/sovet-za-volonterstvo-ns_article-nacionalen-sovet-za-razvoj-na-volonterstvoto-nsrv-nacionalen-sovet-za-razvoj-na-volonterstvoto-nsrv.nspix

¹⁷ News Release, State Statistical Office of RM, 22.6.2018 available at <http://www.ujp.gov.mk/mk/javnost/soopstenija/pogledni/622>

¹⁸ Policy brief, *Volunteers support / support volunteers*, Youth Volunteer Center Bitola, 2014

¹⁹ Law on Labor Relations, Official Gazette of RM no. 62/2005 date of publishing 28.7.05

²⁰ More at the official web page of the Ministry of Labor and Social Policies available at http://www.mtsp.gov.mk/sovet-za-volonterstvo-ns_article-nacionalen-sovet-za-razvoj-na-volonterstvoto-nsrv-nacionalen-sovet-za-razvoj-na-volonterstvoto-nsrv.nspix