

# MONITORING REPORT 2020-2021

On the implementation of the CEDAW and the Istanbul Convention in the Republic of North Macedonia **with particular reference to Roma women and girls**



# MONITORING REPORT 2020-2021

*On the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Council of Europe Convention on preventing and combating violence against women and domestic violence in the Republic of North Macedonia, with particular reference to Roma women and girls.*

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**LULUDI**

Romani Asocijacija Džuvljenge thaj Ternenge  
Ромска Асоцијација за Жени и Млади  
Roma Women and Youth Association



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Civica Mobilitas.

The content of the report is the sole responsibility of the members of the Roma Women's Rights Monitoring, Reporting and Advocacy Network and does not necessarily reflect the views and opinions of Civica Mobilitas.

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July 2022

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## List of abbreviations

**The informal network** - The Roma Women's Rights Monitoring, Reporting and Advocacy Network

**CEDAW**- The Convention on the Elimination of All Forms of Discrimination against Women

**Istanbul Convention** - Council of Europe Convention on preventing and combating violence against women and domestic violence

**CSOs** - Civil society organizations

**GBV** - Gender-Based Violence

**DV** - Domestic Violence

**NAP** - Action Plan for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for 2018-2023

**MLSP** - Ministry of Labor and Social Policy

**CSA** - Centre for Social Affairs

**MI**- Ministry of Interior

**MH** - Ministry of Health

**STO** - State Statistical Office of the Republic of Macedonia

**EU** – European Union

**OSCE** - Organization for Security and Co-operation in Europe

**CPPD** - Commission for Prevention and Protection against Discrimination



## Monitoring Methodology

The report was prepared by the members of the informal Roma Women's Rights Monitoring, Reporting and Advocacy Network.

This monitoring has a multi-sectoral approach through a combined method of quantitative and qualitative data analysis. The period for which the monitoring of the implementation of the Istanbul Convention and CEDAW is carried out is from January 2020 to June 2021.

The data presented were collected in three phases by 10 members of the informal network: Kjmet Amet, Natasha Stojanovska, Ines Djemail and Vasvija Destanovska - from RWYA "LULUDI"; Firdeza Zekirova from Terno Vaz, Berovo; Daniela Paneva from Organization of Women of the Municipality of Sveti Nikole; Sabina Asanova from Roma Association for Equal Rights ROTA, Stip; Danica Petlichkova from ZGI Klea, Bitola; Aleksandra Radevska and Andrea Nakova from Journalists for Human Rights, Skopje; Aleksandra Milenkovska from Crisis Center Hope, Skopje; Gjulfar Tochi from Women's Association for Development ZAR, Gostivar; Salija Bekim Halim - Association "Initiative for the Rights of Roma Women from Suto Orizari", Skopje, Sibela Mamudoska - as an individual activist, Prilep; and Uzurdjan Malikovska - as terrain volunteer from Bitola.

In the first phase, all relevant laws and bylaws regulating, defining and/or incriminating acts of gender-based violence against women and domestic violence, as well as discrimination provided by the Istanbul Convention and CEDAW were reviewed. Existing analyses and reports from state institutions and civil society organizations were also reviewed.

In the second phase of the monitoring, mapping of support services for Roma women and girls victims of violence was carried out. In order to determine the existing resources and capacities of civil society organizations that provide specialized services to victims of gender-based violence and domestic violence, a survey was compared with the primacy rights of Roma women. Civil society organizations working in the field of protection of women's rights and promotion of protection from gender-based violence throughout the country participated in the survey. The mapping of organizations working in the field of protection of women's rights was conducted through the submission of a questionnaire composed of 22 questions. The analysis is based on the responses received from 10 civil organizations/networks - Organization of Women of the Municipality of Sveti Nikole; ECHO Educational Humanitarian Organization Shtip; Coalition Sexual and Health Rights of Marginalized Communities MARGINI Skopje; Helsinki Committee for Human Rights; HERA - Health Education and Research Association – Skopje; Women's Citizens' Initiative "KLEA"; Women's Forum Tetovo; Macedonian Young Lawyers Association (MYLA); Crisis Center " Hope" and the National Network to End Violence against Women and Domestic Violence.

In the third phase, a questionnaire was developed in order to determine the recognition of GBV and DV, as well as discrimination by Roma women, and access to and availability of services in the period between January 2020 and June 2021. The questionnaire contained questions in the areas of: GBV, health care, including SRHR, social protection, education, civil registration and citizenship, employment, ownership. The questionnaire was answered by a total of 122 Roma women and girls, aged from 17 to 71, from 12 municipalities.

In terms of education, out of 122 respondents, the largest number of them, 36 or 29.5% are with incomplete primary education, 30 respondents or 24.6% have completed secondary education, and 23% or 28 of the respondents have completed primary education. Nine respondents have completed undergraduate studies and only one has completed postgraduate studies. Ten of the respondents are currently in undergraduate studies. A total of 43.4% of the respondents replied that they were employed, while 69 out of 122, i.e. 56.6%, said they were unemployed. According to marital status, 67 of the respondents or almost 55% of them are in marital community, 27% or 33 respondents are unmarried, and 13 of the respondents are divorced. Even 70.5% of the respondents answered that they live in a family of 3-5 members, while 29.5% of respondents live in a family of over 5 members.

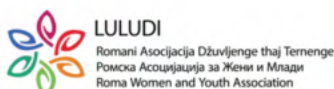
In the last phase of the monitoring, a qualitative and quantitative analysis of the collected data was made. The quality of the collected data and the relevance of the data were first determined, after which the analysis was carried out. The report was finalised by the external consultant, **Ljupka Trajanovska**.

Members of the informal network are:

- Roma Women and Youth Association "LULUDI"
- Crisis Center "Hope" ,
- Journalists for Human Rights,
- Organization of Women of the Municipality of Sveti Nikole,
- Women's Civic Initiative "Klea" - Bitola,
- Association "Motivo" - Kumanovo,
- Roma Association for Equal Rights "Rota" – Stip,
- Initiative for the Rights of Roma Women from Suto Orizari,
- Association "Terno Vas" - Berovo and

Individuals:

- Sibela Mamudoska from Prilep and
- Gjulfjer Tochi from Gostivar.





## Introduction

*"Macedonia is constituted as a national state of the Macedonian people in which full civic equality and lasting coexistence of the Macedonian people with Albanians, Turks, Vlachs, **Roma** and other nationalities living in the Republic of Macedonia are ensured." - Constitution of the Republic of North Macedonia*

The Constitution of the Republic of North Macedonia guarantees full civil equality and "equality in freedoms and rights regardless of gender, race, skin colour, national and social origin, political and religious beliefs, property and social position" (1). This constitutional provision is contained in several laws in the respective areas: Labour Relations Law, Law on Equal Opportunities for Men and Women, Law on Family, Law on Child Protection, Law on Primary Education, Law on Secondary Education, Law on Higher Education, Law on Public Health, Law on Courts, Law on Volunteering, Law on Associations and Foundations, Law on Political Parties, and other laws.

In the census conducted in 2021, 2.53% of the population of the Republic of North Macedonia, i.e. a total of 46,433 citizens, of whom 22,803 women and 23,630 men declared themselves as Roma. However, Roma civil society organizations question the results of the census because of the range of irregularities reported during the duration of the census. According to their estimates based on official data from the educational system as well as the Employment Agency of the Republic of North Macedonia (EARNM), the civil movement Avaja believes that the percentage of Roma resident population in the Republic of North Macedonia is at least 5%.(2)

The Roma population in the Republic of North Macedonia is still the most vulnerable minority in the country, a community that is facing institutional discrimination, social prejudices and unequal access to services. Additionally, Roma women in the Republic of North Macedonia (RNM) face multiple, intersectional discrimination, both as women and as Roma. Discrimination against the Roma population in our society is the result of traditional convictions, stereotypes and prejudices, which disproportionately affect Roma women. The unequal power relations between men and women, as a result of long-standing systemic and institutional discrimination against women, further marginalise Roma women. The customs and traditions inside the Roma community contribute greatly to the aggravated social position of Roma women and girls. Many Roma women do not have the same opportunities to make their own decisions on issues related to marital status, education, career,

(1) The Constitution of the Republic of North Macedonia, available online at: <https://bit.ly/3NPnFMp>

(2) More information at: <https://bit.ly/3UJyeHI>

employment and other issues. These decisions are mostly made by members of their family or by the man/husband. Juvenile and early marriages and pregnancies are the most common among Roma. The Roma in our society has the lowest percentage of education, the highest percentage of poverty and unemployment and many children's families. In such cases, the Roma woman is completely dependent on the man starting from economic dependence, but also dependence in terms of housing and decision-making.(3)

Gender-based violence and domestic violence greatly affect Roma women and girls, and subjugation and economic dependence contribute to an increased percentage of domestic violence and silence about it. According to the OSCE survey on violence against women in North Macedonia, *"among women living in households with financial difficulties, there is a higher prevalence of violence, especially physical and sexual violence, from an intimate partner."*(4) Additionally, the European Union Progress Report on the state, highlights Roma, especially Roma girls, as a vulnerable category of citizens and because of the high unemployment rate and the representation of early marriages.(5)

The Republic of North Macedonia is a signatory of two most important international documents dealing with various forms of discrimination and gender-based violence. Namely, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979 and ratified in the Republic of North Macedonia in 1994. Whereas the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was signed by the Republic of North Macedonia in 2011. It was ratified 7 years later, in March 2018, after which it entered into force on 1 July 2018. This Monitoring Report monitors the implementation of the CEDAW and the Istanbul Convention in the Republic of North Macedonia in the period January 2020-June 2021, with particular reference to Roma women and girls.

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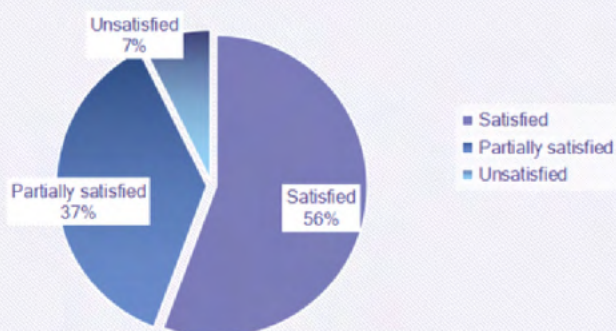
(3) Survey on Access and Functionality of the System for Protection of Roma Women, victims of gender-based violence and domestic violence in the territory of Skopje, the association Initiative for the rights of women from Suto Orizari  
 (4) OSCE Survey on violence against women in North Macedonia: Women's Welfare and Safety (2018), Available at: <https://bit.ly/3To0a2Z>  
 (5) EU Progress Report North Macedonia (2021), Available at: <https://bit.ly/3fSifna>



## Main findings of the survey with Roma women

More than half of the respondents, or 55.7%, believe that as women they do not have the same rights as men, while 44.3% feel that they have equal rights with the opposite sex. When asked whether they think they are accepted by the family and their environment, the majority, or 82.8%, answered affirmative, while 17.2% consider they are not accepted. When asked whether they believe they receive equal protection of their rights as other citizens in the country, 54.1% answered "no" and 45.9% answered "yes".

How satisfied are you with the current position of Roma women in the country in terms of GBV, DV and discrimination?



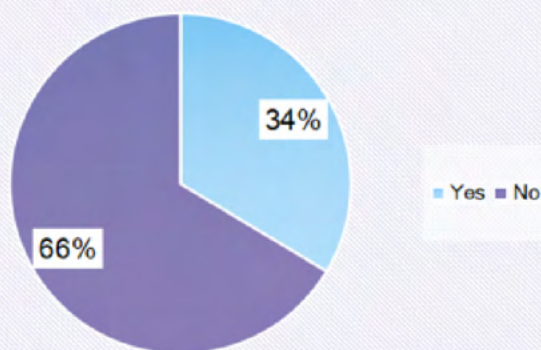
*"I felt discriminated because even after 2.5 years of being enrolled in a state kindergarten my son has not yet been accepted, and I know of other children who enrolled later than my son and were admitted through a political party."*

*"When I was younger, my parents and I headed to a swimming pool in Bitola and we were not allowed to enter. Unfortunately, we have not reported the case anywhere."*

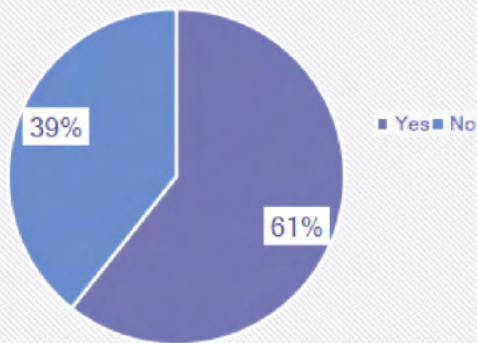
*"Discriminated against on the grounds of ethnicity, color of skin, during childbirth of my third child where they left me alone to give birth with the sentence 'you Roma can give birth as factories'."*

*"Because I am Roma, they didn't give me a chance to be an official even though I have a proper education, a legal degree, I stayed to be a hygienist."*

Do you think that your basic human rights are supported by the local government/municipality?



Have you faced discrimination on any basis?



*"When I returned by plane from abroad, I was visiting my son, they took me aside just because I was Roma, and they asked me in much more detail, I had to open the suitcase to see what was inside, and they didn't check on the other passengers."*



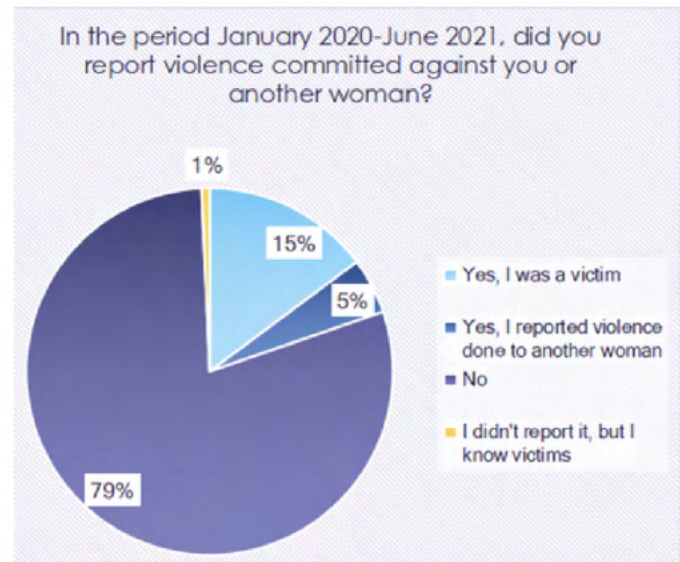
The majority of respondents, or 48.4%, so far have not found themselves in a situation where someone belittles, humiliates and insults them, while 31.1% have been belittled because they are Roma, and 27.9% because they are women. Most respondents, 68%, said they did not feel discriminated against as a woman by their family and environment, while 32% responded in affirmatively. From the total number of respondents, 31 or 25.4% responded that someone in their family decides on their behalf, while the majority, 74.6%, said this was not the case. 40.2% of the respondents know a woman who is isolated, and is forbidden to leave the house.

