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SUBMITTING ORGANISATIONS

HERA – Health Education and Research Association is a civil society organisation in the Republic of North Macedonia that marked its beginnings in 2000. Today, HERA is a leading non-for-profit association in the country that envisage world free of stigma and discrimination. Our mission is to create strong partnership with the young people, women and socio-vulnerable communities in advancing gender equality in North Macedonia and by providing continuous and comprehensive care against gender-based violence to make sure its citizens enjoy their reproductive freedoms. HERA has been a full member of the International Planned Parenthood Federation since 2009.

Reactor – Research in Action is an independent research (think-tank) organisation in the Republic of North Macedonia with such main areas of operation as gender equality, youth and urban development. Taking into account the lack of available data about the policy making processes, one of our main goals is to provide relevant, timely and fundamentally investigated data so as to inform the political processes in the target areas. The horizontal focus in our operation is regional and national EU integrations and civil participation.

KEYWORDS: contraception, abortion, comprehensive sexuality education, gender-based violence, gender equality, anti-gender movement

INTRODUCTION

Respectfully we submit this report to the Human Rights Council in relation to your preparation of the Fourth Cycle of the Universal Periodic Review. This report considers the situation with human rights in the Republic of North Macedonia. Specifically, this report aims to provide more detailed information about:

- I. Barriers in accessing sexual and reproductive health services;
- II. Situation with gender-based violence;
- III. Access to comprehensive sexuality education in primary schools;
- IV. Barriers in accessing gender equality (anti-gender movement).

At the very end of the report, we provide several recommendations for improving the human rights situation in the Republic of North Macedonia.

I. Barriers in accessing sexual and reproductive health services

1. The 2022 economic crisis left serious financial consequences particularly for the civil society organisations that provided HIV and SRH services to marginalised communities due to the reduced governmental budget earmarked for these programmes.
2. The Republic of North Macedonia is a country with low HIV prevalence; however, in 2022, the funds allocated under the National HIV Programme¹ were reduced by 40%, completely untransparently and without consultation. This change affected the most the civil society organisations that provide HIV prevention services² and the 15,000 people from the marginalised groups which have for years relied on the free support.
3. Due to the budget cuts, civil society organisations were forced to scale down the services provided in their service facilities – which also scaled down the coverage of the vulnerable groups with HIV testing, the number of distributed condoms and clean needles, and the gynaecological examinations. Some of the service facilities worked shorter hours, and some had to close completely due to financial unsustainability.³ On the long run, this decision may result in an increased number of infected people and greater HIV-related death outcomes.
4. Over the recent years, the budget allocated to contraceptives for women was cut, too. Although the 2023 budget was changed and these funds were increased, only 100,000 MKD⁴ were allocated to free oral contraceptives in 2022 by the Ministry of Health, which decreased the previous coverage of 150 women to only 50 women⁵. Moreover, these contraceptives are only available at the University Clinic for Gynaecology and Obstetrics in the capital city, which makes them inaccessible to women in rural areas and affects their right to family planning.

5. Recommendations from the Universal Periodic Review Third Cycle working group urge the state “[to] ensure universal coverage by the state health insurance of all costs related to sexual and reproductive health and modern contraceptive methods”⁶. The Government’s 2022–2024 Programme⁷ provides for integration of modern contraceptives at the expense of the Health Insurance Fund; however, they are still paid for at full price.
6. Abortion requested by a woman on account of social and economic reasons is not covered by the state health insurance system, including for the poor and socially vulnerable categories. High costs jeopardise the access to safe abortion and cases have been recorded of illegal abortions performed in the medical offices of the general gynaecologists⁸.
7. Recommendations from the Third Cycle urge the state “[to] make medical abortion available and accessible throughout the country, in line with the World Health Organisation safe abortion guidelines, and to urgently remove waiting periods, biased counselling and unnecessary administrative burdens”.⁹ Although the budget allocated to medical abortion under the 2023 Active Health Care Programme for Mothers and Children in the Republic of North Macedonia was increased from 500,000 MKD to 1,500,000 MKD compared to 2022, when an opportunity was given for this budget to be used by other hospitals as well, and not only by a single hospital located in the capital city, as was the case before, due to administrative barriers and the complex procurement procedures, these funds were again given to the same hospital as earlier. The aim was to later distribute these funds to smaller interested hospitals; however, the tender procedure was completed in September, and the medical abortion can still be performed only at the University Clinic for Gynaecology and Obstetrics in the capital city, making it particularly inaccessible to women living in rural areas. The staff of the relevant institutions are often driven by their own conviction and are biased when considering the applications for termination of pregnancy.¹⁰

II. Situation with domestic and gender-based violence

8. Domestic and gender-based violence continue to represent one of the greatest challenges for women in the Republic of North Macedonia.

