



**STATEMENT BY**  
**JASMINKA FRISHCHIKJ AND MARIJA GELEVSKA, ASSOCIATION ESE**  
**TO THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION**  
**AGAINST WOMEN ON THE FOURTH AND FIFTH PERIODIC REPORT FROM THE**  
**GOUVERNMENT OF REPUBLIC OF MACEDONIA**  
**18 FEBRUARY, 2012**

Distinguished members of the Committee, we would like to express our gratitude for the opportunity to address you on behalf of the Association for Emancipation, Solidarity and Equality of Women - ESE and the Association for advancement of gender equality - Akcija Zdruzenska. Both organizations have practice of continuous monitoring of the implementation of women's human rights and have used the possibility to present the country specific situation in front of the relevant international and regional human rights bodies, including the presentation of the findings at the pre session of this Committee held in 2005 and at the Committee session held in 2006 on the initial, second and third periodic report from the Government of Republic of Macedonia, as well as the pre session of the Committee held in 2012. Following the positive practice, the Associations ESE and Akcija Zdruzenska with assistance of twelve relevant non-governmental organizations (listed in the shadow report submitted for this session) as well as other individuals have prepared the shadow report for this reporting cycle. On behalf of ESE, the address will be delivered by myself, Jasminka Frishchikj and my colleague Marija Gelevska. We have here with us our colleague Suad Missini from the Roma center of the City of Skopje, who will present the situation of the Roma women. Copies of the reports are submitted to the Committee and are at your disposal, as well as hard copies of this statement.

Before we move on to the areas of concern which we believe are of utmost priority, allow me to inform you that in the preparation of the shadow report several sources of knowledge were used, such as: the Constitution, primary and secondary legislation of the Republic of Macedonia; women members of various ethnic communities, coming from various parts of the country, of urban or rural background, as well as statistical records, studies, reports and other written materials and data gathered from relevant civic organizations.

**The following three general conclusions can be drawn on the basis of the legal analysis and the determined factual situation. They are:**

- 1. There have been insignificant changes with regard to the legal harmonization and enforcement of the legislation;**
- 2. There is a lack of commitment for provision of the required resources, in particular the provision of financial resources for implementation of planned gender equality activities by the state; and**
- 3. The least favourable is the assessment regarding the factual status of women.**

***1. With regard to the legal harmonization, that is, the harmonization and enforcement of the legislation:***

Regardless of the introduction of provisions that affirm the equality principle and stipulate prohibition of gender-based discrimination in several laws, there have been no changes in the constitutional provisions which guarantee human rights and freedoms (Article 9 and Article 54 of the Constitution). Following the recommendation made by the Committee, the state undertook measures to define discrimination in the Law on Equal Opportunities of Women and Men, but even so the definition of the notion in the domestic legislation does not include sexual orientation and gender identity as grounds for discrimination.

In regard of the enforcement of the legislation, there is a continuation of the trend to produce laws and both national and local strategic documents and plans, which are used only as justification for the commitments of the state in this sphere. Regardless of their existence, they do not result in making progress regarding the substantial equality of women and men. There are many reasons why the adopted laws and policies do not produce the desired outcome and most important are:

- The unserious treatment of the obligations arising from the Law on Equal Opportunities of Men and Women and the 2008-2012 National Action Plan for Gender Equality on the part of the competent institutions, which results in absence of their application both at national and local level;
  - There is absence of consultations that ensure the participation of all responsible and interested parties in the process of drafting laws and policies related to the equal opportunities of women and men;
  - There are no procedures and methodologies for needs assessment, monitoring and evaluations as well as notification and accountability on the part of the institutions in charge of the implementation;
  - Non-functional national machinery for equal opportunities due to inactivity, poor capacity and unclearly prescribed roles and competencies;
  - The temporary special measures are not used as a systemic policy to accelerate the factual equality;
- and

- Non-functional mechanisms for legal protection from discrimination.

**2. With regard to the lack of commitment for provision of the required resources, in particular the provision of financial resources for implementation of planned gender equality activities by the state:**

The majority of the items in the annual plans for equal opportunities of women and men deriving from 2007-2011 National Action Plan for Gender Equality, do not foresee funds for their implementation. Some of the plans do not contain financial plan for their realization at all. Only two budgetary users are enlisted as source of funding of the foreseen activities (these plans are covering activities from all societal spheres), while for most of them it is stated that funds will be or are provided from foreign assistance.