More than half, or 59%, confirmed that there was violence against women in their community, family, neighborhood, and even 82% said they know what a woman victim of violence could do and where violence could be reported.

Of the respondents (28) who confirmed that they reported violence, the majority said they reported it to the police, the Centre for social affairs, then a hospital, SOS telephone line, an association offering free legal assistance to women victims of violence, and several said they did not report it anywhere.

Most said it was physical violence, and some confirmed that there was both psychological and economic violence, most often from a husband, partner, but also another family member, parent, and that it was reported to institutions.

When asked if children witnessed the violence, 63.3% answered affirmatively, 20% answered "no", and 16.7% did not answer. They also answered negatively on the question whether the victim was afforded adequate protection/ care/ support in Romani language, and additionally said that was not afforded an adequate reintegration program/service. Most also answered that they are not satisfied with the access of officials and the system of protection, and some of the comments are: *"they came after 1 hour of the call during the incident"* and *"there is no system of protection specifically for young girls who do not complete their education and marry them off."*





## THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN - CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979 and ratified in the Republic of North Macedonia in 18 January, 1994. Since then, the country has submitted six periodic reports on the implementation of the convention. The latest concluding observations on the sixth periodic report adopted by the Committee dates back to 2018 and covers comments and recommendations on stereotypes and harmful practices, gender-based violence against women, trafficking in human beings and exploitation of prostitution, participation in political and public life, employment, economic empowerment of women, education, health, rural women, Roma women, etc.

### Part I

#### Article 1

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For the purposes of this Convention:

"Discrimination against women" denotes any distinction, exclusion or restriction in terms of gender, which has the effect or purpose of endangering or precluding the recognition, exercise or exercise by women of human rights and fundamental freedoms in the political, economic, social, cultural and civil or other fields, regardless of their marital status, on the basis of equality of men and women.

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The Assembly of the Republic of North Macedonia adopted a new Law on Prevention and Protection against Discrimination at the session held on 27 October 2020.

The definition of discrimination used in national legislation is as follows: "Discrimination is any distinction, exclusion, restriction or preference that is based on a discriminatory basis, with an act or omission, which has as its purpose or result the prevention, limitation, recognition, enjoyment or realization of the rights and freedoms of a certain person or group on an equal basis with others." This covers all forms of discrimination, including disabling appropriate adaptation and disabling accessibility and availability of infrastructure, goods and services." The definition is comprehensive, but there is no explicit regulation of the term 'discrimination against women'. The definition is gender-neutral. The law does not provide special protection for Roma as members of a non-majority community in the Republic of North Macedonia, so the protection of Roma would fall under the grounds given in the law such as discrimination on grounds of sex, gender, belonging to a marginalized group, ethnicity, language, social origin, religion, education, personal or social status, property status, and similar discriminatory grounds.



## Article 2

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The States Parties condemn discrimination against women of all types, agree to implement by all appropriate means at their disposal and without delay, the policy of eliminating discrimination against women, and to this end undertake:

- a) to introduce the principle of equality of men and women in their national constitutions or in the relevant laws, if they have not already done so, and to ensure, by legal or other appropriate measures, the practical application of that principle;
  - (b) to adopt appropriate legislative and other measures, including sanctions where necessary, prohibiting all types of discrimination against women;
  - (c) to introduce legal protection of women's rights on an equal basis with men and through the competent national courts and other public institutions, to ensure effective protection of women from any proceedings that commit discrimination;
  - d) to refrain from any procedure or practice of discrimination against women and ensure that public authorities and institutions act in accordance with this obligation;
  - e) take all necessary measures for the purpose of removing discrimination against women by any person, organization or enterprise;
  - f) to take all appropriate measures, including legislative ones, to amend or repeal existing laws, regulations, customs and practices, which constitute discrimination against women;
  - g) to put out of force all internal penal provisions which discriminate against women.
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The principle of equality between men and women is not introduced into the Constitution of the state, but the Law on Equal Opportunities for Women and Men regulates the establishment of equal opportunities and equal treatment of women and men, basic and special measures for establishing equal opportunities for women and men, the rights and obligations of the responsible entities for ensuring equal opportunities for women and men, as well as the procedure for determining the unequal treatment of women and men. In addition, Article 2 of the Law on Prevention and Protection against Discrimination guarantees the provision of the principle of equality, prevention and protection against discrimination in the exercise of human rights and freedoms.

The Criminal Code guarantees criminal legal-legal protection from discrimination and equality. Namely, the following offenses are contained in the Criminal Code: Injury to the equality of citizens, Endangering security, Challenging national, racial and religious hatred, discord and impatience, yet there is no direct reference to woman as a potential victim of hatred because she is a woman or who disproportionately affects her. Article 394-d of the Criminal Code introduces sanctions for persons who through a computer system disseminate racist and xenophobic written material, image or other representation of an idea or theory that aids, promotes, or incites hatred, discrimination or violence against any person or group, on the basis of sex, race, colour, gender, belonging to a marginalised group, ethnicity, language, citizenship, social origin, religion or religious belief, other kinds of assurances, education, political affiliation, personal or social status, mental or bodily disability, age, family or marital status, property



status, state of health, or on any other basis provided by law or by a ratified international agreement, shall be punished with imprisonment from one to five years. The Law on Prevention and Protection against Discrimination regulates the establishment of the Commission for Prevention and Protection against Discrimination (CPPD) which within the scope of its competencies acts on complaints, brings opinions, recommendations and conclusions on specific cases of discrimination and initiates procedure ex officio for protection against discrimination. 12 submissions were submitted to the Commission for Prevention and Protection against Discrimination (CPPD) as from the moment of establishment, including May 2021, in addition to the 78 submissions made by the former Commission for Protection against Discrimination. The total number of complaints dealt with by the Commission in the reporting period is 90 complaints. Of the total number of cases, 25.5% were submitted by women, but at the moment the analyses on the reported grounds of discrimination cannot be carried out, because in a large part of the complaints the submitters did not report the grounds, while from the content of the complaint it cannot be determined.<sup>(6)</sup> In the annual report for 2021, the CPPD reported that 7 of the received complaints were from members of the Romani community, representing 12% of the total number of complaints of persons who declared their national or ethnic affiliation. Roma women submitted 4 complaints, while men made 3 complaints.<sup>(7)</sup>

Article 23 of the Law on Prevention and Protection against Discrimination states that: associations, foundations, trade unions or other organizations of civil society and institutions, which have a justified interest in the protection of the interests of a particular group or within their activity are engaged in protection against discrimination, may submit a complaint to the CCPD. Additionally, the person who considers himself to be discriminated against may submit a lawsuit before a competent civil court. Strategic objective 2 of the National Strategy for Equality and Non-Discrimination envisages strengthening of capacities, promotion of work and coordination of institutional mechanisms for prevention and protection against discrimination and promotion of equal opportunities.

### Article 3

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The member states undertake in all areas, especially in the political, social, economic and cultural, all appropriate measures including legislative ones, in order to ensure the full development and progress of women, to guarantee the exercise and enjoyment of human rights and basic freedoms, equally to men.

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<sup>(6)</sup> Quarterly Report of the CPPD (January-May 2021), available at: <https://bit.ly/3WLLCw>

<sup>(7)</sup> CPPD Annual Report (2021), available at: <https://bit.ly/3A3RsOx>



In response to dealing with the socio-economic effects of the pandemic, the Government of N. Macedonia adopted three packages of measures to support citizens and the economy with total amount of 550 millions euros. The measures covered by these packages include measures to stimulate the economy (fiscal and monetary), support businesses and retain jobs, measures in the field of social protection for the most vulnerable citizens, measures to protect the health and safety of employees, as well as measures to stimulate citizens' consumption and development and improvement of the competitiveness of Macedonian businesses.

The Law on Equal Opportunities for Women and Men mandates the incorporation of the gender perspective in every phase of the process of creation, implementation, monitoring and evaluation of policies, and this is understood even in conditions of crisis and the need for urgent measures. However, there is no information that indicates that during the planning and design of the economic measures, gender assessments and analyzes were made for the potential influence and impact of the measures on women and men in the country, taking into account the existing gender inequalities in the economic sphere in the pre-crisis period.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) in Article 3 stipulates that States Parties undertake to ensure equal rights for men and women in the enjoyment of all economic, social and cultural rights enumerated in the Covenant. Article 7 provides for the principle of fair earnings and the same pay for work of the same value, without any distinction. Women in particular must be guaranteed that their working conditions are no worse than those enjoyed by men, and that they receive the same pay for the same work.

The National Strategy for Gender Equality 2021-2026 is a strategic document that envisages the advancement of women's status and participation in public and political life, but it speaks of all nationalities and ethnic groups without indicating the social position of Roma women. In addition, to improve the position of the Roma, the state adopted strategic documents for the implementation of the Strategy for the Roma in the Republic of North Macedonia 2014-2020. The strategy was accompanied by national action plans in the areas of: education, health, employment, housing, as well as NAP for strengthening the position of Roma women in society 2016-2020. In addition, in 2022, the new Strategy for Roma Inclusion 2022-2030 was adopted.

However, during the survey, one of the interviewees emphasized that:

*"When I turned to the social service to receive one-time assistance, they told me that we Roma are the most privileged, so despite the fact that I receive child benefit for my third child, I also want one-time assistance"*

#### Article 4

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The adoption of special temporary measures by the States Parties, which aim to accelerate the achievement of de facto equality between men and women, is not considered discrimination as defined in this convention, but must not in any way result in unequal or different standards, and these measures will cease to apply when the goal of giving everyone equal opportunities and treatment is achieved.



The adoption of special measures by States Parties, including the measures contained in this Convention, which aim to protect motherhood, shall not be considered discrimination.

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The gender quota for increasing the participation of women in the political sphere was introduced for the first time in 2001, with which 30% of the candidates on the electoral lists at the national and local level had to be formed from the less represented sex. With the amendment in 2006 made with a provision that stipulates that every third person on the list must be from the underrepresented gender, which significantly improved the participation of women in the Assembly of the Republic of North Macedonia. Finally, in 2015 the Electoral Code was amended and the gender quota was increased to 40%, which was almost fulfilled only in 2020. Since 2020, there has been one Roma women MP in the Parliament of the Republic of North Macedonia, who is also a long-time activist for Roma rights.

## Article 5

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States Parties shall take all appropriate measures:

- a) for the purpose of changing the social and cultural customs regarding the behavior of men and women in order to remove prejudices, as well as the usual and any other practice based on the perception of the inferiority or superiority of one or the other sex or the traditional role of men, i.e. of the women;
  - b) family education to include the correct understanding of motherhood as a social function and the recognition of the joint responsibility of men and women in the raising and development of children, implying in all cases that the interests of the child must be taken into account.
- 

In the Integration of the Roma Roadmap 2019-2021 of North Macedonia, there are several measures for the gradual reduction of social assistance to Roma families instead of stopping it all at once. The legalization of illegal dwellings in which Roma families live is the most effective way to ensure safe housing. Roma are prioritized as potential beneficiaries of social housing for low-income families, yet most of the housing and social housing are owned or leased to men.

The Program for active health care of mothers and children in the Republic of North Macedonia for 2021 foresees activities for health promotion and improvement of health behavior through education of the population and promotional activities. Additionally, the promotion of the European Immunization week is planned, including local activities focused on Roma communities and rural areas through the implementation of educational workshops in Romani and rural areas about child health, the importance of immunization, healthy pregnancy and motherhood, breastfeeding by preventive teams and patronage sisters with particular reference to 11 municipalities where Roma people mostly live: Shuto Orizari, Karposh, Vinica, Delcevo, Pehcevo, Bitola, Prilep, Tetovo, Gostivar, Shtip and Kumanovo. Focus on vulnerable categories of women, especially Roma women and women from rural areas, is also placed in strategic goal 2. By raising awareness and educating the population about healthy lifestyles and correct health behavior in the pre-conception, antenatal, postnatal and



infant period, care is taken for the reproductive health of Roma women. Men in the Republic of North Macedonia have the right to parental leave only in substitute form, i.e., if the mother decides not to use it. Parental leave for fathers is not mandatory.

## Article 6

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States Parties shall take all appropriate measures, including legislative ones, in order to prevent all forms of trafficking in women, as well as the exploitation of women's prostitution.

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The government of North Macedonia does not fully meet the minimum standards for eliminating human trafficking, but it is making significant efforts to achieve this. The Law on the Protection of Children regulates the obligation of the state and the institutions of the system to take all measures to protect children from the illegal use and any abuse of child labor in the illegal production and trade of narcotic drugs, psychotropic substances and precursors (Article 12) . In general, the development of the child protection activity is determined by a program for the development of the child protection activity adopted by the Government of the Republic of Macedonia.

The Macedonian Criminal Code is fully compliant with the UN Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings. Article 418- a of the Criminal Code defines human trafficking as: „Whosoever by force, serious threat causes delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years.“ Trafficking in human beings and children is sanctioned with a sentence of 5 to 8 years in prison, but no aggravating circumstance is provided for specific trafficking in women or Roma women. According to the analysis made by the OSCE in the Republic of Macedonia, there have been legal changes in several laws that refer to human trafficking and migrants, but not to women. Also in the analysis it is emphasized that the largest number of victims of human trafficking are women, girls and children. Begging as a form of child trafficking is represented to a large extent among the Roma community in the country. In the project "Stop against begging" of the non-governmental organization "Building a Future" in 2021, a total of 2,160 beggars and car window cleaners were removed from the territory of the City of Skopje in seven months.<sup>(8)</sup> The Ministry of Labor and Social Policy is not taking adequate measures to deal with this burning problem.