9. Although the state had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) already back in 2011, it was ratified as late as in 2018¹¹, following many years of lobbying by civil society organisations. The first separate Law on the Prevention, Combating and Protection from Domestic Violence, which was adopted in 2014¹², and entered into force in 2015, did not improve the protection of victims, and only dealt with domestic violence, but not with other forms of gender-based violence. In 2021, a new Law on the Prevention of and the Protection from Violence against Women and Domestic Violence¹³ was adopted; however, the process of its development and adoption was not transparent and involved no public debates. The new Law on the Prevention of and the Protection from Violence against Women and Domestic Violence recognised all the forms of violence against women, and it additionally covered the principle of due diligence and made distinctions between general and specialised services for women victims of violence.
10. Despite the adoption of the new legal framework, the practice showed that the staff of the responsible institutions are insufficiently familiarised with it. We learned from the clients who visit our centres for confidential services that they frequently encounter lack of interest by these institutions when they seek to report a case of domestic violence, and also lack of elementary knowledge of the legislation, and so, cases have been recorded when the victims were requested to pay for their medical check-ups which were required to report the case¹⁴, even though such examinations are completely free of charge under the Law. Moreover, institutions continue to fail to recognise the gender-based violence, and so, the increasingly more frequent cases of femicide, as the gravest form of gender-based violence, continue to be qualified as murder in a cruel manner.¹⁵
11. Despite being under legal obligation, most state institutions do not regularly publish data on gender-based violence, and some even lack the IT environment that will enable them to log gender-disaggregated data.¹⁶ The national interoperability platform – Macedonian Information Magistral (MIM) – is not operative and there are indications that reliable and updated data on gender-based violence are lacking¹⁷. The established case management and administration IT systems for the courts and the prosecution offices were not adjusted for gender-disaggregated data to be logged. Consequently, the gender-disaggregated data that Reactor managed to collect were obtained by manually analysing each individual case file as a hard copy.

12. *“Go back home and don’t come here again.. Do you know who you are reporting? You know your report will magically disappear? It’s best you keep silent and make up with him. Your anger will abate, you’ll forget about it.”* – a piece of advice given by a police officer to a domestic violence victim when she was reporting the case.¹⁸
13. The COVID-19 pandemic merely highlighted the shortcomings of the system of protection of women and children victims of violence. 2020 has seen an 18% increase in the number of domestic violence cases compared to 2019, in which 65% of the victims were women assaulted by their current or former partner.¹⁹ In times of emergencies, women victims received no structural support or timely response by the institutions, and were often left on their own, in the same home with the perpetrator, especially if one of them was positive to COVID-19.²⁰
14. In general, the system of protection of women victims of violence lacks specialised services and reintegration services throughout the country. Majority of such service providers, including the shelters, are located in larger towns and are completely inaccessible to women in rural areas. In addition to the geographic situation, most of the service providers are facing challenges and are understaffed as only 9% of the total funds that civil society organisations have secured for GBV services come from the Government.²¹
15. HERA offers free and confidential services through the First Family Centre counselling facility²², which is the country’s first specialised counselling facility for victims and perpetrators of gender-based and domestic violence as well as for minor children and other family members affected by violence. This counselling facility has been funded by the City of Skopje in 2014, but in 2022 we faced a 30% budget cut, which had an adverse effect on the coverage capacity in terms of clients.
16. The Law on Social Protection²³ allows the civil society organisations to license their service provision programmes (including the GBV services) and thus secure state funding and sustainability, but the bylaw adopted by the Ministry of Labour and Social Policy²⁴ imposes significant administrative barriers. Only civil society organisations employing at least two staff members from the psychosocial profession may qualify for the state licence, but because the financial sustainability has been reduced to a minimum, most of the civil society organisations hire the professionals on fixed-term contracts. This all resulted with the Ministry of Labour and Social Policy licensing not a single civil society
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organisation as a service provider of SRHR counselling services by June 2023.²⁵

17. The Rulebook on the Prices of Social Services 2023²⁶ provides little funds, which makes it impossible to ensure high-quality services in the counselling facilities. Pursuant to this bylaw, one psychosocial counselling session for a GBV victim is covered by the state with 307 MKD, which accounts for merely 30% of the market price.

