

HELSINKI COMMITTEE FOR HUMAN RIGHTS

ХЕЛСИНШКИ КОМИТЕТ ЗА ЧОВЕКОВИ ПРАВА НА РЕПУБЛИКА МАКЕДОНИЈА
KOMITETI I MAKEDONYA CUMHURİYETİ'NİN HELSINKI TI-NDREPTULI-A E MANUSENGERE NEJAMIJA KI
PER TË DRETTAT E NJERJUT I REPUBLIKËS SË MAKEDONISË INSAN HAKLARI KOMİTESİ OMLUIDIR REPUBLICA NEJAMIJA KI REPUBLKA MAKEDONIJA
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REPUBLIC OF MACEDONIA

Information for the consideration to the United Nations Committee on the Elimination of Discrimination Against Women regarding the review of the Sixth Periodical Report of the Republic of Macedonia under the Convention on the Elimination of All Forms of Discrimination Against Women

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by the Helsinki Committee for Human Rights of the Republic of Macedonia (MHC)

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Submitting organization, The Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) was formed on 23 October, 1994 as a non-governmental organization working for the promotion and protection of human rights, without any political and religious orientation. MHC monitors the situation with human rights, provides legal aid to citizens in cases of violation or limitation of their rights and freedoms and cooperates with other organizations and state bodies for the purpose of increasing the promotion, respect and protection of human rights and freedoms.

In the following, MHC addresses a number of selected fields of implementation of the Convention which we suggest for the CEDAW to take into account in the preparation of the concluding observations.

Suggested topics to be taken into account for the preparation of the concluding observations:

1. Refugee women (Article 1, 2 and 6)

During 2014, the Republic of Macedonia faced an unprecedented influx of refugees and migrants and was highly affected by the world's refugee crisis. As one of the key countries in the so-called "Balkan route", Macedonia provided for the transition of, at times, 10.000 refugees per week, whose destination were Western Europe countries. In the period between June, 2015 (when the process of official registration began) and March, 2016 (official closing of the borders) there were in total 474.104 refugees who crossed through the country¹. Out of these, 84.693 were women (18%), among which were encountered pregnant women, nursing mothers and women traveling alone.² Given the late registration procedures and the increased number of smuggling groups, the real number is much higher.

Following the closing of the borders, refugees began using smugglers as the only way to continue their journey. At the same time, Macedonian authorities began with a practice of illegal deportation of groups of refugees towards Greece without any official procedure of deportation or re-admission³. Groups composed of men, women and children are being "deported" to Greece if they are encountered by the police on illegal routes through the country, being literally loaded on trucks and transferred to an unknown location, on an open field or mountain. Women in these groups often travel with their families or close relatives. Nonetheless, they are put at serious risk of being the target of sexual harassment, violence and exploitation by smugglers, considering the testimonies of women throughout the whole refugee crisis.⁴ The practice of deportation of large groups is non-selective and without any consideration of the consequences that it might cause for women who are part of these groups.

Throughout the whole crisis, mechanisms for reporting sexual or gender based violence were hardly available to refugee women, within the transit camps. The predominant number of male police officials and lack of capacity to recognize and talk to potential victims, made it impossible for women to be encouraged and report such cases in Macedonia.

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Establish a functional system for registration of refugees who transit through the country.
2. Introduce measures in order to prevent physical and gender-based violence of women and girls who are being transferred to Greece.
3. Increase the presence of female police officials on border crossings and transit camps.

¹ According to official statistics by the Ministry of Interior, available at: <http://moi.gov.mk/vest/1639> and <http://moi.gov.mk/vest/1193>

² Unfortunately, official statistics do not include separate numbers for boys and girls but registered them as minors or unaccompanied minors.

³ <http://www.mhc.org.mk/analysis/518?locale=mk#.W5kG5ugzbIU>

⁴ <https://www.amnesty.org/en/latest/news/2016/01/female-refugees-face-physical-assault-exploitation-and-sexual-harassment-on-their-journey-through-europe/> <http://www.unhcr.org/protection/operations/569f8f419/initial-assessment-report-protection-risks-women-girls-european-refugee.html>

4. Introduce Special Operative Procedures for conduct with women and girls- victims of trafficking or sexual violence.

2. Gender based violence (Article 3, Article 5)

The legal framework for violence against women does not recognize all forms of gender based violence. Domestic violence is the only form of gender based violence which is regulated with special Law on Prevention, combating and protection from domestic violence. The Law is not gender sensitive, does not define domestic violence as gender based violence and does not recognize girls and women as a particularly vulnerable group to gender-based violence⁵.