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(8) More information at: <https://www.fakulteti.mk/news/22062022/okolu-20-000-deca-pitachi-ne-posetuvaaat-nastava-veli-iliija-jovanoviki-od-gradime-idnina>



## Part II

### Article 7

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The member states take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and are especially obliged to ensure, under equal conditions as men, the right of women: a) to vote in all elections and public referendum and to be elected in all bodies that are elected through public elections;

b) to participate in the creation and implementation of government policy and to occupy management positions and perform all public functions at all levels of government;

c) to participate in the work of non-governmental organizations and associations dealing with public and political life in the country.

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Insufficient promotion and emphasis on the importance of the right to vote among Roma women has been noticed. By reviewing the membership of political parties and associations, it can be noted that in their teams' attention is being paid to the representation of women, but their positions are very rarely in leading positions. While women are most represented in leading pre-election campaigns, management positions are intended for men. Women MPs are the most represented in the Commission for Equal Opportunities, while there is a gender gap and non-participation of women in the committees that deal with issues in the fields of security, defense, economy, finance, etc. According to research conducted in 2020 by the National Democratic Institute [9] within the framework of the "No to violence against women in politics" campaign, six out of ten female politicians in the country were victims of sexist threats, hate speech and slander at least once, and 5 out of 10 of those women stated that this violence came from members of their own political party and 62% decided not to report the incident out of fear or distrust of institutions. [10] Roma women are underrepresented in political and public life, and hate speech against women in politics is increasingly prevalent. Attacks on women politicians happen mostly on social media, where they are attacked in an organized manner with insults, belittling, threats of physical attacks, curses and other forms of hate speech. During the campaign for the local elections in 2021, one of the candidates for mayor of the Shuto Orizari municipality used a sexist speech during a debate show, targeting a woman candidate for councilor in the Shuto Orizari municipal council. The candidate from the positional political party publicly used gender discrimination for which no appropriate sanctions were taken. In the RNM there are 9 Roma political parties and 120 CSOs according to the Strategy of the Roma from 2014-2020, but there is no official data on the extent of the participation of women. In the research conducted by Luludi on the participation of Roma women at the local level, 48 respondents or 90% of the respondents believe that Roma women are not sufficiently represented in politics. Eleven respondents stated that education and tradition are responsible for the small number of Roma women in politics, in addition, 4 believe that the way in which Roma women are viewed is to blame for this situation, and another 4 believe that the husband and the environment affect the small number of Roma women in politics. Eight respondents think that discrimination is to blame for everything, 2 that they have not been brought into the political waters, 4 think that Roma women are not interested in politics, but another 2 respondents think that Roma women are not sufficiently trained for that activity. 2 respondents see fault in the parties that do not give them opportunities, while 1 thinks that the parties must invest in Roma women.[11]

(9) National Democratic Institute <https://www.ndi.org>

(10) More information at: <https://kanal5.com.mk/istrazhuvanje-6-od-deset-politicharki-bile-zhrtvi-na-seksistichki-zakani-govor-na-omraza-i-kleveta/a481705>

(11) Roma women participation at local level (2022), <https://bit.ly/3zYAQd6>



## Article 9

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1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
  
  2. States Parties shall grant women equal rights with men with respect to the nationality of their children.
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Article 1 of the Law on Citizenship of the Republic of North Macedonia states that "*citizenship is a legal link between persons and the state and does not denote the ethnic origin of persons.*" Article 3 states that: The citizenship of the Republic of North Macedonia shall be acquired by: 1) origin, 2) birth on the territory of the Republic of North Macedonia, 3) naturalization, and 4) international agreements. There are no special ways for men and women to acquire, retain or return citizenship in any way other than the general ways mentioned in Article 3. Article 4 states that: 2) at the time of birth, one of the parents is a citizen of the Republic of North Macedonia, and the child is born in the Republic of North Macedonia, unless the parents have mutually agreed that the child shall acquire the citizenship of the other parent. The law is generally gender-neutral according to the concept, i.e. it does not specify a way of acquiring women's citizenship.

However, in the Republic of North Macedonia the problem of unregistered persons as well as stateless persons in the Romani community still does not receive the attention it deserves. The official number for stateless people does not exist, but unofficially, within the framework of the project "Prevention and reduction of statelessness", which is being implemented by the Young Lawyers Association with the UNHCR Office, 600 people have been identified.<sup>[12]</sup> Stateless persons have neither access to health care, education nor employment, i.e. they do not have access to all social rights. The law on unregistered persons in the birth register has been passed, but implementation is slow. Of the approximately 700 Roma without an ID card, 202 applications were submitted, of which to 92 were issued birth certificates, which is a rather small number.<sup>[13]</sup> Women who are not registered in the birth register's books until they register their birth cannot even register their children. As evidence of kinship between the parent and the unregistered child, DNA analysis is required which costs at least 500 euros, and most often people who are unregistered are in a difficult economic position and cannot afford it. A special problem is when the mother of the child is deceased and no DNA analysis can be done for kinship. In order to initiate the entire procedure, the presence of the mother is required, and in cases where she is deceased, there is no way to register the person in the birth certificate record, which is a basic prerequisite for obtaining citizenship.<sup>[14]</sup>

The Republic of North Macedonia does not have the legal framework required for the protection of stateless persons. There is no mechanism for the identification or determination of statelessness and there is no statelessness protection status.<sup>[15]</sup>

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<sup>[12]</sup> More information at: <https://bit.ly/3thFYFm>

<sup>[13]</sup> EU Progress Report North Macedonia (2021), Available at: <https://bit.ly/3FZaf3i>

<sup>[14]</sup> Ibid.

<sup>[15]</sup> Statelessness Index, North Macedonia (2019), <https://bit.ly/3DVvaS2>



### Part III

#### Article 10

States Parties shall take all appropriate measures for the purpose of eliminating discrimination against women so as to ensure equal rights for women and men in terms of education, and in particular so as to ensure on the basis of equality of men and women:

- a) equal conditions in terms of career and professional guidance, in terms of the possibility of learning and obtaining diplomas in educational institutions of all categories both in rural and urban areas, this equality is ensured in terms of preschool, general, technical and vocational education, as well as higher technical education and all types of professional guidance;
- b) availability of equal curricula, equal examinations and teaching staff who have qualifications of the same level, as well as of school premises and equipment of the same quality;
- c) removing the traditional understanding of the roles of men and women at all degrees and in all forms of education by encouraging the creation of mixed grades and other types of education that can contribute to the achievement of that goal, especially by revising textbooks and school curricula and by adapting teaching methods;
- d) equal opportunity to use scholarships and other types of irreversible aid for studies;
- (e) equal opportunity for access to programmes of permanent education, including adult education programmes and functional descriptive programmes, in particular those aimed at reducing the gap in the level of education between men and women in the shortest possible time;
- (f) Reducing the drop-out rate by women's youth and the organization of programmes for girls and women who have left school prematurely;
- g) equal opportunities for active occupation with the dispute and physical education;
- h) availability of special information in the field of education, for the purpose of providing assistance in ensuring the health and well-being of the family, including information and advice on family planning.

The 2021 census showed that of the total resident population aged 15 years and over, according to literacy, 18,897 persons or 1.2% illiterate persons were registered, of whom 5,517 were men and 13,380 were women.<sup>[16]</sup> Official statistics disaggregated by gender and ethnicity have not yet been made public. The Law on Primary Education defines primary education as the right of every child. Secondary education is also compulsory, in accordance with the Law on Secondary Education and it is free in public secondary schools. Discrimination based on sex, race, skin colour, national and social origin, political and religious belief, property and social position is prohibited in both primary and secondary education. As in the case of primary education, for members of communities following lessons in a language other than the Macedonian language and its Cyrillic letter, the educational activity in public secondary schools shall be conducted in the language and letter of the respective community in the manner and under the conditions established by this Law. The Ministry of Education and Science, through the Directorate for Development of Education in the Languages of Community Members, treats the issue of the right to education in the languages of community members. The study of the Romani language in primary education is optional.

[16] More information at: <https://denesen.mk/popis-duri-420-000-gragjani-se-so-samo-osnovno-obrazovanie/>



The low level of education determines the majority of Roma to work the lowest and least paid jobs. This particularly affects Roma women who in 2020 were disproportionately affected by the crisis caused by the COVID-19 pandemic. Women who were not registered as employees, but were active in the informal labour market, sharply lost their jobs and incomes. Roma women, who as a result of their low level of education, mainly work as housewives, cleaners, or sellers in the markets and given the fact that green markets were also closed and people sat at home during curfews and took care of their own homes, Roma women involved in informal work remained unemployed.<sup>[17]</sup>

In the Law on Equal Opportunities of Men and Women, Article 2 defines the purpose of this law which includes the establishment of equal opportunities for women and men in, among others, the educational field. The establishment of equal opportunities is a concern of the whole society, i.e. all entities in the public and private sector, and represents removing obstacles and creating conditions for achieving full equality between women and men. Although there is no quota, there are basic and special measures ensuring equality, but it is not stated whether they are provided especially for Roma women.

Articles 6 and 7 of the same law mention specific measures that achieve equal representation of men and women in different fields. In particular, Article 7 defines special and positive measures to achieve equal opportunities for men and women, but does not state whether the same applies to all levels of education.

Also, the National Strategy in the Education and Science section states that: "One of the concrete measures in the Education Strategy 2018-2025 and the Action Plan is the revision of textbooks. Several analyses of curricular content and textbooks made since 2017 have shown that textbooks present stereotypical views on the role of women and men in private and public life. In 2017, a working group was established to analyze curricula, programmes and textbooks and issued a recommendation to promote equal opportunities and remove harmful stereotypical and discriminatory content.

In the National Strategy for Gender Equality 2021 - 2026, it is stated how many students and schoolgirls have enrolled in all levels of education, specifically that: "In primary schools (1042 in total), in the 2019/2020 school year, more than 96,740 students were enrolled, as opposed to 90,500 female students, while there were significantly more female teachers than male teachers (12,862 female teachers, as opposed to 5,359 male teachers). In secondary schools (138 in total) the situation is similar, i.e. in the 2019/2020 school year 36,297 students and 33,683 female students were enrolled and there are 4493 female teachers and 2,852 male teachers.

In higher education, the situation is reversed – in 2019, there were more women than men enrolled and graduated (58.85% female graduates and 41.15% male), out of a total of 204 doctors of science 122 were women, and the number of full-time and extraordinary female professors (552 and 406, respectively) in the 2018/2019 school year was lower than the number of full-time professors (753 and 463, respectively). In addition, 40% of women participate in formal or non-formal education and training, compared to 23% of men. In contrast, in the Macedonian Academy of Sciences and Arts, out of 38 members (regular and correspondent),

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[17] Covid-19 Impact Analysis of Gender and Diversity, OSCE (2020): <https://www.osce.org/files/f/documents/1/9/480413.pdf>



only 4 are women, and a woman has never been president, vice president, or secretary. Data are not disaggregated by ethnicity, so Roma women are invisible in higher education.

As one of the measures implemented by the MES in relation to this issue, in the 2019/2020 school year more scholarships were awarded to female students (63.7%) than to male students (36.3%) for bio-technical, technical-technological, natural-mathematic, IT, chemistry, physics, mathematics and medical sciences.

In 2020, 59 complaints were submitted to the Ombudsman, i.e. 5.8% of the total number of complaints by members of the Romani ethnic community, but were not gender-disaggregated in the Annual Report, which is why the number of women submitting complaints could not be determined. The Ombudsman filed a complaint NP No. 2931/19 when it learned through the means of public information that in the fifth grade a narrative entitled "The Gypsy as a witness" is being studied in the elective reading, which text contains offensive and disparaging content about the Roma, while categorizing them with derogatory words as corruptible people without character and dignity.

Upon such findings, the Ombudsman sent a Recommendation on the manner of removing the ascertained violations, which Recommendation was not seriously understood by the Ministry of Education and Science, followed by a specific Proposal on the manner of removing the ascertained violations, which was accepted by the competent services of the Ministry and by the Minister himself. Only after 4 months of proceedings and constant correspondence with the relevant Ministry, the Ombudsman received a final notification that his Proposal was accepted, so the Minister of Education and Science submitted a general recommendation to all principals of primary schools, which recommendation determines and recommends to the teachers who teach the Macedonian language subject, that the text "The Gypsy as a witness" should not be covered in class and that students are not obliged to read it.[18]

#### Main findings of the survey with Roma women:

Regarding the education of 122 Roma female respondents, the majority of them, 36 or 29.5%, are with incomplete primary education although it is compulsory in the country. 30 respondents or 24.6% have completed secondary education and 23% or 28 of the respondents have completed primary education. Nine respondents have completed undergraduate studies and only one has completed postgraduate studies. Ten of the respondents are currently in undergraduate studies.

The question of whether they were discriminated against during their education was answered by 114 Roma women, of whom 68.4% replied that they were not discriminated against during education, while 21.6% were discriminated against. Most of them replied that they did not report discrimination.

*"Upon admission to medical school, preference was given to other candidates with lower grades but friendly relations in the institution."*

*"In school discriminated on the grounds of ethnicity by a teacher."*

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[18] Annual Report (2020), the Ombudsman of the Republic of North Macedonia, Available at: <http://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Godisni%20izvestai/GI-2020/GI-2020.pdf>



Twenty-one respondents answered that they were separated into classes because of ethnicity, while 18 women answered that they were prevented from attending school for family reasons. Such data clearly speaks of the existing discrimination against Roma girls in the educational process.

When asked whether they had access to water, soap and toilet paper at school, out of 122 answers 71 answered that they had access to water and sanitation, while 31 answered that they had no access to personal hygiene, which makes it impossible to maintain adequate menstrual hygiene for Roma girls, which causes absence from classes.

Regarding regular transport to school, 87 of the respondents replied that they had no problem with accessibility to the school. The majority of respondents, 88, responded that they were not receiving some form of financial support, as scholarship, while 34 responded that they were receiving financial support.

When asked if they had the possibility of uninterrupted monitoring of teaching during the Covid pandemic (Internet access and computer/laptop), 65.6% of the respondents replied in the affirmative. This means that 34.4% of Roma girls did not have adequate conditions for monitoring teaching during the Covid-19 pandemic.