III. Access to comprehensive sexuality education in primary schools

18. The number of adolescent births in the Republic of North Macedonia is almost three times higher than that of the European Union countries²⁷. Young people in the country report having their first sexual intercourse at a relatively younger age than their peers from the Western European countries²⁸. North Macedonia is among the last-ranking countries in Europe when it comes to using modern contraceptives, where only 14% of the young people aged between 20 and 24 use any of the modern contraceptive methods, whereas majority of them (36%) relying on interruption of the sexual intercourse as a method of protecting themselves from unintended pregnancy²⁹.
19. 52% of our girls aged 15 and 29% of our boys of the same age experience a number of psychosomatic symptoms simultaneously, several times a week³⁰. Around 50% of the young people aged 15 attending Albanian language classes and 25% of the young people attending Macedonian language classes accept the traditional gender roles, for example, that the man should be an authority in the family, whereas the woman should be guided towards becoming a good mother and wife, at the expense of advancing in her career³¹. In the Republic of North Macedonia the young people aged between 15 and 18 are most exposed to violence, unlike other age groups in the country³², and that the young people belonging to the LGBTI community are up to four times more harassed in schools than their heterosexual peers³³.
20. The need for and the importance of introducing Comprehensive Sexuality education (CSE) has been recognized in various national policies over the years. The National Youth Strategy (2016–2025)³⁴, National Gender Equality Strategy 2021-2026³⁵ and new Law on the Prevention of and the Protection from Violence against Women and

Domestic Violence (2019)³⁶ recognize the need for improving the curricula on sexual and reproductive health and introducing comprehensive sexuality education in the education system in order ensure as to ensure substantial and long-term protection of the young people's health and wellbeing.

21. In 2019, the state also adopted the commitments of the International Conference on Population and Development that were presented at the Nairobi Summit³⁷, which envisage the commitment to introduce the CSE as an optional subject in 75% of the primary schools by 2030.
22. The Government of Macedonia adopted a decision at the 162nd session in 2019 to introduce a pilot programme the comprehensive sexuality education³⁸ in the schools resulted with a successfully completed pilot programme in 2022. A total of 85 pupils from Skopje primary schools³⁹ completed the 36-school-hour CSE programme, which was implemented by the State Education Development Bureau. The CSE evaluation showed that the pupils involved in the pilot are much more knowledgeable about their sexual and reproductive health and rights than their fellow pupils from other schools in the country.
23. In 2022, the Committee on the Rights of the Child recommended to the Republic of North Macedonia “[to] promote greater access to comprehensive, age-appropriate, science-based education on sexual and reproductive health and rights, including information on the issues of sexual orientation and gender identity, family planning and contraceptives”.⁴⁰
24. In 2022, total 15 relevant professional associations demanded from the Government to introduce the sexuality education in the 9th grade in primary schools as an elective subject, by signing the Declaration “With Sexuality Education in Schools to Healthier and Safer Youth”.⁴¹
25. In 2021 the State Education Development Bureau formed multi-sectorial working expert group that developed the draft National Strategy on CSE in Primary Schools 2022–2030. The strategy has not yet been adopted by the Government, despite the Third Cycle recommendation requiring to “adopt a comprehensive programme on sexual and reproductive health rights, paying special attention to improving sexuality education in schools”.⁴²