Despite the established legal obligation, the Republic of Macedonia did not succeed to improve the existing system of data collection to provide detailed statistics on domestic violence and to ensure availability of data to the public. Moreover, the state does not provide statistics of victims and forms of gender based violence.

The State has not adopted any strategy for prevention and protection from gender based violence. The absence of such strategy is especially critical since with such strategy, concrete steps to improve the system of protection of women victims of violence were to be envisaged, and specific budget plan for its implementation was to be prepared.

The State provides shelter only for victims of domestic violence, but this is also not sufficient⁶. During 2015 only 4.51% of total number of female victims who reported violence were accommodated in the centers. Therefore, many women are not provided with accommodation in centers for domestic violence and they are not able to leave the home. Geographically, one shelter is located in Skopje, and the rest are located in Sveti Nikole, Kochani and Bitola. The two crisis centers run by NGOs are also located in Skopje.

Three organizations provide free, national SOS help-line operating 24/7. None of the national help- lines provides service in all languages spoken in the communities.

In the area of access to justice, one of the main problems in acquiring the right to free legal aid is the establishment of the status of victim. Law on Free Legal Aid requires the authorized association of citizens for providing free legal aid to submit confirmations that they are reported and identified as victims of domestic violence in the Ministry of Interior and in the Center for Social Work. This practice is upsetting for the victims, who are not always willing to report in CSW and MOI, or in any institution. Due to this practice, many victims do not apply for free legal aid at the MOJ. The exercise of the right to free legal aid is also limited due to the long time needed for adopting a decision upon submitted request. Although the Law states that the deadline for adopting a decision is within 20 days, this deadline is not respected by the Ministry of Justice and the average time to decide upon requests for legal aid is 30-60 days. Discrimination against women based on gender stereotypes, stigma, patriarchal norms and

⁵ Monitoring report on the implementation on the Law on Prevention, Combating and Protection from Domestic Violence
http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/12/Monitoring-of-the-Law-for-DV_final-eng.pdf

⁶ Mapping the available services for women victims of violence in Republic of Macedonia
http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/06/Mapiran-e-na-servisi_final.pdf

gender-based violence impedes and/or hinders women's access to justice on an equal basis as men. State institutions are not sufficiently sensitive to gender specific needs of women for providing equal access to justice. Access to justice in relation to issuing temporary measures for protection from domestic violence is further complicated by the fact that the victims and the institutions submitting proposals on behalf of the victims are not exempt from paying court fees, which are necessary to initiate court proceedings.

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Improve the existing system of data collection in order to provide detailed statistics on domestic violence and to ensure availability of data to the public.
2. Improve the services and their capacities for prevention and protection of all forms of gender based violence, by opening sufficient number of shelter centers for victims of gender based violence.
3. Enhance the access to justice to women victims of violence, by simplifying the procedures and mechanisms for confirmation of their status as victims and the time needed for adopting a decision upon submitted request for free legal aid.
4. Introduce trainings to enhance the sensitivity of police officials in cases of domestic violence and all forms of gender based violence.
5. Introduce and adopt a Law on gender based violence to enhance the protection of women victims of violence, having in mind the shortcomings of the current legislature.

3. Discrimination and violation of the labor rights of the garment workers (Article 11)

The garment industry in the Republic of Macedonia is generally composed of women workers, which face perennial violation of their labor rights. A research of State statistical office from 2015⁷ indicates that 81% of the workers in the garment industry are women. Garment workers are one of the least paid workers in Republic of Macedonia. Official data⁸ shows that the average salary in the garment industry in the 2017 was approximately 60% lower than the average salary on national level. During 2017 and first half of 2018 MHC documented 938 cases of violation of labor rights involving 6.126 garment workers from 75 garment factories across the country⁹. The violations were mostly related to unpaid salaries or paid salaries in amount lower than legally determined minimum salary, unpaid overtime hours of work, overtime work beyond the legally permissible maximum, unlawful termination of employment, mobbing, working in inadequate health and sanitary conditions etc.

