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Submission from the National Roma Centrum (NRC) to the Committee on the Elimination of Discrimination against Women (CEDAW) for the 71st session concerning the Former Yugoslav Republic of Macedonia

The organization making this submission, the National Roma Centrum (NRC) is established in 2005, creating an opportunity as a non-governmental organization to look specifically at what extent the national and local policy addresses the inclusion and equal opportunities regarding Roma, and how social, economic, political and other needs of the Roma women are addressed. NRC mission is through people mobilization and empowerment, using rights-based advocacy and participatory approach to support Roma and other people living at social risk to fulfil their fundamental rights and enjoy their freedoms as equal in the society.

This document is based on quantitative and qualitative data gathered as part of desk research, including official statistics, field research, NRC reports, and other relevant available documents in this field produced by other NGO's in the country.

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This submission can be posted on the CEDAW website.

National Roma Centrum regrets the absence of administrative and court decisions directly applying the rights recognized in the Convention or additional information promoting the Convention rights in regard to women and particularly Roma women.

Article 2

Roma women do not report the violence very often as a result of fear of the partner, lack of information on available services, patriarchal beliefs related to violence against women, economic dependence or family pressures. Furthermore, a historical legacy of rampant discrimination which persists to this day has left the Roma with a deep seated distrust of institutions, along with an understandable reluctance to access them. It is worth to mention that it is difficult to get data and information from Roma women because of their marginalization and exclusion. Although, NGO data on prevalence of violence among Roma women in Macedonia, portrayed an alarming situation with very high rates of reported experience with physical, psychological and sexual violence. Namely, 71 % of women report experience with psychological, physical, or sexual violence. Physical violence was reported at a rate of 56.5 %, while 30.5 % of respondents reporting at least one form of severe violence. Of the 10% of women who reported experiencing sexual violence, all of them also experienced either psychological or physical violence, or both, indicating significant overlap in types of violence¹. Violence against Roma women in the community is present, still women are not encouraged and informed to seek assistance and legal protection. Roma women are subjected to various forms of discrimination that keeps them on the margins of the society.

In the Law on Free Legal Aid (LFLA) certain specific needs of vulnerable categories of citizens (exercise of the right to citizenship, civil status issues) are also excluded from the list of legal issues for which free legal aid is approved², affecting Roma women without documents and with unregulated legal status in the country. There is no gender-segregated data for free legal aid applicants and their ethnicity. In 2017 total number of 134 application for free legal aid were submitted to the Ministry of Justice, from which 74 were approved for free legal representation provided by attorneys at law³. The total amount spent for free legal aid provision by attorneys at law and NGO's in 2017 was approximately 22.578 euros⁴ not desegregated budget usage by gender and ethnicity. The Law is in process of revision and particularly improved Roma and marginalized

¹ Partner Violence among the Roma population in the Republic of Macedonia and the Response of the Public Sector, Association of Citizens Sumnal, Skopje 2009. Available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwikvq7i9tjdAhWQwosKHWNIAoYQFjAAegQICRAC&url=http%3A%2F%2Fmainfo.mk%2FEducation%2FDownloadDocument%3FuploadedDocumentPath%3DAnaliza%2520za%2520semejno%2520nasilstvo%2520%25283%2529.pdf&usg=AOvVaw15pYV-UmdJJSB1IYC-Hf5B>

² Report on Implementation of the Law on Free Legal Aid in 2016 and 2017, FOSM, p.43 Available at: <http://www.soros.org.mk/CMS/Files/Documents/Monitoring-report-2017-eng.pdf>

³ Report on Free Legal Aid for 2017, Ministry of Justice, Skopje, March 2018, p.8, p.9 <http://www.pravda.gov.mk/Upload/Documents/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%982017.pdf>

⁴ Ibid p. 10

women access to free legal aid should be area of concern⁵. Roma women lack adequate access to justice due to numerous factors, including lack of information, lack of identity and personal documents, unregulated legal civil status in the country, lack of trust in institutions, language barriers, poverty and debts.

Article 7

The legal framework established with the Law on Equal Opportunities of Women and Men obliges public institutions to ensure equal rights and opportunities for women and men and to integrate gender into their policies, strategies and budgets through specific measures to reduce gender inequality. Appropriate and equitable representation of citizens in public institutions is constitutional provision and Roma representation has been increased over the years from 0,78 % in 2007 to 1,3% in 2016 from which only 0.2% are executive or managerial staff, 0,7% Roma are employed in local self-government units, 1% in public health institutions⁶, which is not satisfactory having in mind that in 2002 the percentage of Roma was 2,7%. The available public data is not gender-segregated. In the annual reports of the Secretariat for Implementation of Ohrid Framework Agreement the data for adequate and equitable representation of all communities is not disaggregated by gender.⁷ The data from the Ministry of Information Society and Administration report shows that out of 129.653 people employed in public administration only 0.94 % are Roma, data is again not segregated by gender, only by ethnicity and education⁸.