IV. Barriers in accessing gender equality (anti-gender movement)

26. Despite the successful steps taken by HERA in advocating that comprehensive sexuality education should become part of the formal education, and thus make the schools a relevant source of information related to sexual and reproductive health, the anti-gender movement⁴³ placed their focus exactly on this issue and daily spreads false news and disinformation about sexuality education and gender identity.
27. The beginnings of the anti-gender movement in the Republic of North Macedonia were first recorded early in 2021, initially in the form of a reaction to the Concept Note on Primary Education, which recognises the CSE as part of the gender-sensitive education, and continues to disseminate untruths and to manipulate the information against gender equality and the rights of LGBTI people. Today, as the key leader of this movement, becomes prominent the Coalition for the Protection of Children⁴⁴, which is a non-profit organisation comprising around 30 coalition partners, including religious organisation and political parties.
28. In 2021, HERA – Health Education and Research Association, the Helsinki Committee for Human Rights and the Coalition “Margins” pressed criminal charges against the Human Rights Protection Association “Od nas za nas” [United We Stand Tall],⁴⁵ and HERA individually filed a lawsuit for establishing civil liability on account of insult and defamation against this association⁴⁶, as the forerunner of this anti-gender movement in our country. Namely, the Associations “Od nas za nas” [United We Stand Tall] is not only continuously spreading lies and disinformation about sexuality education, but they actively promote and incite hate speech and discrimination not only against HERA and other organisations or individuals that support the school subject CSE, but also against children, women and LGBTI community. On the 3rd of February 2022, the Basic Civil Court in Skopje delivered its verdict against the Association “Od nas za nas” [United We Stand Tall] for committing the tort of defamation against HERA⁴⁷ on account of continuously posting untrue facts on its Facebook page⁴⁸ about the organisation and CSE. However, although in its latest Enlargement Report the EU notes that “*online media and social media platforms are the main source of disinformation, misinformation and hate speech*” and that “*hate speech is prohibited both online and offline*”⁴⁹, in this case, the Court failed to recognise any elements of hate speech against HERA, defending this position as the right of people to freely express themselves with the purpose of initiating

a nationwide debate which these people find to be of crucial importance for the wellbeing of children and in the best interest of parents.

29. At the beginning of 2023, the narratives of the anti-gender movement intensified against the Draft Law on Gender Equality⁵⁰, for which they received support from five religious communities in the country – the Macedonian Orthodox Church – Ohrid Archbishopric, the Islamic Religious Community, the Catholic Church, the Evangelical Methodist Church and the Jewish Community⁵¹. Out of all these, the strongest support was sourced from the Macedonian Orthodox Church (MPC), even though the Republic of North Macedonia, under its Constitution⁵², is a secular state and no religious organisation has any rights to get involved in shaping the state laws and policies. A number of panel discussions were organised⁵³, where MPC representatives conspired against the adoption of the Law on Gender Equality and the introduction of CSE, claiming that women and men are not equal and fully denied the term ‘gender equality’.⁵⁴
30. In 2019, the Ministry of Labour and Social Policy, in cooperation with the civil society sector, developed two analyses which revealed the shortcomings in the functioning and the need for reforming the national machinery by developing a new Law on Gender Equality.⁵⁵ The new legal arrangement, which has been developed over a longer period of time, regulates the measures for achieving gender equality, the application of gender integration, the competences and obligations of entities responsible for enforcing the law, the gender mechanisms and the method of monitoring and reporting the results from implementation of the law. The key novelties provided for in this Draft Law on Gender Equality include, inter alia, setting up a Gender Equality Secretariat, formalising the Resource Centre for Gender-responsive Budgeting, systematising the work position of gender equality Coordinator(s), gender-sensitive education, obligations for all entities covered by the law to collect gender-desegregated data, and strengthening the role of the State Statistical Office as the coordinator of gender statistics in the country. Due to the impact of the anti-gender movement, the consideration of the Draft Law on Gender Equality, as well as the amendments and supplements to the Law on Civil Registry, was prolonged.
31. In the course of 2023, some of the local self-government units rejected the use of the term “gender equality” from numerous documents and replaced it with the term “equality between men and women”.⁵⁶
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32. By using such narratives, the anti-gender movement succeeded in reaching out to the general population and in contributing to the growing xenophobia, homophobia and transphobia in the public space. All this results in polarisation of the society and distrust in science and professionals, and in standstill with progressing the country and the legal framework aimed at achieving equal rights for all citizens, particularly the ones found in marginalised situations and on the margins of the society. Moreover, the process of introducing the comprehensive sexuality education in primary schools has been seriously jeopardised.
33. In addition to the impact of the anti-gender movement, when it comes to the barriers in accessing the gender equality, the research into gender-based discrimination and workers' rights conducted by Reactor in 2018 and 2021 show that gender-based discrimination and violation of labour relations rights are still present, but are frequently unreported or underreported to the competent institutions and mechanisms⁵⁷. In order to reduce the gender inequality on the labour market, it is necessary to adopt the new Law on Labour Relations, which has been under development over an extended period of time. The new legal arrangement should cover the following aspects in particular: protection of women workers hired on fixed-term contracts, who perform unpaid work or are hired on informal contracts during their pregnancy, childbirth and parenting, as well as shared parental leave for both parents.
34. Women's participation in politics and their representation in positions of decision-making powers are key to the development of a democratic society. The 2021 local elections only widened the gender gap in the decision making as women were insufficiently represented in the election process. As a result of this, out of the 80 municipalities and the City of Skopje, only two women mayors were elected, in the City of Skopje and in the rural municipality of Staro Nagoričane. This means that out of the total number of elected mayors, only 2.5% are women⁵⁸. Moreover, in the current composition of the Government of 20 members total, only five are women⁵⁹. It is exactly in these positions of authority, for which no quotas have been stipulated, that the gender gap in representation of women becomes significant.
35. Around one-third of male councillors believe that women should not be involved in politics, while 10% of female councillors hold the same view, indicating that gender stereotypes and lack of female role models in politics may contribute to this disparity.⁶⁰