As a result of this situation, the development and implementation of legislation and policy is highly dependent on the cooperation and partnership with international organizations, resulting into expert, technical and financial dependency of the national institutions responsible for its implementation. Thus, the priorities, dynamics, scope and quality of the enforcement of the gender equality measures is most directly dependant upon the internal policy and funding of the international organizations and coincide with the foreign assistance received. Namely in the period 2007-2011 the Government of RM received amount to approximately 1.5 million USD, whereby 1.2 million USD was received for implementation of the UN Joint Programme to Address Violence Against Women (funding which is not received on the state's account and was aimed only at domestic violence).

In order to illustrate the prioritizing of the activities financed by the foreign assistance contrary to other activities that should be supported by the state, we will use the example of trafficking in human beings and domestic violence activities. Namely in trafficking funds from foreign assistance were used for financing the National referral mechanisms placed in the Ministry of labor, while the funds for operation of the state shelter i.e. 83% are provided by the two non-governmental organizations and Ministry of labor and social policy is providing only 17% of the required funding. The state has neither allocated funds for realization of the preventive activities, stipulated in the National action plan to combat human trafficking and illegal migrations (2009-2012) nor the Action plan to combat trafficking in children (2009-2012). In regard of domestic violence although the Government received 1.2 million USD for implementation of the National strategy for protection from domestic violence, did not allocated funds for operation of shelters since in the same period the number of shelters has declined. The total amount of the state support for the civic organizations that provide services to victims of domestic violence amounts to approximately 1.200 USD annually (1000 times lesser than the total amount of foreign assistance received for this specific issue).

Even tough we can not make a conclusion on the state allocation of the funds for gender related activities, due to the poor financial planning and system of segregation of this data, even if we compare the total amount of funds received from foreign assistance for the period of 4 years (2008-2011) that amount to 1.5 million and the budget of RM which amount to 3 billions USD in average for the past five years, we can not conclude that the state is using maximum available resources and its progressively realizing the gender equality related issues.

**3. The least favorable is the situation with regard to the factual status of women that or the discrepancy between the declarative intentions in the adopted legislation and policies on one hand, and the actual position of women on the other hand, has enhanced in the past period. We want to illustrate this situation by making a short overview of the situation in several spheres.**

**) TRADITION AND FAMILY UPBRINGING**

The biggest concern is related to the increased trend of promoting regressive traditional family values and stereotypical roles of men and women through legislative and program interventions and extremely expensive media campaigns, which largely affect the practicing of fundamental rights of women, which in turn annuls the efforts done towards improving the status and position of women in Macedonia. It can be illustrated trough the messages contained in the governmental media campaigns that are promoting the importance of having family, whereby importance and wealth of having children are emphasized ... *the tradition of the Macedonian family as family with many children, children give sense to our live and are essential component of the nation's wellbeing, children are our best teachers, having children increases our self-esteem and makes us feel younger, creation of new life brings us closer to God, the family is a natural society, the family is the support in life, patriotism starts from home...* . In addition, the Government has organized a campaign for „explaining the harmful consequences from abortion,, whereby

the key messages of the campaign were such as „Choose life- you have a right to choice,,. These campaigns were broadcasted for a long period of time, most on the national and local media and significant budget funds were allocated. In average app. 800 thousands USD were spent per campaign.

## **B) VIOLENCE AGAINST WOMEN**

There is limited progress achieved by the government to address all forms of violence against women.

**a)** There is serious violation on the part of the state and non-state actors regarding the rights of **women who provide sex services**. Prostitution is still treated as an individual problem and there is a complete absence of official response to this phenomenon. Law enforcement agencies deny assistance in cases when sex workers experience violation of their rights and courts do not provide protection and deprive their access to justice. There are neither special programs for social protection of women who provide sexual services, nor measures to eliminate health and safety risks of these women. These aspects are completely provided by the non-governmental sector.

**b)** Regarding **trafficking** in particular effective prosecution and punishment of perpetrators, the data for 2010 show that the state made limited progress with regard to the implementation of the legislation on human trafficking in 2009. The data from the Ministry of interior with regard to registered crimes of human trafficking suggest increased prevalence of trafficking in juveniles than adults. The data from the State Department reports for 2010 and 2011, suggest that there is inadequate and insufficient protection of victims of trafficking, especially as result from the inability for correct identification by the competent institutions that they first come in contact with. There is a lack of coordination between the relevant bodies for implementation of the National strategy and Action plans. For example, in 2011 the Secretariat of the National Commission has held only two sessions.

