

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON MACEDONIA<sup>1</sup>

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- Suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified, with reservations on Inquiry procedure (articles 8 and 9<sup>2</sup>). Rome Statute ratified. Palermo Protocol ratified.

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Justice system reforms (19-27), Freedom of expression (47- 50) Freedom of religion and belief (51-58) Prevention of torture and inhuman or degrading treatment or punishment (59-68) Rights of the child (78) Protection of rights of disabled persons (88-98) Rights of persons belonging to the non-majority communities (101-110), Trafficking in human beings (125-134) The right to health care (137-140) Refugees, internally displaced persons and asylum seekers (141-150).

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<sup>1</sup> These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at [alejandra@mulabi.org](mailto:alejandra@mulabi.org)

#### <sup>2</sup> Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

#### Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

<b>ISSUE</b>	<b>N Report</b>	<b>Compilation</b>	<b>Summary</b>
<b>Equality and Non discrimination</b>	Constitutional status (6). Draft law against discrimination, Department at the Min. of Labour (46)	Need for legal definition of discrimination and special measures to achieve de facto equality (11).	
<b>HIV/AIDS</b>	Prevention initiatives with Roma communities (117)	Roma girls and women have less knowledge about HIV/AIDS (38)	
<b>Illiteracy women</b>		Concerns about high rate. Need for adults literacy campaigns (33).	
<b>Public and political participation</b>		Need to promote governmental women representation. Awareness campaigns /education to change stereotypical roles (26).	
<b>Reproductive health/rights</b>	Special health programs include mothers (136). Free gynaecological exams for Roma women (117)		Roma women: Chronic illnesses, lack of medical treatment and basic medicines. Verbal abuse. Ill treatment by health workers. Obstacles to access reproductive rights and maternal care including childbirth (44). Unsafe abortions, lack of risk awareness on STI-HIV/AIDS. Reluctance to condoms (45)
<b>Right to education</b>	Obligatory and free primary and secondary education (76).Roma pupils in secondary education (14), Special measures (115).	High dropout rate, low enrolment /attendance among rural girls, Roma girls, Albanian girls, refugee and disabled children.(33).	Teachers' low expectations of them encourage Roma girls to drop out of school (39). Free education but associated costs hinder secondary cycle (38).
<b>Right to work</b>	Sexual harassment and discrimination based on gender prohibited by Labour Law (94, 95).	Need for measures to ensure gender equal access to labour market and remuneration, esp. for rural and Roma women (27).	Roma women: Exclusion from education system and formal employment. (36)
<b>Roma women</b>	Action plan for status advancement and social integration (119) See Reproductive Rights (117)		See: Equality and non-discrimination (17) Domestic violence (23). Reproductive rights (30).
<b>Rural women / ethnic minority women</b>		Marginalized situation. Difficulties to obtain personal documents (12)	
<b>Sex workers</b>			Discrimination in health

			care (37)
<b>State mechanisms for women's rights</b>	Law (39), Committee (69) and Commission (70) on Equal Opportunities		Slow implementation of Law on Equal Opportunities (15)
<b>Trafficking of women/ Forced prostitution</b>	National Commission for Fight against Trafficking. National Action Plan (122). Criminal Code includes smuggling and trafficking (124) Law on protection of witnesses (128) Exploitation of women and girls in prostitution. Need for measures to eliminate it (21)	Roma women forced into prostitution by poverty and unemployment (38)	
<b>Violence against Women /Gender Violence</b>	Domestic violence: Criminal code amendments (79). Legal definition (80). Provisions (81) Prevention and treatment (82). Centers network for victims (83) SOS line (84). National strategy for protection (85)	Need for law criminalizing domestic violence. Guarantee of protection and assistance, punishment of perpetrators and educational/awareness-raising measures, requested (19).	Need for specific measures to address domestic violence against Roma Women (23). Need to reinforce legislation and practice measures to improve judicial action and remedies for victims (21)

### Equality and non-discrimination

The Constitution stipulates that "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, ( ) The limitations of freedoms and rights may not discriminate on grounds of gender ( ) (Para 6, NR).

Aiming at consolidating and strengthening the anti-discrimination legal provisions, the drafting of a comprehensive Law against Discrimination is in progress and it is expected to be adopted by the end of the first half of 2009. A Department for Prevention of and Protection from Any Type of Discrimination has been formed at the Ministry of Labour and Social Policy (Para 46, NR).

In 2006, CEDAW expressed concern that the legislation of the Former Yugoslav Republic of Macedonia doesn't contain either a definition of discrimination against women, or the principle of equality of men and women. (Para 11, Compilation).