We can conclude that Roma girls are still discriminated against during the educational process. Conditions in the educational institutions themselves, such as lack of funds to maintain menstrual hygiene or lack of sufficient digital devices, exclude Roma girls from regular classes. Segregation, i.e. the division of classes on the basis of ethnicity, is still current, and in some cases family members do not allow Roma girls to be educated, although primary and secondary education is compulsory.

## Article 11

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1. Member States shall take all appropriate measures to eliminate discrimination against women in the field of employment so that, on the basis of equality of men and women, equal rights can be ensured, and in particular:
  - (a) the right to work as an inalienable right of all people;
  - b) the right to equal employment opportunities, including the application of equal criteria when selecting candidates for the job;
  - c) the right to free choice of profession and employment, the right to promotion, security of employment and all rights and conditions arising from work, as well as the right to vocational training and retraining, including learning in the economy, senior vocational training and occasional additional training;
  - d) the right to equal remuneration, including benefits, as well as equal treatment for equal work and equal treatment in assessing the quality of work;
  - e) the right to social protection, especially in the case of retirement, unemployment, sickness, invalidity, old age and other types of incapacity for work, as well as the right to paid leave;



- (f) the right to health and protection at work, including the protection of a women's biological and reproductive functions.
2. In order to prevent discrimination against women due to marriage or maternity and to ensure their right to work, States Parties shall take appropriate measures in order to:
- a) prohibition, under threat of taking sanctions, of giving up due to pregnancy or maternity leave and discrimination in dismissal from work due to marital status;
  - b) introduction of paid maternity leave or similar social benefits, without loss of entitlement to the former job, benefits based on seniority and social benefits;
  - c) encouraging the provision of the necessary auxiliary social services to enable parents to reconcile family obligations with workplace obligations and participation in social life, in particular by encouraging the establishment and development of a network of childcare facilities;
  - (d) the provision of special protection to the woman during pregnancy in those workplaces which have been shown to be harmful to pregnant women.
3. The measures of legal protection relating to the issues covered in this Article shall be reviewed periodically, in the light of scientific and technological knowledge and, if necessary, revised, repealed or extended.

In the Law on Labour Relations, the Prohibition of Discrimination section of Article 6, paragraph 2, states: "Women and men must be provided with equal opportunities and equal treatment in relation to: 1) access to employment, including promotion and professional and vocational training on the job; 2) working conditions; 3) equal pay for equal work; Whereas paragraph 3 states the prohibition of direct and/or indirect discrimination. There is a defined article guaranteeing compensation for damages in case of violation of the provisions of Article 6 of the same name law, but there is no specified possibility of appeal or specific protection mechanisms.

Article 42 of the Constitution of the Republic of North Macedonia states: "The Republic specifically protects motherhood, children and minors. A person under 15 years of age may not be employed. Minors and mothers are entitled to special protection at work. Minors must not be employed in jobs that are harmful to their health and morals." Article 101 states that the employer must not cancel the contract in case of pregnancy, birth and parenting and leave due to care and childcare.

#### Main findings of the survey with Roma women:

Regarding employment, a total of 43.4% of the respondents replied that they were employed, while 69 out of 122, i.e. 56.6%, said they were unemployed. The largest percentage of employees, 30.8% are employed by a private company, while 20% are involved in the informal economy (most often they are plastic bottle collectors and are unregistered on the labour market), and 16.9% or 11 out of 65 are employed in public administration.

More than half, or 56.8%, of respondents said that they were satisfied with working conditions, while only 36.6% of respondents (29 women out of 79 who answered this question) were satisfied with their incomes.



Eighty-one respondents answered the question of whether they had a problem when deciding to get a job. Of them, 7 women or 8.6% of the respondents responded that they had a problem, and the problem was mostly caused by a misunderstanding with their parents.

In terms of infrastructure at work, 68 women responded regarding access to water, soap and toilet paper. Namely, 86.3% responded in the affirmative, while 9 women and 13.9% respectively do not have access to basic means of hygiene in the workplace.

When asked questions related to discrimination in the workplace by the employer, the respondents replied that they were mostly not discriminated against. Based on sex out of 67 responses, 8 were subject to discrimination. Based on ethnicity, 15 out of 70 respondents responded in the affirmative, while 11 out of 67 respondents responded that they were verbally offended. No women reported discrimination in the workplace.

Half of the surveyed Roma women who are unemployed or 61 responded that they regularly report to the ESARNM as active job seekers, while 38.5% stated that they are not registered in the ESARNM. When asked if they had so far used active measures from the ESANM out of 122 responses, only 23 women answered that they had, as opposed to 99 women that they had not used any measures from the ESARNM.

*"Discrimination due to age, and rejected by some ESANM measures, also discrimination by a health institution not finding logic with my name and being Roma."*

As for discrimination on ethnic/gender/age grounds when applying for a job, 21.3% of the respondents responded that they were discriminated against when applying for a job. Only 18.9% of the respondents answered that among the questions when applying for a job, there were no questions about whether they planned to give birth, nor questions related to their marital status.

*"During a job interview, I was asked personal questions such as which municipality I live in, so they discussed what the Roma are like, etc."*

Ninety women or 73.8% of respondents responded that they did not lose their jobs during the Covid-19 pandemic. A large percentage of respondents, i.e. 95%, responded that they were not dismissed from work on the basis of ethnic/gender discrimination, in January 2020-June 2021.

*"I was not allowed to take a leave of absence from work in a hospital because of insufficient staff in the hospital "*

It can be observed that cases of discrimination against Roma women exist during employment, and especially when applying for a job. Mobbing is also present, and Roma women are not sufficiently encouraged or familiar with the reporting mechanisms. In some cases, the traditional gender roles imposed by the family are the reason for the inability of employment for Roma women. 81% of Roma women have not taken active employment measures from the ESANRM, which indicates a low level of information, and the percentage of inactive Roma women who are not registered as job seekers is also high. Additionally, about 64% of Roma women are not satisfied with their incomes.



## Article 12

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1. Member States shall take appropriate measures to eliminate discrimination against women in the field of health care so that, on the basis of equality of women and men, the availability of health services, including those relating to family planning, can be ensured.
  2. Regardless of the paragraph 1 of this Article, States Parties shall provide adequate health services to women during pregnancy, childbirth and in the period after the birth of the child, by providing free services, where necessary, as well as adequate nutrition during pregnancy and breastfeeding.
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The National Strategy for Gender Equality in the area of health, states: "The Ministry of Health is also developing an Active Health Care Program for mothers and children in the Republic of North Macedonia on an annual basis in order to reduce maternal and newborn morbidity and mortality through an integrated approach to promoting maternal and newborn health, which contains the measures of family planning, prenatal care and health care during childbirth and maternity, as well as access to appropriate health packages for socially vulnerable groups. The Ministry of Health provides free examinations and laboratory examinations during pregnancy, related to pregnancy, free delivery for pregnant women who are outside the compulsory system of health insurance and persons without an identity document.

Caring for sexual and reproductive health is still a problematic aspect in certain municipalities and regions where predominantly vulnerable populations, such as Roma, live. The pandemic caused by COVID-19 has affected the entire social-economic and health life, hence it has undoubtedly had a major impact on the lives of Roma women. After the closure of the existing gynecological office, in January 2020, Roma women from Suto Orizari were left without primary health care during the reproductive period. The nearest place where more than 10,000 women in reproductive age may receive a gynecological examination is the municipality Cair. In late April and early May 2021, the gynecological office providing services in the field of primary health care opened at the Suto Orizari Polyclinic.<sup>[19]</sup>

No modern means of oral hormonal contraception has yet been placed on the positive list of medicines of the Health Insurance Fund of Macedonia. Women pay the full amount for contraceptives and their placement by a gynecologist. This is another additional obstacle to contraception, which makes it particularly difficult for young and unemployed girls to use these funds, economically disadvantaged women and girls, especially Roma women. With the restrictive abortion law passed in 2013, women in North Macedonia were forced to undergo compulsory counseling on the benefits of continuing pregnancy. Amendments to the Termination of Pregnancy Act in 2019 exercised the woman's right to safe abortion. Medical abortion has been available in the country since 2021, yet only for women and girls who can afford to travel to the State Hospital in Skopje or to private clinics. According to the Multiple Indicator Cluster Surveys (MICS) conducted in 2019, the rate of early teenage pregnancies (15-19) among Roma girls is 114, as opposed to 21 among teenage girls in North Macedonia.<sup>[20]</sup>

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<sup>[19]</sup> Community-rated map for 2021- Access to reproductive health services of Roma women from Suto Orizari during pregnancy, during childbirth and in the first months of maternity, Initiative of Women Suto Orizari and HERA (2021), available online at: <https://bit.ly/3UpPcvv>

<sup>[20]</sup> Multiple Indicator Cluster Surveys (2019), [https://www.stat.gov.mk/Dokumenti/MICS\\_18-19.pdf](https://www.stat.gov.mk/Dokumenti/MICS_18-19.pdf)



### Main findings of the survey with Roma women:

Regarding questions related to health insurance, over 95% of the respondents answered that they have health insurance and have a GP. 79% of the respondents have certified a general dentist. Only 66% of Roma women have a general gynecologist as opposed to 44% who do not yet have a general gynecologist. The lack of gynecologists in municipalities where the predominantly Roma population lives is a serious problem that negatively affects the sexual and reproductive health of Roma women and girls. 58.2% of respondents responded that they see a gynecologist and 39.7% of respondents responded that they see a gynecologist once a year, 33.3% that they go every six months, while 26.9% responded that they rarely go to gynecological examinations.

Most of the women who responded that they did not go to the gynecologist, replied that the reason for this was because they did not have a gynecologist (31 out of 50 women surveyed), 21 women felt that gynecological examinations were not needed, while 6 women replied that they did not know where and how they should go. For three women the reason is that their gynecologist is far away, and for one woman the reason she is not going is the inappropriate treatment towards her. Of the total number of respondents, 55.7% of women responded that they were asked to pay for the gynecological examination, which is actually free.

When asked how much money they spend per month on pads, 45.1% of the respondents answered that they spend over 200 denars, 33.6% - from 100 to 200 denars, and 21.3% that they spend from 35 to 100 denars. Maintaining menstrual hygiene, especially for girls and women living in economically disadvantaged families, is an exceptional challenge. Of the total number of respondents, 48.4% have a member of the family facing menopause, and the biggest challenges faced by women in menopause are the lack of self-support groups – 52.9% or 27 respondents, the lack of a doctor to whom to turn to - 27.5%, and the sense of rejection from society - 13.7%, and for 2% of respondents, other challenges in menopause are mood swings, loss of self-esteem, nervousness, warmth, the feeling that the family sees it differently, physical changes in addition to psychological ones, the need for more attention from GPs and doctors, lack of appropriate therapy. Menstruation, and especially menopause, is still stigmatized in society. Information to deal with menopause is insufficient, especially in environments where there is a shortage of gynecologists.

Due to lack of funding, they are very often absent from the educational process, but also from work, which further pushes them into poverty.

When asked if they were rejected because of their ethnic background by one of the listed health workers to be their GP, out of 122 responses 117 women answered that they had no problem choosing a GP.

When asked how doctors and nurses treated them, whether they ever had an unpleasant situation or recognized discrimination by medical staff, 10% responded that they had an unpleasant situation and felt discriminated against by healthcare professionals.

When asked about women who were pregnant and/or giving birth in January 2020-June 2021, out of 31 respondents, as many as 74.2% or 23 respondents, responded that the patronage service did not visit them not even once, 7 respondents (22.6%) said they were visited rarely, once or twice, and only one respondent was visited frequently.



When asked how doctors and nurses treat them, whether they have ever had an unpleasant situation or recognized discrimination by medical staff, most respondents have a positive experience, although there are also respondents who feel that they have been given less attention, that they have been treated badly and rejected.

For what needs to be done to improve quality health care, the answers are: to increase the number of GPs and the number of appointments for examinations, more GPs, more nurses and ambulances, more information for citizens, better conditions in healthcare, to educate the medical staff informally about access and code of conduct in health institutions, non-discrimination by ethnicity, non-discriminatory by ethnicity, understanding and more patient-friendly attitude, giving an explanation of patients' questions or appropriate referral to another doctor, meetings in the community with representatives from health institutions, workshops and trainings and preventive gynecological examinations, lower drug prices, blood tests, health and other analyses, to improve the attitude of the medical staff, to improve the conditions in health.

The staff shortage situation in health facilities was particularly alarming during the Covid-19 pandemic. The largest municipality in which a predominantly Roma population lives, there was a shortage of GPs and gynecologists in the ambulance. Visits by patronage services were also kept to a minimum.

*"I was in the hospital, my child was sick, we waited 30 minutes and they didn't admit us. If we didn't have connections and pay we wouldn't have entered and we have health insurance."*

*"Upon admission to medical school, preference was given to other candidates with lower grades but with friendly relations in the institution."*

*"In school discriminated on the grounds of ethnicity by a teacher."*

*"On maternity leave, while giving birth, I was not respected like the others."*

## Part IV

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - a) The same right to enter into marriage;
  - b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - c) The same rights and responsibilities during marriage and at its dissolution;
  - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; In all cases the interests of the children shall be paramount;
  - e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases, the interests of the children shall be paramount; in all cases, the interests of the children shall be paramount;
  - g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

According to Article 16 of the Family Law, a person who has not reached the age of 18 years of life cannot marry. The competent court may, in extraterritorial proceedings, authorize the marriage of a person who has reached the age of 16 years of life if it determines that this has reached the bodily and mental maturity necessary for the exercise of the rights and duties arising from the marriage, and after prior opinion by a health institution and indicated professional assistance in the social work center. In the procedure for making a decision on granting permission for marriage, the court will hear the minor submitter of the proposal, his parents, i.e. the guardian and the person with whom the minor wishes to marry.

According to the Multiple Indicator Cluster Surveys (MICS) conducted in 2019, the percentage of Roma girls who entered into early marriages before the age of 15 is 15.5% and of those Roma girls who entered into early marriages before the age of 18 is 45.1%. 8% of girls aged 15 to 19 are married or cohabiting with a man 10 or more years older. [21]

[21] Multiple Indicator Cluster Surveys (2019), [https://www.stat.gov.mk/Dokumenti/MICS\\_18-19.pdf](https://www.stat.gov.mk/Dokumenti/MICS_18-19.pdf)



### Main findings of the survey with Roma women:

Of the 122 respondents, 86.9% (106) did not own property by them, while 16 or 13.1% responded that they had personal property. The majority (86.9% or 106 respondents) do not have a driver's license, and 16 or 13.1% own one, of which 12 (9.8%) own their own vehicle. Six of the respondents responded that they have a family member who is not registered in a birth certificate Register or is stateless, 77 of the respondents confirmed that they are recipients of social assistance, while 29 confirmed that they are beneficiaries of an educational/children's allowance.