MHC initiated 50 proceedings for inspection supervision in front of the State Labour Inspectorate for the documented cases. The Inspectorate determined violation of labour rights of the garment workers in 12 of the initiated proceedings, in 15 of the initiated proceedings the

⁷ "Employees and net wages", <http://www.stat.gov.mk/Publikacii/2.4.15.05.pdf>

⁸ Data from the State statistical office regarding average wage in 2017 <http://www.stat.gov.mk/PrethodniSooptstenijaOblast.aspx?id=40&rbrObl=14>

⁹ Infographics on violation of the labor rights of the garment workers in 2017 and 2018

http://www.mhc.org.mk/system/uploads/redactor_assets/documents/2675/5.pdf

http://www.mhc.org.mk/system/uploads/redactor_assets/documents/3016/1.pdf

Inspectorate did not find violation of labour rights and in 23 of the initiated proceedings the Inspectorate did not respond to MHC's requests for inspection supervision, i.e. did not conduct inspection supervision. Such inefficiency and ineffectiveness of the State Labour Inspectorate results with hindered access to justice of the garment workers in protection of their labour rights.

Furthermore, the garment workers cannot afford initiating court proceedings for protection of their labour rights, due to high judicial and administrative costs of the proceedings. According to the Law on Free Legal Aid, garment workers cannot obtain free legal aid because they are employed and have income, although one average salary in the garment industry cannot cover judicial and administrative costs for one court hearing.

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Improve the monitoring of the State Labour Inspectorate in order to enhance the efficiency and effectiveness of the work of State Labour Inspectorate.
2. Enhance the access to justice of garment workers which labour rights are violated, by amending and changing the Law on Free Legal Aid, which will allow the garment workers to obtain free legal aid in cases of violation of their labour rights.

4. Discrimination of women in rural areas (Article 14)

The emancipation of the woman is not happening with the same intensity across the state, and needless to say women from rural areas are often forgotten by the state. In order to achieve full equality of the rural woman in society, greater economic autonomy and independence is needed, as well as greater representation in political life. Due to the inadequate access to education these women are less educated and consequently are less included in the economic and political life. They are still perceived through their traditional role of a mother and wife in the family, which is the main obstacle. The government fails to implement the existing national legislation considering issues which are targeting these women and consider changes in the legislation. This in relation with providing adequate access to education and prevention of early school drop offs, providing additional social measures for these women, establishing fund for support of women from rural areas, preventing early marriage and lack of sufficient number of gynecologists for these women.

According to the data given in the publication "Women and Men in Macedonia" from 2017, an increased number of students who leave their education can be noticed, especially during the primary education, while that number decreases in secondary education.¹⁰, which leads to women still being economically dependent. The problems faced by women in rural areas are most often neglected by the trusted institutions or treated with regular measures that do not always lead to the desired result.

In relation to the access to education, is it significant to emphasize the rural families live relatively far from public schools, and girls' trip to schools in the nearest inhabited place further burdens the family budget, and at the same time exposes girls to the risks of potential violence. The State informs that It has taken measures that enable mobility in education such as accommodation,

¹⁰ "Women and man in Macedonia" 2017, State Statistical Office, Skopje, pg. 42, <http://www.stat.gov.mk/Publikacii/Gender2017.pdf>

transport and financial means, but practice shows that this is not the case, because in some municipalities there is no organized student transport from rural settlements to major cities or settlements. According to the available data 1.408 students "dropped out" during the 2015/2016 school year, out of which 656 are female students.¹¹

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Introduce changes to the curriculum in primary schools in order to implement courses and textbooks that will break gender stereotypes;
2. Ensure consistent implementation of the provisions for free transport to and from schools and introducing sanctions for the municipalities that fail to implement them;
3. Create and conduct programs for further training and retraining for women in rural areas, as well as enabling conditions for "distance learning";
4. Implement the procedure for sanctioning of parents that encourage the termination of compulsory education for their children;
5. Open institutions for preschool children in rural municipalities, or propose measures for the care of children by trained women from the community, supported by local self-government.