### Harmful traditional practices

The Sexual Reproductive Initiative (SRI) made reference to harmful traditional practices and violations of sexual rights of begging Romani children, youth and women, including early and arranged marriages, as early as 12 years for both girls and boys and the discussion and practices to check on the women's virginity prior and after marriage (Para 30, Summary).

### HIV/AIDS

Activities are undertaken for regular, education about prevention of AIDS/HIV within the Roma community (Para 117, NR)

Multiple Indicator Cluster Survey data show that **girls and women** from Roma communities have **less knowledge about HIV/AIDS** ( ) (Para 38, Compilation).

### **Illiteracy**

CEDAW in 2006, the Committee on Economic, Social and Cultural Rights (CESCR) in 2006, the Committee for the Elimination of Racial Discrimination (CERD) in 2007, the Human Rights Committee (HR Committee) in 2008 and a 2008 UNICEF report, expressed concerns the **high illiteracy rate** in the country. (Para 33, Compilation)

### **Public and political participation**

A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in the national Parliament **increased** from 19.2 per cent in 2005 **to 29.2 in 2008**. While welcoming the adoption of the Law on Equal Opportunities for Men and Women (LEOMW) and the **increasing number** of women **holding higher positions in the private sectors**, the HR Committee remained in 2008 concerned by the level of participation and representation of women in governmental institutions as well as by the way women are perceived in society. (Para 26, Compilation).

### **Reproductive health/rights**

*According to the Constitution and the laws of the Republic of Macedonia, every citizen has a right to health care. The right to health services is also **ensured** for a special category of citizens for whom **special national programs** are envisaged that include: ( ) mothers and children, among others (Para 136, NR). Activities are undertaken for ... **free gynaecological examinations** for Roma women, etc. (Para 117, NR).*

Amnesty International (AI) noted that a disproportionate number of ( ) Roma women suffer from **chronic illnesses**, and many cannot afford the "participation fee" imposed on almost all medical treatment and on basic medicines. They may not be eligible for health insurance ( ). They also face direct discrimination, including verbal abuse or being refused medicines by health workers. Roma women also **report discrimination in access to reproductive rights and maternal care, including in some cases access to treatment during childbirth** (Para 44, Summary).

SRI made reference to the **reproductive rights of Roma**, noting the prevalence of **abortions in unsafe conditions**, the low level of **risk awareness about sexually transmitted diseases and HIV/AIDS** but also a certain dose of **reluctance to using condoms** (Para 45, Summary).

### **Right to education**

CEDAW in 2006, CESCR in 2006, CERD in 2007, the HR Committee in 2008 and a 2008 UNICEF report, expressed concerns at the **high dropout rate** in primary and secondary education, **low school enrolment and attendance in rural areas and among Roma children, Roma and Ashkali refugee children, girls from certain Albanian communities, and children with disabilities** ( ). (Para 33, Compilation)

AI reported that while under the law primary education is said to be free, in practice **Roma children** may be **excluded** from education because their parents cannot afford school books or because transportation to school is unavailable. **Roma girls** may also be discouraged from attending school **because of their teachers' low expectations of them**. (Para 39, Summary)

### **Right to work**

*The **Law on Labour Relations** of the Republic of Macedonia prohibits any discrimination against job applicants or workers on grounds of ( ) **gender** ( ) or any other personal circumstance. Both **direct and indirect** discrimination is prohibited. The Law also prohibits **harassment** and sexual*

harassment. In case of discrimination, a job applicant or worker may claim damages and the burden of proof falls on the employer (Para 94, NR). An employer may not make a public advertisement on a vacancy **only for men or only for women**, except if a specified gender is necessary requirement in the performance of a given job. An employer may require a job applicant to provide evidence only on meeting the requirements necessary for the performance of a job. The employer **may not require information or data that does not directly relate to the job or employment** (Para 95, NR)

AI noted that discrimination in access to education leads to the **exclusion of more than half of Roma women** ( ) from formal employment, including in State institutions where a certificate of completion of primary education is required. Without such documentation, **Roma are ineligible to register with unemployment offices**. In addition, Roma face both direct and indirect discrimination, including **discriminatory working conditions** and **rates of pay**, if they enter the labour market. The majority of Roma women ( ) work in the informal economy, where they earn little money, are **not protected by labour or health and safety laws**, and are not eligible for social protection, including **social assistance payments** and, in practice, **health care** (Para 36, Summary)

### **Roma women**

Owing to the specific problems and needs of Roma women, in 2008 an **Action Plan** was adopted for **advancement of the status of Roma women** in the Republic of Macedonia, together with operative plans for the years 2008, 2009 and 2010, aimed at their **integration in all areas of social life** (Para 119, NR).