36. Female councillors are more likely to experience gender-based harassment than their male counterparts. They also are more likely to experience challenges with members of their own political party, while men most often report experiences of violence with members of the opposite party.⁶¹
37. Reactor's latest research for the preparation of the local gender equality index revealed that in 2021 most municipalities in North Macedonia exhibited low sensitivity to gender equality, with none achieving a high rank (score of 75 or above). On average, women received monthly pensions that are 84% of those received by men. The average monthly net salary of women stands at 89% of that earned by men.
38. In preparation of the local gender equality index, Reactor also observed that the availability of public kindergartens is associated with a higher rate of employment among women and smaller differences in employment between women and men. In the municipalities in which there is at least one state kindergarten, the rate of employed women is higher compared to the municipalities in which there is no state kindergarten, and consequently the ratio between employed women and men in the municipality is almost twice as high. Even more, not only the presence of state kindergartens, but also their utilisation significantly predicts the employment rate of women in the municipality and equality measured as the ratio between employed women and men in the municipality.

Recommendations

Based on the information provided above, we respectfully recommend that the Republic of North Macedonia should:

- Adopt amendments in the Law on Health Protection which will provide the legal framework for civil society organisations to be involved as service providers and will ensure a sustainable state funding of HIV prevention and SRH care for vulnerable and marginalized communities;
- Introduce the modern contraceptives, particularly oral pills and intra uterine devices , at the expense of the Health Insurance Fund, and increase the budget for free contraceptive methods for the socially excluded and poor women;
- Remove the administrative barriers for licencing the civil society organisations as GBV service providers and increase the national budget for specialised GBV service facilities managed by civil society organisations, so as to ensure the financial sustainability and fulfilment of the standards laid down in the Istanbul Convention;
- Officially adopt the draft National Strategy on Comprehensive sexuality education in Primary Schools 2022–2030;

- Work on building the capacities of institutions responsible for implementing the Criminal Code to deal with the hate speech and take appropriate actions to combat and sanction the hate speech, online and offline;
- Finalise and adopt the new Law on Gender Equality which will improve the gender machinery on national and local level and consistently implement the Gender Equality Strategy 2022–2027 and the National Action Plan for Gender Equality 2022–2024;
- Finalise and adopt the new Law on Labour Relations which is expected to reduce the gender inequality on the labour market, the gender pay gap, the sectorial and hierarchical segregation of jobs and to introduce measure for reconciling the professional and private life;
- Implement policies to promote greater participation of women in the labour market that will relieve the burden of care and will create conditions for a more equal distribution of domestic labour;
- Amend the Electoral Code to ensure equal participation of women in the decision making on all levels of political and public life (the 50-50 commitment); Ensure, as vitally needed, continued research, advocacy, and action in support of gender equality on local level;
- Create a Gender-based Violence Task Force that will monitor and prosecute the perpetrators of gender-based violence before, during and after political campaigns;
- Broaden the powers of the Gender Equality Commission on both the local and national levels, by providing additional funding and by strengthening the public bodies working on gender equality.

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