5. Juvenile marriages (Article 16)

The early termination of education affects negatively on the lives of girls because it limits their opportunities for equal participation in society and further influences on the increase of the number of juvenile marriages. The proper education of girls at the youngest age in terms of the importance and impact of completed secondary education on their further quality of life, and the appropriate education of parents due to their initial role in the development of their children, can affect girls and their decisions not to interrupt their education. There is a lack of statistics on juvenile marriages and due to the lack of precision, the law leaves space for unlawful extramarital communities between an older minor and an adult. There is no system for registering extramarital communities, especially those in which one or both partners are juveniles by the Ministry of Labor and Social Policy. The irregularity of extramarital communities prevents the institutions of the system from acting in the best interest of the child.

According to data obtained from field survey conducted in the Roma settlement Trizla 2, Prilep within the project "Citizens in the Assembly: Legislative Human Rights Initiatives" there is an increase in this phenomenon. This survey shows that a total of 122 marital communities in which at least one spouse was a minor were established between 2011 and 2016, "while 67% were communities among juveniles, and 37% were communities where juvenile girls were married to adult men aged 18 to 40 years"¹²

Another problem is that different institutions have different data on the same problem - juvenile

¹¹ "Women in rural areas - more obstacles than opportunities" - http://www.mhc.org.mk/system/uploads/redactor_assets/documents/3056/Ruralni_Sredini_.pdf

¹² Early marriages, Westminster Foundation for democracy Skopje 2016,; <http://medium.edu.mk/attach/ROMA-preview2.pdf>

marriages.¹³ Due to this noncompliance and probably a weak or non-existent cooperation between the institutions on this issue, from the obtained data it cannot be concluded which is the total number, and whether all recorded cases received the necessary information and support, and if they exercised all the rights through these institutions. There is another phenomenon related to the juvenile marriages which is called "Buying" brides, mostly under aged brides from undeveloped regions and is connected with the high rate of poverty in these regions. The law fails to prevent and sanction people who are mediating in this process and discourage people who decide to enter such marriage.

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Introduce a system for keeping records of extramarital unions, particularly of those in which one or both partners are underage;
2. Introduce preventive measures for stopping the minors from interruption of education due to premature marriages;
3. Introduce continuous education of both parents and children about the harmful consequences that may arise as a result of child marriage;
4. Impose sanctions on people who mediate in the process of "buying" brides from other countries;

6. Access to health care for women in prisons

The Women's ward within the "Idrizovo" Penal Correctional Facility functions as a separate building in the facility perimeter, with a capacity for 70 inmates, which often exceeds to over 90 inmates at a time. Given that women usually make up a very small minority of the overall prison population, poses a variety of challenges for prison administration, often resulting in less favorable treatment as compared to imprisoned men.

This is clearly seen through the limited access to health care for women in prison, which is a problem that has been recurrent during the years. Women serving a prison sentence do not have regular access to medical services, and according to reports from the inmates, there have been cases when the prison doctor did not visit them repeatedly in several months. The absence and lack of access to women's health practitioners in prison, including gynecologist is especially problematic, having in mind that women serving a prison sentence have gender specific health needs, which go beyond pregnancy and prenatal and postnatal care, especially regarding their reproductive and sexual health, as well as preventive screenings for breast and cervical cancer. According to the most recent available information from the Ombudsmans' special report on the general situation regarding the enforcement of women's rights who are serving their sentence in the "Idrizovo" Penal Correctional Facility¹⁴, during 2016, from a total of 97 women prisoners, only 36 had access to a gynecologist.

¹³ The greyzone "research for the early marriages made by ROMASOS, Roma civil society organization, available at: http://romasosprilep.org/wp-content/uploads/2016/05/Roma-SOS_Sivata-zona_ANG_002.pdf

¹⁴ <http://ombudsman.mk/upload/Posebni%20izvestai/2016/Istrazuvanje-Zeni%20vo%20KPU-01.12.2016-Ang.pdf>

The repeated reports on postponed and ignored referrals of women inmates to medical examinations in the outside community directly affects the subsequent deterioration of their health. During 2018, several deaths in prison have been reported, of which, one regarding an inmate diagnosed with cancer that was held in her room for two months without medical assistance and did not receive the prescribed treatment.¹⁵

In light of this information, we respectfully invite The Committee to consider the following recommendations:

1. Ensure that health care for women in prisons is provided by medical practitioners and nurses who have specific training in women's health issues, including in gynecology.
2. Ensure that preventive health care measures, such as screening for breast and cervical cancer, are available and offered to women in prison.

¹⁵ <https://vecer.mk/makedonija/pochina-zatvorenichka-od-idrizovo>