**c)** There is a continuous trend of high prevalence of **domestic violence** in the last decade. In the period 2006-2011, as result of domestic violence 12 women were killed by their male partners in the period, which illustrates the seriousness of the consequences suffered by the victims of domestic violence. In the same period Ministry of interior has registered 9 criminal acts “attempt to murder”.The measures for protection are provided in non-unified manner and are not available on the whole territory of the country. This situation is substituted by the services which are traditionally provided by civic organizations. The number of state shelters has been reduced. Namely, the number of shelters from 7 in 2009 was reduced to 4 in 2011. The restraining orders for protection have been insufficiently affirmed and applied by the competent institutions, especially on local level.

**d)** There is no established system for prevention and protection for **victims of rape**. There is no research conducted about the prevalence of this phenomenon and its characteristics.

**e)** There is no adequate legislative regulation of the **psychological harassment** and there is a high prevalence of mobbing. According to the latest data every second woman has suffered psychological harassment or mobbing at her workplace, however, only 20% of them have undertaken formal reaction.

**f)** **The sexual harassment** is still treated as taboo. There is a low level of reporting, only 17% of women have reported sexual harassment, however, one out of three has undertaken formal reaction.

## **C) EMPLOYMENT**

Differences among the man and women at the labour market can be clearly perceived through the data about the economic status. Women are still most represented in the role of employees, and as unpaid family workers, and less represented at the categories, i.e. employed at their own account and in the role of the employer. The number of women –unpaid family workers shows tendency of increasement. There is high percentage of women’s share in the total number of inactive population (women are represented with 64 % as opposed to men with 36%). Percentage of women formally employed is lower comparing with man, while the number of informally employed women is higher than the formally employed. The principle of equal pay for equal value is not respected mainly in the private sector due to the fact that low skilled women males earn wages that are higher than those of low skilled women.

## **D) HEALTH CARE FOR WOMEN**

Even tough the Committee recommended that the state should provide effective access for women to contraceptives and health care information and services in order to avoid the abortion, the factual position of women indicates that the rate of using contraception by women in reproductive period is insufficient. There is low rate of usage of contraception (oral hormonal contraception and barrier methods) by women

in the reproductive period, which leads to the situation that abortion is still used as birth control method, in particular among married women. The main reason for the low rate of use of contraception is the lack of knowledge among women about their efficiency and the possible harmful effects to health. About 26% of women stated that they were prevented to use contraception, and the main reasons are the fear from possible harmful consequences to health, and the objecting from the partner to use contraception. 15% of women in reproductive period had at least one abortion in their life, from which the majority (58%) performed it in the period when married.

There is also limited access to health services for **women, girls and boys who use drugs**. Drug dependence among women is a serious problem, especially having in mind the fact that there is an increase in the number of pregnancies among women-drug users that leads to frequent appearance of the abstinence symptom among newly born children. The current treatment does not meet the needs of women drug users which is evident from the data of 11% women out of the total admitted to this programme. If treatment programs do not accommodate the needs of women and this limit the number of women using them that means that women who use, i.e. are dependent on drugs are exposed to a greater risk to be infected with the HIV virus, when compared to men. The above specified numbers point to the conclusion that, adaptation of the treatment to the needs of women is needed, by opening treatment programs catering for women's special needs in regards to reproductive health, pregnancy and birth, as well as care for children, which generally is the obligation of women. The latest research on the territory of the City of Skopje indicates an increased number of girls and boys using drugs and developing drug dependence. The age of beginning with drug use is low and starts even at 5 years of age. Respectively, there is a lack of access to treatment, rehabilitation and re-socialization programmes for boys and girls.

#### **E) RURAL WOMEN**

There are no systematic and comprehensive actions taken by the state with regard to the Committee's recommendation for implementation of effective measures to eliminate discrimination and improve the status of rural women. The government failed to conduct analysis about the status of rural women as recommended by the Committee. The status of rural woman in marriage and family is largely determined by the present patriarchic norms and values. There is lack of measures and activities which would encourage the rural woman to participate in political and public life. The right to health, in particular reproductive and sexual rights of women in rural areas, is limited. Namely for 32% of rural women the gynecologist is at more than 10 km distance from their residence. There is lack of serious and systemic measures for economic empowerment of rural women, in particular elimination of the obstacles they face. The number of women who use certain types of financial support for agriculture and rural development is low. As for the women farmers, despite the fact that regional offices of the Ministry of agriculture have established network of advisors, yet from total of 125 concluded contracts within the IPARD Program, Assistance for rural development only fifteen have been concluded with women.

Distinguished members of the Committee, we would like to thank you with the hope that you will take this into consideration when defining the wording of the Concluding Observations on the implementation of the Convention in the Republic of Macedonia.