### **Rural women / ethnic minority women**

CEDAW was also concerned that **rural women**, as well as **ethnic minority women**, **particularly Roma and Albanian women**, remain in a vulnerable and marginalized situation, in particular with regard to **access to education, health, employment and participation in political and public life**. CESCR in 2006 and the Committee on the Elimination of Racial Discrimination (CERD) in 2007 expressed similar concerns, in particular concerning the difficulties that some Roma experience in obtaining personal documents necessary for the enjoyment of their economic, social and cultural rights (Para 12, Compilation)

### **Sex workers**

According to Coalition Macedonia Without Discrimination (MWD), **sex workers are discriminated against with regard to access to health care**. The **medical treatment is being denied** only because of their status or job. (Para 37, Summary)

### **State mechanisms for women's rights**

**The Law on Equal Opportunities for Women and Men** was adopted in May 2006. The aim of this Law is to promote **the principle of establishment of equal opportunities** for women and men ( ) in the political, economic, social, educational, and other spheres of social life (Para 69, NR). In compliance with the Law on Equal Opportunities, a **Committee for Equal Opportunities of Men and Women** was formed at the Assembly of the Republic of Macedonia in September 2006. ( ) (Para 39, NR). In September 2006, pursuant to the Law on Equal Opportunities for Women and Men, the **Commission on Equal Opportunities for Women and Men** was established at the Assembly of the Republic of Macedonia. The main task of the Commission is **to review the draft laws proposed by the Government in context of gender equality** (Para 70, NR).

Implementation of the Law on Equal Opportunities for Men and Women (LEOMW) is progressing, though slowly on the local level, as indicated by the Commissioner for Human Rights of the Council of Europe (Commissioner/COE) (Para 15, Summary).

## **Trafficking of women/Forced prostitution**

In 2001, a **National Commission for Fight against Trafficking in Human Beings and Illegal Migration** was formed. It prepared a **National Action Plan for Fight against Trafficking in Human Beings and Illegal Migration for the period 2006-2008**. In January 2009, the preparation of a new **National Action Plan** commenced, with the aim of continuous implementation of the measures under the 2006 National Action Plan (Para 122, NR). In addition, with the **amendments** and supplements to the **Criminal Code** of March 2004, **two new criminal acts were introduced**: Article 418-b 'smuggling of migrants', and Article 418-c 'organizing and inciting commission of the criminal acts trafficking in human beings and smuggling of migrants' (Para 124, NR). On the purpose of implementing the right to protection of identity and privacy of the victims of trafficking in human beings, the amendments and supplements to the Law on Criminal Procedure adopted in October 2004 introduced **protection of witnesses, collaborators of justice and victims**. Aiming at effective implementation of this provision, in May 2005 the Assembly of the Republic of Macedonia adopted the **Law on Protection of Witnesses** (Para 128, NR). CEDAW in 2006 and CAT in 2008 were concerned about the persistence of trafficking in women and girls, the **exploitation of prostitution** and the **lack of measures** aimed at rehabilitating women victims of trafficking. (Para 21, Compilation). A 2008 UNICEF report noted that **Roma populations** in particular experience high levels of **poverty** and **unemployment** and therefore are especially **vulnerable to economic exploitation** and to **being forced into prostitution** by economic necessity (Para 38, Compilation).

## **Violence against Women/Gender Violence**

**Amendments** were made to the **Criminal Code** in 2004 to incriminate domestic violence (Para 79, NR). According to the Law, **domestic violence is defined** as ill-treatment, gross insult, endangering one's safety, afflicting body injuries, gender-based and other psychological or physical violence, which causes feeling of uncertainty, being endangered or fear, towards one's spouse, parents or children, or other persons living in wedlock or common-law marriage or common household, as well as towards one's former spouse or persons who have common child or are involved in close inter-personal relationships (Para 80, NR).

The corresponding framework of **preventive action** and **treatment of consequences** of domestic violence **is governed by Law on Family and the Law on Social Protection**. In 2004, **amendments** were made to the Law on Family, which introduced a separate part in this Law governing protection from domestic violence. In 2006 and 2008, further amendments were made to this Law the aim of which is to **improve the implementation of the Law** in this field (Para 82, NR). The 2004 amendments to the Law on Social Protection provide for new forms of non institutional protection including, inter alia, **Center for domestic violence victims**. A network of such centers for domestic violence victims has been established in 6 towns (Para 83, NR). The Ministry of Labour and Social Policy has established, in cooperation with the Women's Association of the City of Skopje, the National **SOS Line to help domestic violence Victims** (Para 84, NR).

In order to introduce a comprehensive and efficient system, the 2008-2011 **National strategy for protection from domestic violence** was adopted in April 2008. The main strategic aim of this document is to **reduce** domestic violence and **improve the quality of protection** by means of systemic measures in fields of prevention, intervention, education, monitoring and inter-sectorial coordination, in order to efficiently and effectively deal with the problem of domestic violence by having a single position and approach (Para 85, NR).