*"In a lawsuit over the division of property after divorce, the officers returned me for multiple times for incomplete documents without giving me help and explanation ."*

## Recommendations in the implementation of CEDAW

- Full implementation and regular monitoring and evaluation of the Law on Prevention and Protection against Discrimination by all competent institutions.
- Evaluation and monitoring of the work of the Commission for Protection against Discrimination through the submission of regular reports with special reference to Roma women.
- Information and facilitation of access to Roma women for submitting complaints of discrimination.
- All appropriate measures for eliminating discrimination against Roma women in all areas of living to be taken.
- Increasing the number of Roma women in political parties, as well as in management and decision-making positions at the central and local level.
- Providing programmes for the full completion of the educational process for Roma women and girls who have not completed primary and/or secondary education.
- Information and facilitation of access to active employment measures for Roma women.
- Provision of professional training and retraining of Roma women in gender non-stereotyped professions.
- Adequate sanctioning of employers, health workers, education workers and other civil servants who commit discrimination and mobbing of Roma women.
- Timely and efficient delivery of judgments in cases of discrimination against Roma women.

## ISTANBUL CONVENTION - THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

North Macedonia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2011 and ratified it 7 years later on 23 March 2018. The Istanbul Convention entered into force on 1 July 2018 and is one of the most prominent international agreements in the field of violence against women and domestic violence accepted by the Republic of North Macedonia.

### I - Purposes, definitions, equality and non-discrimination, general obligations

#### Article 3 - Definitions

##### Purpose of the Convention:

- a. "violence against women" is a human rights violation and a form of discrimination against women and refers to all acts of gender-based violence that result in, or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private spaces.
- b. "domestic violence" refers to all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- c. "gender" s defined as the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men;
- d. "gender-based violence against women" refers to all violence directed against a woman because she is a woman or that affects women disproportionately;
- e. "victim" means any natural person who is exposed to the behavior specified in a) and b) of this Article.
- f. the term "women" includes girls under the age of 18.

The Law on Prevention of and Protection from Violence against Women and Domestic Violence of the Republic of North Macedonia incorporates all definitions that are subject to analysis. The level of incorporation of definitions into national laws is high. The level of matching of IC definitions with the definitions translated into the law is high.

Attached are the existing definitions:

**"Violence against women"** is a human rights violation and a form of discrimination against women and refers to all acts of gender-based violence that result in, or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private live;

**"Gender-based violence against women"** refers to all violence directed against a woman because she is a woman or that affects women disproportionately; Gender-based violence against women encompasses the causes and result of an unequal power relationship between women and men as a result of a societal rather than individual problem.



*Gender-based violence against women also refers to violence against women defined in items 1) and 3) of this article;*

**"Domestic violence"** is harassment, insulting, endangering security, bodily harm, sexual or other psychological, physical or economic violence that causes feelings of insecurity, endangering or fear, including threats of such acts, to a spouse, parents or children or other persons living in a marital or extramarital community or household, as well as to a current or former spouse or extramarital partner or persons who have a common child or are in close personal relations, regardless of whether the perpetrator shares or shared the same residence with the victim or not;

**"gender"** is defined as the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men;

**"Victim"** is any natural person who is exposed to violence referred to in item 1), 2), 3) and 5) of this Article, on the territory of the Republic of North Macedonia;

**"Woman"** includes girls under the age of 18;

Additionally, this law defines the terms: intimate partner violence, close personal relationships and transgender person which greatly affect the protection of Roma girls and women who are victims of domestic violence by a partner with whom they are not married, as well as to transgender persons.

#### Article 4 - Fundamental rights, equality and non-discrimination

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The States shall take the necessary legislative and other measures to promote and protect the right of all, especially women, to live free from violence in both the public and private spheres.

2. The State Parties condemn discrimination against women and without delay take the necessary legislative and other measures to prevent it, in particular by:

- embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
  - prohibiting discrimination between women and men, including through the use of sanctions, when appropriate; and
  - abolishing laws and practices which discriminate against women.
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By adopting the Convention, the Government of the Republic of North Macedonia committed to amend the laws, introduce practical measures and allocate funds to adopt zero tolerance for violence against women and domestic violence. For this purpose, the Government has adopted the following laws and strategic documents to protect women from discrimination, GBV and DV, including Roma women and girls:

- The Law on Prevention and Protection against Violence against Women and Domestic Violence

Article 5 as a basic principle comprehensively defines non-discrimination within this Law as follows:

*(1) Gender-based violence against women is discrimination against women that restricts women from enjoying rights and freedoms on an equal basis with men.*



*(2) Measures, activities and services under this Law shall be taken in order to implement the principle of equality, eliminate stereotypes about gender roles, prevention and protection from all forms of discrimination against women victims of gender-based violence and victims of domestic violence.*

*(3) Measures, activities and services for the prevention and protection of women from gender-based violence and victims of domestic violence shall be implemented without discrimination on the basis of race, color, descent, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalised group, language, citizenship, social origin, education, religion or religious belief, political belief, other belief, disability, age, family or marital status, property status, state of health, personal capacity and social status or any other basis.*

*(4) Measures, activities and services under this Act that are taken to prevent and protect women from gender-based violence and domestic violence shall not be considered discrimination.*

- Law on Prevention and Protection against Discrimination

The purpose of this Law shall be to ensure the principle of equality and to prevent and to provide protection against discrimination in the exercise of human rights and freedoms, especially of marginalized communities.

This law also defines the term "Marginalised group" that targets Roma women. A marginalised group is *"any group of individuals who are united by their specific position in society, who are subject to prejudice, who have special characteristics making them vulnerable to discrimination and/or violence, and have less opportunity to exercise and protection of their rights and freedoms."*

- The Law on Equal Opportunities regulates the establishment of equal opportunities and equal treatment of women and men in the field of health care and health insurance, social protection, access to goods and services, the economy, labour relations and employment, education and professional development, economic and ownership relations, use of public products and services (consumer rights), culture and sports, information and communication technologies, defense and security, judiciary and administration, housing, public information and media, state and public administration and in other areas of social life. A new Law on Gender Equality is also being prepared.
- In 2022, amendments to the Criminal Code for harmonization with the Istanbul Convention entered the Parliamentary Procedure, where for the first time were provided sanctions for: sexual harassment, stalking, female genital mutilation and rape in marriage as an aggravating circumstance in the crime of sexual assault.
- On 15.02.2022 the Roma Inclusion Strategy 2022-2030 was adopted to support the implementation of the Roma Strategy, and for 2022 a total of 73,372,000 denars are allocated, which is an increase of 14,128,000 denars compared to the 2021 budget.



## Article 5 - State obligations and due diligence

1. The Parties shall refrain from engaging in any act of violence against women and ensure that state authorities, officials, agents, institutions and other actors acting on behalf of the state act in conformity with this obligation.
2. The Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Article 4 of the Law on Prevention and Protection from Violence against Women and Domestic Violence comprehensively regulates the treatment of the competent institutions following the principle of due diligence as follows:

- (1) The bodies of state authority, legal entities exercising public powers established by law, officials, officers and other authorized persons performing work on behalf of the state shall have the obligation to refrain from participating in acts of violence and to undertake all measures and actions to prevent any act of gender-based violence against women and domestic violence.*
- (2) The entities referred to in paragraph (1) of this Article shall have the obligation to take all appropriate legislative, administrative, judicial and other measures to prevent, protect, investigate, punish and provide equitable compensation to victims or return to their original position for acts of violence committed by natural or legal persons.*
- (3) Officials in institutions carrying out activities in the field of social protection, internal affairs, health care, child protection and education, as well as competent courts and prosecutor's offices in the procedures for gender-based violence against women and domestic violence shall be obliged to act urgently, with due attention to the interests and needs of the victim.*

### Main conclusions and deductions:

The Law on Prevention and Protection from Violence against Women and Domestic Violence was adopted by the Assembly of the Republic of North Macedonia on 27 January 2021 and entered into force on 6 May 2021. During the largest period of the monitoring implementation, the Law on Prevention, Prevention and Protection from Domestic Violence was in force, which had a number of shortcomings, especially when it came to protection of victims from former partners and intimate partners. Thus, in the conducted survey, the answers arising from the respondents are the result of the implementation of the Law on Prevention, Prevention and Protection from Domestic Violence.

### Survey research findings:

Of the 19.5% respondents who reported violence against women in the period January 2020-June 2021, 14.8% responded that they were the victim personally, and 4.9% reported violence committed against another woman. Of the respondents (28) who confirmed that they reported violence, the majority said they reported it to the police, the Centre for social affairs, then a hospital, SOS telephone line, an association offering free legal assistance to women victims of violence, and several said they did not report it anywhere.

When asked whether the institutions in which they reported offered a service in their mother language (Romani), an official professional who speaks their mother language or provided them with a proper translation, most respondents answered "no", while two confirmed that they had a service in their mother language.

When asked whether the abuser was given a sentence, the majority answered "no", and the majority also answered negatively about whether the victim was afforded adequate spatial protection/care.

They also answered negatively on the question of whether the victim was afforded adequate protection/ care/ support in Romani language, and additionally said that an adequate reintegration program/service was not afforded to them.

Most also answered that they are not satisfied with the access of officials and the system of protection, and some of the comments are: *"they came only after 1 hour of the call during the incident"* and *"there is no system of protection specifically for young girls who didn't complete their education and marry them off"*.

From the information received from the survey, it is a general conclusion that a small percentage of Roma women report the violence they experience due to a high level of distrust in the system. They face a significant percentage of domestic violence and gender-based violence but remain without adequate protection from the institutions even when they report it. Hence, we can conclude that the system of protection against violence against women, i.e. domestic violence, is not sufficiently functional when it comes to Roma women and girls. The principles of equality and non-discrimination provided by the Istanbul Convention were not adequately followed during the monitoring period. Although the new law defines violence against women in detail and regulates protection from violence against women and domestic violence, it is largely necessary to monitor its implementation with special attention to marginalised groups.



## II – Integrated policies and data collection

### Article 7 - Comprehensive and co-ordinated policies

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1. The Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.
  2. The Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co- operation among all relevant agencies, institutions and organisations.
  3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.
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The Republic of North Macedonia still does not offer a comprehensive approach to the process of dealing with violence against women and domestic violence. Although the new Law on Prevention and Protection from Violence against Women and Domestic Violence obliges all competent state institutions to act, it still requires amendments to the Criminal Code and the Code of Criminal Procedure, as well as monitoring of the implementation of the laws by all competent institutions. The changes to the Criminal Code that are in the Assembly procedure include: persecution and sanctions for sexual harassment; amending the definition of rape so that it is based on lack of consent, not evidence of the use of force.

Coordinated community responses still do not work, so the victim is exposed to revictimization and giving statements to each of the competent institutions. The cooperation of civil society organizations and competent institutions is not sufficient and appropriate. Civil society organizations offering assistance and support to victims of violence are excluded from the possibility to report and initiate proceedings for violence against women and domestic violence on behalf of the victim, even in cases where there is a reasonable suspicion of serious endangerment of the victim's life and body.

### Article 8 - Financial resources

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The Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by nongovernmental organisations and civil society.

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The Ministry of Labour and Social Policy provides funding to support services for prevention and protection against gender-based violence against women and domestic violence in the field of social protection in accordance with Article 27 of this Law. The National Coordinative Body monitors the planned and spent financial resources allocated to the authorities under Articles 11 and 24 of the Law on domestic violence. The Interior Ministry provides financial resources to support activities for prevention and protection against gender-based violence against women and domestic violence in accordance with Article 27 of this Law; The Ministry of Health provides funding to support activities, and the establishment and sustainability of services for the prevention and protection of gender-based violence against women and domestic violence in the field of health care in accordance with Article 27 of this Law; The Ministry of Justice provides funding for compensation for women victims of gender-based violence and domestic violence in accordance with the Law; Local self-government units provide funding for the functioning of services for the prevention and protection of women victims of gender-based violence and domestic violence at the local level in accordance with Article 27 of this Law.

#### Article 9 – Non-governmental organisations and civil society

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The parties, shall recognise, encourage and support, at all levels, the work of relevant nongovernmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

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Article 12 of the Law on Domestic Violence, which is effective during the monitoring period, regulates the cooperation of the NGOs and relevant institutions:

- 1) The subjects of Article 11 of this Law are obliged to cooperate with each other to achieve the objectives of this Law by drafting a protocol for mutual cooperation.
- 2) Local self-government units with institutions and associations shall prepare a protocol for mutual cooperation to take measures for prevention, combating and protection from gender-based violence against women and domestic violence in the local community. CSOs working in this field continuously cooperate with each other and assist each other, and also have cooperation at the local or national level and with the relevant institutions Centres for Social Affairs, Police stations, Basic Public Prosecutor's Office, Judiciary, Health, etc. and in various ways: by forwarding clients by the Centres for Social Work, probation based on concluded memorandums of cooperation, referral of victims and perpetrators to use the services of the two sides, referring perpetrators to psychosocial treatment on the basis of a court decision.

Cooperation usually takes place in accordance with the integrated access model of the package of necessary services for women and girls victims of violence and within the multisectoral teams of the community. In cases when the party seeks support from any institution, the institutions are contacted and jointly continue to work with the victim of domestic violence. There is a register of all CSOs providing free legal assistance services and those registers are public, i.e. they can be found on the Justice Ministry's website as CSOs registered to provide such services.



### Findings from the CSOs Survey:

At the local/national level, all 10 surveyed CSOs have answered that during the monitoring period they cooperate with each other and with other civil associations that work on prevention and protection from GBV/DV. At the same time, all associations cooperate with relevant local institutions, and most often the cooperation is in accordance with the model for an integrative approach to the package of necessary services for women and girls victims of violence, as well as in campaigns and within the multisectoral teams of the community.

The work with victims of all CSOs surveyed is based on working protocols and procedures, working on internally created protocols and minimum standards for civic associations.