Roma women participation in public life were not addressed in the electoral campaign. And several cases of violence against Roma or violation of the right to vote were noted⁹, Roma women were affected as family members in those situations. Four Roma women councilors were elected at the 2017 local elections only in one municipality – Shuto Orizari, where dominant population is Roma and one Roma woman councilor elected in the city of Skopje.¹⁰

Article 9

There is a significant number of "foreigners on the spot"¹¹ with unresolved citizenship or status, although most of them were born in the country and/or have effective relation with (family, property, work, etc). The situation is complex even though the Law on Citizenship has been amended several times for harmonization with international standards and speeding up of the procedure of legal remedies. The State has ratified the CoE's European Convention on Nationality

⁵ National Roma Centrum is registered NGO in the Ministry of Justice for provision of preliminary free legal aid

⁶ Report for Follow Up of Adequate and Equitable Representation for 2016, Ombudsman Office, Skopje, June 2017, p.4-5; p.64-74. Available at: <http://ombudsman.mk/upload/documents/SPZ/SPZ-2016-Mk.pdf>

⁷ Report on Implementation of Policies Resulting from Ohrid Framework Agreement, Secretariat for Implementation of Ohrid Framework Agreement. Skopje, 2012. Available at: <http://www.siofa.gov.mk/data/file/Izvestaj-SSRD.zip>

⁸ Register of Employed in the Public Sector, Ministry of Information Science and Administration for 2016, March 2017, p.11 Available at:

http://www.mio.gov.mk/sites/default/files/pbl_files/documents/reports/Godisen_izvestaj_2016_Registar_na_vrabote_ni_vo_JS.pdf

⁹ Preliminary Findings and Conclusions, International Election Observation Mission to FYROM, OSCE, 15 October 2017, p. 7 Available at: <https://www.osce.org/odihr/elections/fyrom/350136?download=true>

¹⁰ Data State Election Commission, Local elections 2017, Available at:

<https://rezultati.sec.mk/Local/Results?cs=mk-MK&r=r&rd=r2&eu=All&m=82&ps=All>

¹¹ Foreigners with unregulated legal status in the country as foreigners with permit legally residing in the country

entered into force from 2003 and could be directly applied to allow spouses of our citizens to acquire citizenship and cases to be dealt within reasonable time.¹² NRC is unaware of domestic application of the Convention while large number of Roma women are in fact concerned living in the country as foreigners on the spot. The situation with the barriers faced by Roma women in access to birth registry should be resolved as soon as possible because since 2011 measures were created and adopted by the relevant Ministries and public bodies.

Article 10 and Article 11

Gender gap persist almost at all levels, 62% of Roma girls and 76% of Roma boys have completed primary and lower secondary education, 58% of Roma women and 45% of Roma men are unemployed. Roma women have significant lower level of property and income than the rest of the population.¹³

The unemployment rate of marginalized Roma is much higher than that of neighboring non-Roma. Unemployment particularly affects economically active marginalized Roma females: their unemployment rate stood at 58% in 2017 compared to 45% of their male counterparts. The great majority of marginalized Roma youth (aged 18-24) were not in employment, education or training in 2017. Young marginalized Roma females, with lower school attendance and employment rates, are also more likely to be not included in employment, education or training. 81% of them were not involved in 2017 in any educational activities compared to the involvement of 57% of young Roma males. This gender disparity is more pronounced among Roma than the non Roma¹⁴. Roma women are more inactive or out of labor market often engaged in domestic activities or childcare. The state report does not include data and information on legal and social status of unpaid women working in family households. 22.92% Roma women participated in state sponsored self-employment programmers compared to 77.08% of Roma men in the period 2013-2016¹⁵.

"The most vulnerable Roma still have problems with access to social benefits due to their lack of administrative documentation".¹⁶ Although the State adopted Law for ex officio collection and exchange of documents and data from 2013, the implementation is not effective for Roma women accessing social benefits because they need to provide supporting documentation from other public bodies. Social welfare institutions still demand Roma women applicants to secure all documents necessary, including certificates from the Public Revenue Office or other similar documents.

The social security for household composed of one person is approximately 1,200 denars, for household composed of three members is approximately 4,200 denars, far below the minimum wage and average consumption for member of the household. The need for regular adjustment of the minimum wage and social security according to the household consumption providing

¹² Annual Report for the level of ensuring Respect, Promotion and Protection of Human rights and freedoms 2015, Ombudsman, Skopje, March 2016. Available at: http://ombudsman.mk/upload/Godisni%20izvestai/GI-2015/GI_2015-za_pecat.pdf

¹³ Roma at a Glance, The Former Yugoslav Republic of Macedonia, UNDP, World Bank, April 2018, Available at: http://www.eurasia.undp.org/content/dam/rbec/docs/Factsheet_FYROM_Roma.pdf

¹⁴ Ibid

¹⁵ Data from State Party Report

¹⁶ Progress report of the former Yugoslav Republic of Macedonia for 2015, European Commission, Brussels, 10.11.2015 Available at: http://ombudsman.mk/upload/Godisni%20izvestai/GI-2015/GI_2015-za_pecat.pdf

recipients and their families with a decent standard of living is necessary. "Average monthly net wage paid per employee in the Republic of Macedonia for July 2018 was 24,072 denars"¹⁷. Gross minimum wage in July 2018 was 17.370 denars¹⁸. The value of the syndicate minimum basket was 32,383 denars in February 2018¹⁹.