CESCR in 2006, CEDAW in 2006 and CAT in 2008 were concerned about the high prevalence of violence against women, including **domestic violence**. (Para 19, Compilation)

The Commissioner/COE made reference to a high prevalence of violence against women. Coalition Macedonia Without Discrimination (MWD) reported on the low capacity of the shelter centres for victims of domestic violence ( ) (Para 21, Summary)

AI noted that Roma NGOs have reported a high level of domestic violence against Roma women within their community. Roma women seeking assistance from the authorities report further discrimination by social workers. While the Government adopted both a Gender Action Plan and a National Action Plan for the Advancement of Roma Women in 2007 and 2008, respectively, specific measures to address domestic violence against Roma women have not been implemented (Para 23, Summary)

#### **Suggested questions and recommendations:**

Ask Macedonia what specific programs have been implemented to attend to the needs of women with disabilities/ Recommend that Macedonia implements specific programs to attend to the needs of women with disabilities if those program do not already exist.

Recommend that Macedonia conducts a study on the hidden costs of primary and secondary education and on the basis of its conclusions designs and implements support plans for Roma and other economically marginalized families, with special incentives for girls' education.

Recommend that Macedonia implements sensitivity and awareness training for teachers to help them provide Roma girls with the support and recognition they need to continue their formal education.

Recommend that Macedonia implements all necessary steps, including sensitization training to health professionals, to stop discrimination against sex workers in access to health care.

#### **CEDAW:**

- To incorporate in its Constitution or other appropriate national legislation the definition of discrimination, encompassing both direct and indirect discrimination. It also encouraged the effective implementation of temporary special measures to accelerate the achievement of the de facto equality between women and men in all areas of the Convention
- To conduct literacy campaigns for adults (Para 33, Compilation)
- To implement measures to decrease dropout rates among Roma girls and girls living in rural areas and to reintegrate them into the educational system (Para 33, Compilation)
- To take all appropriate measures to suppress the exploitation of prostitution in the country (also recommended by the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Human Rights Committee) (Para 21, Compilation)
- To enact a specific law criminalizing domestic violence, and effectively implement this legislation so as to ensure that perpetrators are effectively prosecuted and punished, and that victims receive adequate protection and assistance; and to implement educational and awareness-raising measures on violence against women (also recommended by CESCR and CAT) (Para 19, Compilation)

#### **Committee on Economic, Social and Cultural Rights:**

- To adopt special measures to ensure that women, in particular Roma and other minority women as well as women living in rural areas, have the same access to the regular labour market as men, including to senior positions, and that the principle of equal remuneration for work of equal value is implemented in practice (Para 27, Compilation)

- To conduct nationwide awareness-raising campaigns as well as training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation (also recommended by CAT and the Human Rights Committee) (Para 21, Compilation)

#### Human Rights Committee:

- To continue to promote the participation and representation of women in governmental and private sector; implement positive measures in accordance with article 6 of the Law on Equal Opportunities for Men and Women to this end; and undertake educational campaigns to change the perception of women in stereotypical roles in the society (Para 26, Compilation)

#### Commissioner for Human Rights of the Council of Europe

- To review existing legislation and practices to identify and effectively address possible legal gaps or procedural obstacles to effective investigation, prosecution and punishment of perpetrators of domestic violence, as well as to ensure victim protection and support (Para 21, Summary)

#### Sexual Rights Initiative:

- To promulgate a comprehensive anti-discrimination law including race, colour, ethnic origin, gender, age, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, pregnancy, marital status, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition, as protected categories.
- To design an institutional framework and monitoring plan for the Convention on the rights of Child
- To ensure participation of Roma in The National Commission for Children's Rights of the Republic of Macedonia
- Provide social housing for minor single mothers or women headed households
- Extend social assistance programs for minor sex workers and their families
- Develop and introduce work and study programs for young parents
- Disseminate information about sexual and reproductive health services among beggars
- Promote peer education among beggars about use of substances and services available
- Make available and accessible adult education program to beggars' families
- Instruct the State University of St. Cyril and Methodius to create a base of knowledge for social problems such as begging and to suggest appropriate methodologies and approaches to address these issues; review and modify curricula in the Sociology and Social Work Departments regarding the problems of begging.
- Revise the Decade Action Plans and National Strategy for Roma to include issues of begging in them, and allocate funds for those activities.
- Employ Roma experts to oversee the work of police, Centres for Social work and shelter centres for women victims of domestic violence in cases of harmful traditional practises and working with beggars.