All civil associations also have separate rooms "confidential space-gender sensitive room", where you can talk to victims of violence.

The most common services that the surveyed organizations were providing during the monitoring period to the victims of GBV and DV, including Roma women and girls, are: free legal assistance and representation before the competent institutions, legal counseling, psycho-social counseling and support, counseling and assistance for economic strengthening for victims of violence, resocialization and reintegration of victims; referral to other general and specialized service providers and their accompaniment.

All associations make an assessment of the emergency and the safety of the victim, and the assessment is most often made by the lawyer, psychologist or team, and in some associations it is verified by the office manager.

Judicial representation of victims is provided by 30% of the respondents, but if they have an advocacy fund provided. Otherwise, court representations go through the free legal aid system through the Ministry of Justice.

Besides working with victims, only one association of the respondents, the Association HERA responded that they are working and with perpetrators of violence.

Some of the associations surveyed also offer shelters for women victims of GBV from 3 to 9 months, crisis centers (24–48 hours), as well as free SOS lines. 90% of the surveyed organisations do not provide a translation into Romani language, but sometimes in certain cases 10% of the associations use translation services, i.e. use translation services from former clients who perform the translation.

### Article 10 - Co-ordination body

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1. The Parties shall designate or establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.
  2. The Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.
  3. The Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.
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Since 2015, there has been a National Coordinative Body for family violence and its main role was to monitor the implementation of the Law on Prevention, Protection and Combating Domestic Violence. Members of this body were representatives from the relevant institutions who did not submit any monitoring report on the implementation of the Law. With this we can assess that the National Coordinative Body, during the monitoring period we are reporting on, was dysfunctional.

The new Law on Prevention and Protection from Violence against Women and Domestic Violence, in 2021, envisioned the establishment of the National Coordinative Body, which was established in May 2021 and is composed of one representative of the General Secretariat of the Government, three management officials from the Ministry of Labour and Social Policy, a member and deputy member of the Ministry of Health, member and deputy member of the Ministry of Justice, member and deputy member of the Ministry of Education and Science, member and deputy member of the Ministry of Interior, Judges and Public Prosecutors, representative of local self-government units and representative of associations, unions and employers' associations, one representative from the Equal Opportunities Commission of Women and Men, and the Club of Deputies of the Assembly of the Republic of North Macedonia.

It is not explicitly stated whether and how many of the members of this National Coordinative Body should be representatives of the Roma Community or civic organisations which will represent and advocate Roma women.

#### Article 11 – Data collection and research

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For the purpose of the implementation of this Convention, Parties shall undertake to:

- a. collect disaggregated relevant statistical data at regular intervals on cases of all form of violence covered by the scope of this Convention;
  - b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. The Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.
  3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.
  4. Parties shall ensure that the information collected pursuant to this article is available to the public.
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The National Coordinative Body coordinates and monitors the data collection on gender-based violence against women and domestic violence in accordance to predetermined indicators. Article 28 of the Law on Prevention and Protection from Violence against Women and Domestic Violence also regulates the data collection as follows:

(1) The subjects of Articles 11 and 24 of this Law, collect statistics and administrative data on the situation of gender-based violence against women and domestic violence, based on sex, gender, age, community affiliation, residence and other data established by this or other Law, in accordance with the provisions of the Law on Personal Data Protection.

(2) The Ministry of Labour and Social Policy on a daily basis using the national interoperability platform – Macedonian Interoperability Framework (hereinafter: MIF), collects the data from the subjects defined by paragraph (1) of this article that are users of MIF, in accordance with the regulations in the field of electronic management and services.

RNM Official Gazette, no. 24 of 29.1.2021 14 of 34 (3) Subjects from paragraph (1) of this article who are not users of MIF and do not have the possibility of immediate data exchange through MIF are obliged to develop web services on a suitable platform that meets the conditions regulated by the regulations in the field of electronic management and electronic services, which will contain the required data from the Ministry of Labor and Social Policy.

(4) The Ministry of Labor and Social Policy, using previously collected data from the subjects from paragraph (1) of this Article, performs analysis and statistical processing of the same in its system for social rights and services. Analyses and reports that do not contain data protected by the Law on Personal Data Protection are published annually by the Ministry of Labor and Social Policy in the form and content determined by the Minister of Labor and Social Policy.

(5) The data from paragraph (1) of this Article that do not contain personal data, the competent institutions are obliged to publicly publish in a processed form on their websites, as well as in the Central catalog of data from the public sector in accordance with the (5) The data from paragraph (1) of this article that do not contain personal data, the competent institutions are obliged to publicly publish in a processed form on their websites, as well as in the Central catalog of data from the public sector in accordance with the Law on Utilization of Public Sector Data.

(6) The format, the content and manner of integrated data collection under paragraph (1) of this Article, the data entry into the social rights and services system under paragraph (4) of this Article and the data content under paragraph (5) of this Article, shall be prescribed by the Minister of Labour and Social Policy in accordance with the Minister of the Interior, the Minister of Health and the Minister of Justice.

Social Affairs Centres collect data on victims and perpetrators of violence divided by sex, age, education, economic status, residence, ethnicity.

The Ministry of Internal Affairs collects sex-divided data on victims of certain crimes of domestic violence, sexual violence, as well as the number of murders of women on an annual level, but no analysis of the link or relationship between the victim and the perpetrator is carried out.



Health workers keep a statistical record under a special code on the victims of GBV and DV who reported violence, but there is also a code under which patients suspected of being victims of GBV or DV are led.

The Courts, the Public Prosecutor's Office and the Ombudsman are also institutions that collect a certain number of statistics in relation to cases of domestic violence for which proceedings have been initiated and/or a verdict has been passed.

The State Statistics Office and other authorized holders develop, produce and disseminate the statistics in the country. In addition, the State Statistics Office (SSO), according to the recommendations of the European Statistics, is obliged to regularly conduct research on the safety of women in the family and in society. The statistical data from this survey will be published and publicly available on the website of the SSO. Such research will be piloted this year.

The civil organizations that provide services to victims of GBV and DV keep their own records for the victims of GBV and DV, and some of them also for the perpetrators. All associations open a case file/case documentation, in the case database, electronically or on paper.

According to the statistics of the annual reports of the MSAP, the Centers for Social Protection, the Ministry of the Interior, the Prosecution, health facilities, and the Ministry of Social Affairs of the RNM, a total of 1168 acts of violence occurred in the period from January to September 2020, of which 836 victims reported violence in cities, and 332 in rural areas. 51 minor girls and 53 boys were also victims of violence. Out of 1168 reported cases, the institutions acted in 816 cases, i.e. took appropriate measures.

#### Main findings of the survey with CSOs:

In the period January 2020 to June 2021, in relation to the number of reported cases of violence against women in associations, victims of violence are reported from at least 19 to a maximum of 264 cases per association. A total of 57 cases were initiated by Roma women, a total of 57 cases were raised from all the surveyed associations.

An additional 30 women reported violence via the SOS telephone line at the Hope Crisis Centre. The most commonly reported forms of violence from victims of GBV and DV are physical, psychological and economic violence.

When asked where they most often receive information about forms of discrimination, gender-based violence, domestic violence, and ways to report them, 58.2% of respondents said it was from NGOs, 47.5% from the media, 41% from social services and 6.5% from the police.

There has been increased awareness of the need to collect gender-disaggregated statistics and regular collection from a significant number of competent institutions. Civic organisations are a major source of information sharing with Roma women for prevention and protection from the GBV. In the Centres for Social Affairs and civic organisations, when collecting data, they are classified by sex, relation to the perpetrator, type of violence, place of residence, age, marital status, economic status, ethnicity, which are particularly important both for the development of preventive programs and for the improvement of the protection system. Although it has not yet begun conducting regular surveys at the STO, they are in preparation and the first will be conducted by the end of 2022.



### III – Prevention

#### Article 12-General obligations

1. The parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.
2. The Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.
3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.
4. The Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention
5. The Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.
6. The Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

A number of short and long-term policies have been taken, campaigns by the state to promote changes in social and cultural patterns of behavior of women and men in order to eradicate prejudice and stereotypes.

The most significant changes have been made in education, specifically with the revision of textbooks containing discriminatory content.

A new Law on Prevention and Protection from Violence against Women and Domestic Violence has been adopted. All bodies of the state administration, courts, public prosecutor's office, local self-government units and legal entities exercising public powers established by law shall be responsible for the implementation of this law. The entities are obliged to ensure that the works within their competence are carried out by experts, trained to carry out the works specified by this Law.

Article 3 of the Law on Prevention and Protection against Discrimination (LPPD), in addition to the discriminatory grounds listed, such as: sex, race, skin color, gender, belonging to a marginalized group, ethnicity, language, nationality, social background, religion or religious belief, other belief, education, political conviction, personal or social status, mental and bodily disability, age, family or marital status, property status and health status, also provides for an open list of grounds, i.e. "or any other grounds". The law prohibits all forms of discrimination, including direct and indirect discrimination (Article 6), harassment (Article 7), instruction to discrimination (Article 9) and victimisation (Article 10), committed by natural and legal persons, both in the public and private sectors.

Also, the Act provides for more severe forms of discrimination, such as: multiple discrimination (made against a specific person on multiple discriminatory grounds), repeated discrimination and continued discrimination (Article 12). Considering the situation in the country, the Law on Prevention and



Protection against Discrimination provides for a wide range of exceptions to discrimination, grouped into three categories, i.e. affirmative measures, protective mechanisms for special categories of persons and unequal treatment.

Additionally, the following strategic documents were adopted that were implemented during the monitoring period:

- National Strategy for Equality and Non-Discrimination, 2016-2020
- Gender Equality Strategy, 2013-2020
- The National Action Plan for Gender Equality 2018-2020
- Action Plan for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republic of Macedonia 2018-2023

The Government of the Republic of North Macedonia within its competences shall take measures and activities for the prevention and protection of gender-based violence against women and domestic violence by including the principle of equality and eliminating stereotypes about gender roles in the proposals of laws and other regulations, organizing and financing national campaigns to raise awareness about all forms of gender-based violence against women and domestic violence, etc.

In addition, it is envisaged to fund national awareness-raising campaigns on all forms of gender-based violence against women and domestic violence, etc., including health, social protection, the Ministry of Interior, NGOs and other social stakeholders.

Civil society organizations supported by international donors implement projects and activities, planned in the adopted strategies and action plans by the Government (MLSP) research, lobbying, advocacy before relevant institutions, to protect and support women victims of all kinds of violence.

#### Main findings of the survey:

Of the total number of respondents, 31 or 25.4% responded that someone in their family was deciding on their behalf, while the majority, 74.6%, said this was not the case. 40.2% of respondents knew a woman who was isolated, and was banned from leaving home. When asked if taking a woman's earned money was violence against women, 80.3% answered "yes", and 89.3% constant fighting, and shouting consider it as violence. More than half, i.e. 59%, confirmed that in their community, family, neighborhood has violence against women. Increased awareness among Roma women of harmful traditions, practices and recognition of violence is observed.

The Law on Employment and Unemployment Insurance recognizes victims of domestic violence as a vulnerable category and encourages employers by exempting them from paying mandatory social security contributions.

The Law on Free Legal Assistance (LFKA), which was adopted on May 16, 2019, regarding victims of gender-based violence and domestic violence recognizes and covers them in primary legal assistance (Article 6 of the LFKA), as well as in the provision of secondary legal assistance. In Article 20 of the LFKA where it is envisaged to approve secondary legal assistance without determining the financial situation of the victims of domestic violence, as applicants for this assistance or their close family members, will be approved for secondary legal assistance without determining the financial situation for initiation and representation in proceedings for imposing temporary measures for protection against domestic violence before a competent court.



## Article 13 - Awareness-raising

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1. The Parties shall promote or conduct, on a regular basis and at all levels, awareness- raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.
  2. The Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.
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State administration bodies, local self-government units, the public and private sectors, political parties, the media, associations and foundations, informal groups, social partners, trade unions, religious organisations, and other organisations, are obliged to take preventive measures to raise awareness of all forms of gender-based violence, promote gender equality and eliminate stereotypes about gender roles based on culture, customs, faith, traditions and other practices that are based on the idea of subordination of women and men.

The 16 Days of Activism campaign is organized annually by civil society organizations, international organizations in cooperation with state institutions. The campaign starts on 25 November and ends on 10 December, marking 25 November as " International Day for Combating Violence against Women". The aim of the campaign is to raise awareness about violence against women and girls, and civil society organizations working to promote Roma rights raise awareness about violence against Roma women and girls.

The relevant institutions in the country, establish a system for regular publication of information on safety measures, advice and other useful information for the prevention of violence and cooperate with each other in the promotion and prevention of gender-based violence against women and domestic violence. However, not all citizens are covered. Some citizens do not have access to new technologies, do not know and do not use the Internet, live in rural areas, traditional families, as well as if they are women victims of domestic violence with control of access to the Internet or information. The materials produced by the state authorities are not submitted in Romani language.

### Main findings of the survey:

When asked where they most often receive information about forms of discrimination, gender-based violence, domestic violence, and ways to report them, 58.2% of respondents said it was from NGOs, 47.5% from the media, 40.2% from the social services, 3,3% from the police, and 0,8% from all listed.

## Article 14- Education

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1. The Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women



and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

2. The Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media, and in the means of public information.

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During the monitoring period, no steps were taken to introduce teaching materials on gender equality issues. The only school subject that in a small part handles the above topics in the teaching materials is the subject of life skills. In September 2021, a pilot programme for Comprehensive Sexual Education was launched covering topics such as gender equality, gender roles, stereotypes, norms, prejudices, non-discrimination, prevention of gender-based violence, civil aspects and human rights.

#### **IV - Protection and Support**

##### Article 19 - Information

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The Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

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In practice, awareness-raising and especially promotion of support services for women survivors of GBV and domestic violence are carried out mainly by CSOs and international organizations. However, the impact of these activities is quite limited, and a significant percentage of women are not informed about the services available, as confirmed in the OSCE study on violence against women. There is generally a low level of information among women who have survived about support for social services, including legal measures available to address violence and domestic violence. In addition, women are not sufficiently informed about the specifics of the civil and criminal court procedures for protection from GBV and domestic violence, nor about the procedures for solving other related legal problems, such as divorce, custody, alimony, division of property, etc. In this regard, it is important to emphasize that women from ethnic minorities and women from rural areas are less informed about available support services, as well as about civil and criminal court procedures for protection against GBV and domestic violence. The information is not provided in Romani language by the state institutions.