Article 12

Roma women and other Roma returnees who started a certain treatment abroad that needs to continue after their return are faced with difficulties in ensuring fast and easy continuation of the treatment in Macedonia. Apart from the issue of health insurance that some returnees are facing, there is also a request for these people to submit an official (certified) translation of the documentation related to their health condition, which was issued to them in the foreign country. Without a court certified translation, the returnees are asked to re-run their tests in the Macedonian healthcare institutions. Both options are associated with high costs and require time. The non-implementation of the Program for Assistance and Support for the Reintegration of Returnees in the Republic of Macedonia according to the Readmission Agreements indicates the absence of coordination mechanisms between the competent state institutions (and other relevant stakeholders) regarding the reintegration of returnees²⁰. Children of returnees are not supported by the State to validate their educational diplomas from abroad.

Macedonia has very high infant mortality rates (9.2 infant deaths per 1000) in 2017 according to State Statistical Office data²¹. Roma infant mortality rate is also high. And although special measures particularly for antenatal protection were adopted for Roma women antenatal protection, free birth giving in hospitals for Roma women without documents and Roma women without health insurance, still we are unaware of the usage of these provisions budgeted in the annual Programme for Mothers and Children for 2018²².

Early marriage incidence for marginalized Roma women is persistent and high compared to non-Roma female counterparts. 33% of marginalized Roma women aged 20-49 years in the country reported to have been married before they were 18 years old compared to 10% of neighbouring non-Roma women²³.

¹⁷ News Release, Wages, State Statistical Office, September 2018. Available at: <http://www.stat.gov.mk/pdf/2018/4.1.18.83.pdf>

¹⁸ Announcement for the amount of gross minimum wage in the Republic of Macedonia for July 2018 including March 2019 payment for the wage, Ministry of Labour and Social Policy, Official Gazette 126/2018

¹⁹ Syndicate Minimum Basket for February 2018, Union of Trade Unions of Macedonia, Available at: http://www.ssm.org.mk/sites/default/files/files/dokumenti/2018/04/vrednosta_na_smk_za_februari_2018_godina.docx

²⁰ What are the challenges faced by Roma returnees in Macedonia, European Policy Institute Skopje, 2017. http://www.epi.org.mk/docs/One%20Pager%20TTF%20RIO_EN.pdf

²¹ Live births, deaths and migration by urban and rural areas, by regions, State Statistical Office, Skopje, 2017. Available at: <http://www.stat.gov.mk/pdf/2018/2.1.18.25.pdf> and http://www.stat.gov.mk/OblastOpsto_en.aspx?id=2 And data from the report "Most accessed health care services by Roma Women in Reproductive Period in Primary Healthcare ", National Roma Centrum 2017

²² Programme for Active Health Protection of Mothers and Children in Republic of Macedonia, Government of Republic of Macedonia, Official Gazette 17/2018

²³ Roma at a Glance, The Former Yugoslav Republic of Macedonia, UNDP, World Bank, April 2018, Available at: http://www.eurasia.undp.org/content/dam/rbec/docs/Factsheet_FYROM_Roma.pdf

Recommendations

NRC respectfully recommends to the country:

- To improve awareness of direct applicability of the Convention and to include in the next periodic report information on the application of the Convention
- To ensure Roma gender and ethnicity desegregated data for all policies, budgeting and planning in all sectors and areas and to make data publicly available and accessible
- To amend the Law on Free Legal Aid (LFLA) in order to ensure that all people, including disadvantaged and marginalized women, particularly Roma women, are able to claim their fundamental rights and freedoms with professional assistance and that it allocates sufficient resources to the legal aid programme. To ensure that the LFLA covers civil status regulation and registration in birth registry as areas covered with the revised LFLA
- To promote and ensure access to rights and services for Roma women victims of violence in accordance with the ratified Istanbul Convention
- To increase the number of Roma women employed in public institutions in order to ensure appropriate and equitable representation of Roma women in public institutions and public life. The Ombudsman office and the Ministry of Information Science and Administration to report data based on ethnicity and gender
- To ensure practical implementation of the Law for ex officio collection and exchange of data and documents for Roma women apply for social welfare assistance or free legal aid
- To intensify the efforts to eradicate the structural discrimination against Roma women in access to personal documents and civil status regulation. To take all necessary measures to issue personal documentation to Roma women and their children
- To increase promotion, support and state sponsored measures for Roma women to access employment, education and VET
- To simplify the procedure and documentation for access to social services and to increase the social welfare packages and amount
- To put in place particular measures to decrease infant mortality rates, to strengthened antenatal protection of Roma women
- To prevent and minimise the incidence of early marriages in the Roma communities by implementing legal domestic and international standards and raising awareness campaigns
- To report and to publicise data for the implementation of the 2018 Programme for Active Health Protection of Mothers and Children
- To implement and to report with regard to the Program for Assistance and Support for the Reintegration of Returnees in the Republic of Macedonia according to the Readmission Agreements concerning Roma women returnees