##### Main findings of the survey:

82% of respondents said they knew what a female victim of violence could do and where the violence could be reported.

When asked whether the institutions in which they reported the violence offered a service in their mother language (Romani), an official expert who speaks their mother language or provided them with a proper translation, the majority of the respondents answered "no", while two confirmed that they had a service in their mother language. Most of them answered that they are not satisfied with the approach of the officials and the protection system.



## Article 20 – General support services

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1. The Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment
  2. The Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.
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In accordance with our legislation, women who survived violence can use general support services, including social protection, health care, legal aid, psychological counseling, as part of the social risk support provided to citizens. Social protection services are implemented in the country in accordance with the Law on Social Protection, by the CSA mainly.

The Law on Social Protection guarantees various types of financial assistance to citizens in the social risk, such as minimum guaranteed income, allowance for assistance and care by another person, compensation for part-time salary, housing allowance, permanent allowance and one-time financial aid, which are granted to a household that is materially unsecured and can provide funds in this direction. However, women who survived GBV and domestic violence are not listed as a separate category as beneficiaries of this different social financial support provided by the state.

The Law on Housing does not explicitly list women who have survived GBV and domestic violence as beneficiaries under this law. Practice shows that women survivors of GBV and domestic violence actually do not benefit from this law, which leaves their urgent need for housing unfulfilled.

Free health care for women victims of GBV and domestic violence is legally guaranteed in Article 51 of the Law on Prevention and Protection from Violence against Women and Domestic Violence. In this regard, the financing of these services for women survivors should be provided through the preventive programs of the Ministry of Health. In practice, women face obstacles to exercising their right to free health care, although they have applied to health facilities at least twice to repair violence-related injuries. Some health institutions require confirmation by the CSA that women have been reported as victims, as a prerequisite for giving free health services.

## Article 21- Assistance in individual/collective complaints

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Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. The Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

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Women who have suffered GBV or domestic violence can be granted the right to free legal aid, due to their victim status and without determining the financial situation, but only in the procedure for imposing temporary protection measures. For the approval of free legal aid in other court proceedings, such as divorce, alimony for custody, etc., the financial situation is determined as a prerequisite for its approval.

Women are not even informed about the existence of human rights treaties or complaint mechanisms at the international and regional levels. In addition, none of the Practitioners of the institutions are informed about the international and regional mechanisms for protection of the victim. This concern was repeatedly reiterated by the CEDAW Committee, starting with the ratification of CEDAW, and confirmed in the last reporting period of the country and at the end of 2018.

## Article 22 – Specialist support services

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1. The Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

The Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

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Specialized support services in the country are established by the Law on Prevention and Protection from Domestic Violence and Violence against Women, and the Ministry of Labor and Social Policy has prepared regulations for the establishment of the services. The services are run by the Centers for Social Affairs and Civil Society Organizations, and the following specialized services for domestic violence are available:

- S.O.S. line
- Shelter
- Crisis centre
- Psychosocial Support of Victims
- Psychosocial support for perpetrators

Legal aid

- Counseling.

In accordance with the new Law on Prevention and Protection from Violence against Women and Domestic Violence, the Ministry of Labor and Social Policy should prepare a program for initial and continuing education of professionals providing specialized services to women victims of GBV and DV, through the Social Works Office, but the Commission for programs has not yet been established.

Within a project of the Ministry of Labor and Social Policy funded by the Dutch Embassy, modules are being developed by engaged experts, but this activity is still ongoing and not completed. In response to Request for public information to the MLSP, information was received that in 2021 trainings for trainers for GBV and DV programmes were conducted, on the following topic:



- Raising awareness among professionals – the training was conducted for employees of social work centers and a total of 25 professionals were trained;
- Violence against women and children – a total of 13 professionals have been trained;
- Work with perpetrators – a total of 11 experts have been trained.

Modules on special topics for all types of specialized services for victims of RBN and DV have not yet been prepared in accordance with the minimum standards of the Council of Europe, and trainers have not been trained for all these modules.

According to the official data published by August 2021 on the website of the Ministry of Labor and Social Policy, 16 services have been established on the territory of the Republic of North Macedonia within the centers for social work in the seven planning regions: Poloski, Southwest, East, Northeast, Vardar, Pelagoniski and Skopje regions. In addition, 8 services run by civil society organizations partly financed from budget funds, of which 7 are in Skopje.<sup>[22]</sup> Regarding available counseling centres for psycho-social support of GBV and DV victims, there are 11, of which only one (run by a civil society organization) offers integrated counseling services for victims, perpetrators and children. However, in practice civil society organizations

#### Article 23 - Shelters

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The Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

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Regarding the type of specialized service for GBV victims, it has established a total of 9 shelters for GBV victims. There are no shelters for GBV victims in the Polog and Northeast regions yet. Crisis centres for GBV and DV victims have been established only in 3 planning regions, in the Eastern, Pelagonian and Skopje regions. There is only one Shelter for Victims of Sexual Violence, in Skopje, which operates within the Shelter for Victims of Human Trafficking run by a civil society organization. Crisis centers for victims of sexual violence and rape are open in health institutions in 3 cities (Skopje, Kumanovo and Tetovo). Shelters that are run within the Centers for Social Affairs do not have a dedicated expert team available 24/7, but rather the services are provided by the employees of the inter-municipal CSAs. They do not have security and mostly the locations are known to the public. Several shelters are run by civil society organizations and they meet all work standards. Funding is in large part from the national or municipal budget, as well as with support from international donors and the business community. Very often, the use of the shelter centres for Roma women is a challenge due to their small capacities. Roma women very often have more than 2 children, which is why they cannot be placed at the same time with another victim and her children. Surveys also show that very often Roma women victims of violence are not accepted by victims of violence of other ethnicity placed in shelters, which is why a specialized shelter for Roma women victims of violence it may be needed. Additionally, there are no shelters in every city, so if a woman victim of violence seeks shelter, it is highly likely that she will be sent to another city, thereby losing her job, and the children will have to change their school.

<sup>[22]</sup> HERA (2022), Report on the Monitoring of the Implementation of the Action Plan for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence



### Main findings of the survey with CSOs:

There are three shelter centers/ shelters in Skopje, one run by the Centre for Social Work, and the other two run by CSOs, and there is one shelter in Sveti Nicole, run by the Centre for Social Work, and all are accessible to Roma women. Shelter centres are in insufficient numbers, and the existing ones lack the capacity for multi-child families and are not properly distributed regionally. Additionally, they (Helsinki Committee for Human Rights) have also provided services to the LGBT community and also run a Secure House for LGBTI Persons – an LGBTI centre that is also available for Roma women.

In Skopje, there is also a Crisis Centre run by the CSO. In Stip there is a Crisis Center for Women Victims of Gender-Based/Domestic Violence 24/48 h, but it is not functional and does not receive victims. Coordinated by the CSA Stip.

### Article 24 – Telephone helplines

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The Parties shall take the necessary legislative or other measures to set up state-wide round-the clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

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3 national SOS lines providing assistance in Macedonian language are available in the country. The SOS lines are led by only the Nadez Crisis Centre, SOZM and OZH Skopje. Telephone lines are free and they are promoted through electronic media, written newspapers, as well as in television programmes. The people who work are trained, and for the most part the lines, although led by civil society organizations, are financed from the state budget with the support of international donors. SOS lines do not provide assistance and support in the Romani language.

### Article 25 - Support for victims of sexual violence

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The Parties take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

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The Action Plan of the Istanbul Convention foresees the opening of 6 crisis centres for victims of sexual violence and rape, but in the period since its adoption, 3 have been opened, including in Skopje, Kumanovo and Tetovo.

The data available to the Centre for Social Affairs are not divided by nationality and age, which cannot determine the number of Roma women who reported sexual violence. The Ministry of Interior has data on types of crimes, offences and complaints, but the data is not disaggregated by nationality and the number of Roma women victims of sexual violence cannot be determined.



## Article 26 – Protection and support of child witnesses

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1. The Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
  2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.
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### Main findings of the survey:

19.5% of respondents said that they reported a case of domestic violence during the period of monitoring. Most of them said it was a physical violence, and some confirmed that there was both psychological and economic violence, most often from a husband, partner, but also another family member, parent and that it was reported to the institutions, from which most often reported to the police and the Center for Social Affairs, and in the hospital, but some said that they did not report it anywhere. When asked if children witnessed the violence, 63.3% answered affirmatively, 20% answered "no", and 16.7% did not answer.

Advisory centers within the Centers for Social Affairs across the country provide services to protect and support children who witness violence. Additionally, civil society organizations offering counseling for GBV victims and DV offer support for their children. For the most part, organizations and services are not available in the Romani language. By opening the Day Care Centres for street children, these children and their family members are provided with personal hygiene, nutrition, educational services, counseling work, cultural entertainment and recreational activity and intervention care for children can be organized for the purpose of taking measures for their protection, up to 24 hours at most.



## V – Substantive Law

### Article 33 – Psychological violence

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The Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

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A person who intentionally seriously violates the psychological integrity of a person through coercion or threats, is not criminalized in North Macedonia. This form of violence is inserted in the definition of domestic violence included in Article 122(21) of the Criminal Code, which defines the DV as "harassment, insult, endangerment of security, bodily harm, sexual or other psychological, physical or economic violence that causes feelings of insecurity, threat or fear, including threats of such proceedings, to a spouse, parents or children or other people living in a marital or extramarital community or household, as well as to the current or former spouse or extramarital partner or persons who have a child in common or are in a close personal relationship, regardless of whether the offender shares the same residence with the victim or not".

However, psychological violence is not a form of violence in itself and is outside the scope of domestic violence. This makes it impossible to monitor all GBV cases committed through psychological violence. In addition, the definition of DV introduces the element of causing "feelings of insecurity, threat or fear" that can be interpreted as an additional element to be satisfied before a court. Such an element is not present in Article 33, nor in Article 3(b) of the Istanbul Convention.

### Article 34 - Stalking

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The Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

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Stalking, seen as intentional behavior, where a person constantly acts threateningly towards another person and causes that person to fear for their safety, is not criminalized. In fact, stalking is not recognised at all under the national legal system. The introduction of a definition of this crime in the Criminal Code is part of objective 1 of the NAP. During the preparation of this shadow report, the proposal to amend the Criminal Code was adopted by the Government and thus it is expected to introduce stalking as a criminal offense after the debate and adoption in the Parliament.



## Article 35 – Physical violence

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The Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

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When one person commits acts of physical violence against another person is criminalized. Article 130 of the Criminal Code criminalizes bodily harm, while Article 131 punishes serious bodily harm. The two crimes are general and not formulated in a way that cannot take into account the gender-based nature of the crimes, according to the Istanbul Convention. More severe punishment is prescribed for both crimes in cases of domestic violence, but this does not include all cases of GBV. Also, the article does not fully depict the nature of the crime on the basis of sex, nor does it allow for adequate data collection on crimes in which the DV acts as a qualifier, contrary to article 11 of the Istanbul Convention. In addition, North Macedonia is reserved to this Article – Article 55, paragraph 1 (ex officio and ex parte), according to which the country reserves the right "not to apply Article 55, paragraph 1 in relation to Article 35 of this Convention in relation to minor offenses until the provisions of the relevant legislation of the Republic of Macedonia are into line with the provisions of this Convention". This is interpreted as an impossible implementation of the Istanbul Convention regarding physical violence.

## Article 36 - Sexual violence, including rape

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1. The Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
    - a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
    - b. engaging in other non-consensual acts of a sexual nature with a person;
    - c. causing another person to engage in non-consensual acts of a sexual nature with a third person.
  2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
  3. The Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.
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The approach to sexual violence, including rape, differs in the national legal system from that prescribed by the Istanbul Convention. The most central element missing in the approach to this crime is the consent. Article 186 of the Criminal Code, states that "rape" is when a person "with the use of force or threat directly attack someone's life or body, or the life or body of a close person". Even if some of the elements can be read as the absence of consent, this is not the same as giving consent "voluntarily as a result of the free will of the person". In addition, the definition includes the element of



"forced intercourse" which introduces a strong focus on the victim's behaviour, including an element where the victim should prove that he/she is resisting (widely discussed in the literature as a high element of any definition of rape). The punishment is imprisonment from three to ten years. This Article is further developed for cases of rape of a minor (from 14 to 18 years) (paragraph 2 and imprisonment of at least ten years), serious bodily injury, death or any other serious consequences arising from rape or if the crime is "committed by several persons or in a particularly cruel and degrading manner or out of hatred, the perpetrator shall be punished with a minimum prison sentence of four years" (paragraph 3). This definition is completely inconsistent with the wording and spirit of the Istanbul Convention. This definition was also challenged in the most recent concluding observations of the CEDAW Committee.

The Criminal Code similarly criminalizes the acts of sexual assault against a helpless person (Article 187), sexual assault on a minor under the age of 14 (Article 188) and sexual assault through abuse of position of power (Article 189). It does not include any particular reference to acts committed against former or current spouses or partners, under paragraph 3 of Article 26.

#### Article 37 – Forced marriage

1. The Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.
2. The Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

Forced marriage, as a intentional conduct in which an adult or a child marries, is not criminalized in the Criminal Code. Articles 418-a and 418-d criminalise forced marriage only in trafficking in human beings and trafficking in children. Article 197 prohibits cohabitation with a child under the age of 16 (or aged 18 at the time of engagement). However, none of these articles focuses on forced marriage, as stipulated under Article 37 of the Istanbul Convention. The introduction of a definition of this crime in the Criminal Code is part of objective 1 of the NAP. However, this activity has not yet been completed, and the amendments to the Criminal Code are in the Assembly procedure.

#### Main findings of the survey:

About half or 47.5% said they witnessed or knew someone who was forced into underage marriage, while 52.5% responded with a "no". One respondent did not report it, but she knows a girl whose father married her abroad last year, for 500 or 1000 euros, even though the girl did not want to marry, and now lives abroad and has a child. Forced marriages are still represented in the Roma community, but the exact number cannot be determined. The difficult economic conditions in Roma families with multiple children are the reason for parents to arrange marriages and forcefully marry their mostly female children. Insufficient care and protection from the state and insufficient outreach by social workers is a major reason for forced marriages.



#### Article 38 - Female genital mutilation

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The Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
  - b) coercing or procuring a woman to undergo any of the acts listed in point a;
  - c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a.
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In North Macedonia, the excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris, coercing or procuring a woman to undergo, or inciting, coercing or procuring a girl to undergo any of the same acts, have not yet been criminalized. The introduction of a definition of this crime in the Criminal Code is part of objective 1 of the NAP. However, this activity has not yet been completed, and the amendments to the Criminal Code are in the Assembly procedure. There is insufficient information on cases of female genital mutilation in the country, including Roma women.

#### Article 39 - Forced abortion and forced sterilisation

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The Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. performing an abortion on a woman without her prior and informed consent;
  - b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.
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In North Macedonia, it is not criminalized to perform an abortion on a woman without her prior and informed consent and to perform an operation whose purpose or effect is to terminate a woman's ability to naturally reproduce without her prior and informed consent or understanding of the proceedings. The introduction of a definition of this crime in the Criminal Code is part of objective 1 of the NAP. However, this activity has not yet been completed, and the amendments to the Criminal Code are in the Assembly procedure.

#### Article 40 - Sexual harassment

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The Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

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Unwanted verbal, non-verbal or physical conduct of a sexual nature and in any form with the purpose or effect of violating a person's dignity, especially when creating an intimidating, hostile, degrading, humiliating or offensive environment, shall not be criminalized under national law. However, it is subject to a different legal sanction, which also falls within the scope of Article 40 of the Istanbul Convention. Sexual harassment is included in the Law on Prevention and Protection against Discrimination, the Law on Workplace Harassment and the Law on Equal Opportunities for Women and Men. These are the three key legislative acts regulating sexual harassment. According to Article 10(2) of the Law on Prevention and Protection against Discrimination, "Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that aims or effect to violate dignity or create a threatening, hostile, humiliating or intimidating environment, approach or practice." This definition includes all key elements of the definition of Article 40 of the Istanbul Convention. The definition in Article 4(7) in the Law on Equal Opportunities for Women and Men is similar to that in the Law on Prevention and Protection against Discrimination. The Law on Workplace Harassment is undergoing changes.

Article 42 - Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour"

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1. The Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called "honour" shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.
  2. The Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.
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According to the provisions of the Macedonian Criminal Code, culture, customs, traditions or honour do not provide a solid basis for justifying crimes. In addition, Article 6 of the Criminal Code exempts minors from liability, but the second paragraph of the article allows the application of the Convention to minors as well.

## **VI – Investigation, prosecution, procedural law and protective measures**

Article 50 - Immediate response, prevention and protection

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1. The Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
  2. The Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.
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Institutions competent for the prevention and protection against violence against women and domestic violence are as follows: Ministry of Labour and Social Policy - Centers for Social Work, Ministry of Interior - Police Stations, Ministry of Health, Ministry of Education and Science, Ministry of Justice, Public Prosecutors' Offices, Courts, as well as civil society organizations.

Laws incorporating provisions of this Convention: Law on Prevention and Protection from Violence against Women and Domestic Violence, Law on Social Protection, Law on Family, Criminal Code, Law on Free Legal Aid, Law on Equal Opportunities and Law on Prevention and Protection against Discrimination.

Although national legislation adequately regulates most of the forms of violence against women that were reported by Roma women during the monitoring period, the laws are not implemented in a way that offers protection to Roma women, nor is it an appropriate sanction for the perpetrators or abusers.

#### Main findings of the survey:

In the period January 2020-June 2021, 19.5% of respondents reported violence committed against them or another woman. The majority, i.e. 79.5%, did not report violence. Of those who reported, 14.8% responded that they were the victim personally, 4.9% reported violence committed against another woman, and one respondent did not report but knew a girl whose father married her abroad last year for 500 or 1000 euros even though the girl did not want to marry, and now lives abroad and has a child. Most said it was physical violence, and some confirmed that there was both psychological and economic violence, most often from a husband, partner, but also another family member, parent and that it was reported to institutions. The institutions where they reported most often are the police and the Center for Social Affairs, but also the hospital. Some of the respondents said they did not report anywhere.

When asked whether the abuser was given a sentence, the majority answered "no", and the majority also answered negatively about whether the victim was afforded adequate spatial protection/care.

#### Article 52 - Emergency barring orders

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The Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

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In order to remove the imminent and serious danger to the life and physical and mental integrity of the victim and members of her family, an urgent measure is imposed for the protection and removal of the perpetrator from the home and prohibition of approaching the home on the proposal of the Ministry of Interior, without the consent of the victim. It is very important to point out that the urgent protection measure is also imposed when there is a danger to the mental integrity of the victim and family members, and not only a danger to the life and physical integrity.



## Article 53 – Restraining or protection orders

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1. The Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection measures are available to victims of all forms of violence covered by the Convention.
  2. The Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:
    - available for immediate protection and without undue financial or administrative burdens placed on the victim;
    - issued for a specified period or until modified or discharged;
    - where necessary, issued on an ex parte basis which has immediate effect;
    - available irrespective of, or in addition to, other legal proceedings;
    - allowed to be introduced in subsequent legal proceedings.
  3. The Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.
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In court proceedings, at the proposal of the competent Center for Social Affairs, and in order to stop the violence, remove the consequences of the committed violence and take effective measures against the perpetrator of violence, in order to eliminate the reasons for the repeating the violence, the perpetrator of gender-based violence against women and victims of domestic violence may be ordered by the court to impose the following temporary protection measures:

- 1) a prohibition to threaten to commit violence;
- 2) prohibition on maltreat, harass, making phone calls, contacting or otherwise directly or indirectly communicating with the victim;
- 3) a prohibition on approaching a distance of less than 100 m to the habitat, school, workplace or certain place that regularly visits;
- 4) removal from the home regardless of ownership for ten to 30 days;
- 5) prohibition on possession of firearms or other weapons, or to have them confiscated;
- 6) obligatory to return the items necessary to meet the daily needs of the victim and family;
- 7) mandatory legal maintenance of the family;
- 8) obligatory to attend counseling for perpetrators of violence against women or domestic violence;
- 9) mandatory treatment of the perpetrator if he uses, alcohol, drugs and other psychotropic substances or has a mental illness;
- 10) the perpetrator is obliged to compensate the medical and other costs incurred by violence and
- 11) any other measure deemed necessary by the court to ensure the safety and well-being of the victim and other family members.

It is important to point out that the Law complies with the Istanbul Convention, but appropriate, full and effective implementation of it by the institutions is needed, in order to protect victims and act in their best interests..



## Article 52 - Measures of protection

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1. The Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
    - a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
    - b. ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
    - c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
    - d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
    - e. providing victims with appropriate support services so that their rights and interest are duly presented and taken into account;
      - f. ensuring that measures may be adopted to protect the privacy and the image of the victim;
      - g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
    - h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
    - i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
  2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.
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In accordance with the Law on Social Protection, the activity of social protection is ensured by exercising the rights to financial assistance from social protection and the provision of social services and other measures established by this law, on an equal basis without discrimination.

Given the complexity of gender-based violence and family violence, the multiple consequences on victims, their children, families and society, the Law should ensure that victims of GBV and DV receive social protection in relation to their economic status, institutional and non-institutional support and prevention out of poverty and further deterioration into poverty.

The Law on Social Protection, in Article 62, determines the amount of one-time financial assistance for victims of domestic violence. It has been determined that the victims are entitled to up to 15,000 denars for emergency protection and shelter, and up to 12,000 denars for health care and medical treatment. An analysis needs to be carried out on the effective benefit of the amount of the funds, i.e. whether this amount is sufficient according to the needs of the victims.



The Law on Social Protection also determines the right to health care for victims of domestic violence, which is a measure of protection in accordance with the regulations in the field of prevention, elimination and protection against domestic violence.

Victims of domestic violence and gender-based violence according to the social protection system and according to the needs have the right and opportunity to use more social services.

Advisory services include advisory work, counselling work, in order to prevent, mitigate and overcome the consequences of the social problems of an individual and family, and, inter alia, for psycho-social support for victims of domestic violence and psycho-social treatment of domestic violence perpetrators. The professional worker at the Centre for Social Work needs to fully determine the need and volume of the counselling service for each victim separately. The practice shows that very often social work centres do not have special counselling facilities or if they do have them, they do not use them.

The Law on Social Protection regulates that the temporary stay/residence service provides protection and professional assistance to people in crisis for overcoming the situation and their social integration. Such definition of the temporary stay service is very important because it also covers social integration, as a goal that should meet the temporary stay, and what can be worked on for the duration and use of this service. The law foresees victims of domestic violence and gender-based violence as one of the users of the service. The service is provided for up to three months, with the possibility of continuation for another three months, and in exceptional cases where the condition has not been exceeded for up to one year. However, the law should provide a method of work or measures to ensure housing after the end of the temporary stay, which is part of the social integration itself that encompasses this service, because otherwise the victim may be put in a hopeless situation to must return back to the abuser. It is important that the location of these centres is secret in order to ensure full protection of victims, but the most important thing is that the victims themselves feel safe and secure. The number of these temporary stay centres should also be appropriate in relation to the need for them.

The intervention care service is a short-term care service in a family of persons for whom urgent protection is required, until appropriate forms of protection are found, and for a maximum of 30 days. The law as part of users of this service includes victims of violence.

The Law on Social Protection establishes that the social protection institution keeps records of users, i.e. persons who have exercised the right or service in accordance with the law, including domestic violence. Such records are not divided by nationality, gender and age, and should be in the future for better statistics and analysis. The Law on Social Protection also regulates the mandate, role and competencies of the Centres for Social Work.

The new Law on Prevention and Protection from Violence against Women and Domestic Violence introduces the principle of due attention as an obligation of state authorities, legal entities exercising public powers established by law, officials, officers, and other authorised persons carrying out work on behalf of the State to refrain from participating in acts of violence and to take all measures and activities to prevent any action of gender-based violence against women and domestic violence, as well as to take all appropriate legislative, administrative, judicial and other measures to prevent, protect, investigate, punish, on behalf of victims of violence. The introduction of due diligence as an



obligation to institutions is very significant and increases the institutions' obligation to act properly, as they can be held accountable and liable.

The Law itself defines all types of violence, and as types of violence are recognized physical violence, psychological violence, stalking, intimate partner violence, economic violence, sexual violence and rape, sexual harassment and sexual harassment over the Internet, female genital mutilation, forced abortion and forced sterilization, forced control over women, trafficking in women and forced marriage.

The law defines the reintegration of women victims of violence for the first time in the system of protection from violence against women and family violence, where the following services will be provided through a separate Programme for the Reintegration of Victims of Violence: temporary housing, psychological counselling with mentoring, various types of financial assistance specially intended for women victims of violence, education opportunities and training from different fields, employment measures established by law. The competent institutions under the law are obliged to recognize women victims of violence as a particularly vulnerable category and to develop programmes and measures in accordance with the specific needs of women victims of violence.

The law is also based on the principle of non-discrimination, prohibition of victimization, vulnerable women, appropriate adaptation for women with disabilities, gender-responsible policies and the strengthening of women victims of violence. It is very important that the treatment of the competent institutions with the victims is in a way that will protect them further from victimisation or revictimisation. The law also provides for the multisectoral treatment and existence of a multisectoral team in cases where there is knowledge of the threat to the lives and health of women victims of gender-based violence and victims of domestic violence and family members, in which case a security plan for assistance is drawn up by a multisectoral expert team.

The law regulates the procedure of the competent institutions, prevention activities, as well as urgent and temporary protection measures.

In order to remove the immediate and serious danger to the life and physical and mental integrity of the victim and members of her family, an urgent measure is imposed for the protection, namely the removal of the perpetrator from the home and prohibition of approaching the home on the proposal of the Ministry of Interior, without the consent of the victim. It is very important to point out that the urgent protection measure is also imposed when there is a danger to the mental integrity of the victim and family members, and not only a danger to the life and physical integrity.

#### Article 57 – Legal aid

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The Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

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The law provides for the provision of primary and secondary legal assistance.

Primary legal assistance is given by authorized persons from the Ministry of Justice or from the regional departments that are located in cities within the country. Primary legal assistance is given by authorized associations. Seven such associations have been registered so far.

Primary legal assistance consists of giving general legal advice, general legal information, assistance in drawing up a request for free legal assistance.

Secondary legal assistance is provided by lawyers and consists of representation in civil proceedings, in administrative proceedings before the Pension and Disability Insurance Fund, the Health Insurance Fund, advocacy in proceedings to discuss the leftover before a notary, the composition of debtor's submissions before the perpetrator, etc.



## Recommendations in the implementation of the Istanbul Convention

- Harmonisation of the Criminal Code and all other laws and bylaws with the provisions of the Istanbul Convention.
- Full implementation as well as monitoring and evaluation of the implementation of the relevant Laws that regulate different forms of gender-based violence in the country.
- Regular collection, processing and analysis of gender-divided statistics according to Eurostat standards in all competent institutions and regular conduct of surveys on the situation on gender-based violence including domestic violence.
- Opening available, accessible and sustainable specialised services for women victims of gender-based violence throughout the country in accordance with the minimum standards arising from the Istanbul Convention.
- Specialized services run by the Centres for Social Affairs follow standards for providing specialized services to victims of gender-based violence and standard operational procedures established by the rules of the MLSP.
- Training of specialised service providers and multisectoral teams working on prevention and protection against gender-based violence and domestic violence, with a with special focus on Roma women.
- Regular training on GBV topics with focus on people from the Roma community for social workers, police, health workers and civic organisations.
- Increasing the cooperation of multi-sector teams for the prevention and protection of women victims of violence with civil society organizations, especially Roma civil society organizations.
- Information campaigns available in Romani language for prevention and protection from GBV, as well as for suppression of harmful stereotypes, prejudices, traditions and cultural practices.
- Effective implementation of resocialization programmes to re-involve women victims, survivors, and their children in social life.
- Opening programmes to work with violence perpetrators throughout the country, with a particular focus on the Roma community.
- Improving the quality of services in the community to identify children at risk and to provide adequate support to vulnerable categories of children, especially children victims of violence, Roma children.
- Timely and efficient initiation of proceedings by the Public Prosecutor's Office in cases of gender-based violence and domestic violence against Roma women. Timely and efficient delivery of verdicts by the Courts in cases of gender-based violence and family violence against Roma women.





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