

MACEDONIA

SPECIAL MEASURES FOR ROMANI WOMEN AND GIRLS

**BRIEFING TO THE UN COMMITTEE
ON THE ELIMINATION OF
DISCRIMINATION AGAINST
WOMEN**

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INTRODUCTION

In January 2006 the Committee for the Elimination of Discrimination against Women (the Committee) reviewed Macedonia's¹ implementation of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).² In a series of critical recommendations to the authorities, the Committee recognized the interconnectedness of basic rights including to education, health and employment and the extent of discrimination against rural and ethnic minority women. Their concluding comments, which called on the government to take "temporary special measures", reflected the degree of its concern about the situation of Roma women and women from other minority communities in Macedonia.³

Since 2007, Amnesty International has monitored the Macedonian government's progress in addressing the Committee's recommendations, specifically with regard to the rights of Romani women and girls. This submission examines Macedonia's response to the Committee's recommendations over the past five years, based on research gathered in Macedonia between 2007 and 2011 and through continued contacts with Roma and Romani women's organizations in the country.

Amnesty International concludes that Macedonia has made little progress towards guaranteeing the rights of Romani women and girls over the reporting period. No temporary special measures, as recommended by the Committee, have been undertaken; nor have the authorities implemented any significant measures directed at Romani women and girls within the framework of the Decade of Roma Inclusion. Further, the National Action Plan on Promoting the Status of Romani Women, and the associated Strategy, adopted by the government in early 2008, remains unimplemented and unfunded.

Amnesty International urges the Committee, in their review of Macedonia's implementation of the Convention in February 2013, to repeat their previous recommendations. The organization also suggests further specific measures that the Macedonian government should undertake, with respect to ensuring the rights of Romani women and girls.

THE COMMITTEE'S 2006 RECOMMENDATIONS

In 2006 the Committee noted widespread discrimination against women in Macedonia,

¹ Macedonia obtained independence from the Federal Republic of Yugoslavia in 1991, and was admitted to UN membership under the name of the former Yugoslav Republic of Macedonia (FYROM) because of the objections by some states to its unqualified use of the name "Macedonia". Amnesty International takes no position on this issue, but uses the shorter form for convenience only.

² Committee on the Elimination of Discrimination against Women, Thirty-fourth session, Summary record of the 711th meeting, CEDAW/C/SR.711, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/221/27/PDF/N0622127.pdf?OpenElement>

³ CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia*, CEDAW/C/MKD/COI, 3 February 2006, (*CEDAW Concluding comments, 2006*) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/238/24/PDF/N0623824.pdf?OpenElement>

irrespective of their ethnicity, and affecting the enjoyment of almost all of the rights set out in the Women's Convention.

In particular the Committee observed that "rural women, as well as ethnic minority women, particularly Roma [emphasis added] and Albanian women, remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life", and made the following recommendation:

"The Committee urges the State party to implement effective measures to eliminate discrimination against rural women, as well as ethnic minority women, in particular Roma and Albanian women, and to enhance their enjoyment of human rights through all available means, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation No. 25 of the Committee.⁴ It calls on the State party to implement measures to decrease dropout rates among Roma girls and girls living in rural areas and to reintegrate them into the educational system. The Committee requests the State party to provide, in its next report, a comprehensive picture of the *de facto* situation of rural women, as well as of ethnic minority women, in particular Roma women, in the areas of education, health, employment and participation in political and public life, and of the efforts of the Government to eliminate discrimination against these women. The Committee calls upon the State party to provide information, in its next report, on concrete projects directed at Roma women under the Decade of Roma Inclusion 2005-2015."⁵

DECADE OF ROMA INCLUSION

Macedonia was among eight states which in January 2005 agreed to participate in the "Decade of Roma Inclusion, 2005-2010" (Decade). The governments made "a political commitment ... to combat Roma poverty, exclusion, and discrimination within a regional framework", aiming to "accelerate progress toward improving the welfare of Roma by including Roma in the decision-making process, and to review such progress in a transparent and quantifiable way". Governments were expected to "implement policy reforms and programmes designed to break the vicious cycle of poverty and exclusion". Priorities were identified in education, employment, health and housing, with cross-cutting themes of poverty, discrimination and gender.

⁴ Article 4, para.1: "Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved". General recommendation No. 25, para.15: "The purpose of article 4, paragraph 1, is to accelerate the improvement of the position of women to achieve their de facto or substantive equality with men, and to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation. These measures are of a temporary nature."

⁵ CEDAW CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia*, CEDAW/C/MKD/CO/1, 3 February 2006, para 28 (CEDAW *Concluding comments, 2006*) <http://daccess-dds.ny.un.org/doc/UNDOC/GEN/N06/238/24/PDF/N0623824.pdf?OpenElement>

By including gender, the Decade aimed to address the multiple discrimination experienced by Romani women and promote gender equality in all aspects of participating countries' National Action Plans.

In 2005 the Macedonian government adopted National Action Plans (NAPs) for the Decade of Roma Inclusion. In 2008, having largely failed to implement the 2005 NAPs, the government revised the NAPs, with the support of the Organization for Security and Co-operation in Europe (OSCE) Mission in Skopje; they were approved by the government, a year later in June 2009. The revised NAPs failed to include (except in the preamble) any measures to specifically address the rights of Romani women and girls, and failed to set any specific targets (with the exception of one on maternal health) to ensure that gender was considered, and acted upon, as a cross-cutting theme within the NAPs.

[Funds allocated to the implementation of the Action Plans in 2010 represented approximately 0.014% of the total state budget. According to different sources, the state budget for Roma in 2010 ranged between €335,610 and €390,000.⁶ In July 2011, Macedonia assumed the chair of the Decade of Roma Inclusion.⁷

MACEDONIA'S RESPONSE TO THE COMMITTEE

In its combined fourth and fifth periodic state party report on the implementation of the Convention, published in November 2011,⁸ Macedonia gave no details of any special temporary measures related to the Committee's 2006 recommendation (para. 28, Concluding comments), concerning the need for temporary special measures to be taken to address the rights of rural, Romani and other minority women.

This contrasts with their reply to the Committee's other recommendations that special temporary measures be taken (see para 18, Concluding comments), "in order to accelerate the realization of women's de facto equality with men in all areas".⁹ The state party report describes the introduction of amendments to the Law on Labour Relations related to non-

⁶ Giorgia Demarchi, *Status Report, Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, (Status Report)*, Ministry for Labour and Social Welfare, OSCE Spillover Mission to Skopje, December 2010, <http://www.mtsp.gov.mk/WBStorage/Files/Status%20Report-FINAL2.doc>

⁷ *Enhancing the implementation of OSCE commitments regarding Roma and Sinti, Statement by the Macedonian Delegation*, Warsaw 26 September-7 October 2011, <http://www.osce.org/odihr/83660>

⁸ *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth and fifth periodic reports of States parties, The former Yugoslav Republic of Macedonia*, (CEDAW/C/MKD/4-5), 23 September 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/458/20/PDF/G1145820.pdf?OpenElement>

⁹ CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia*, CEDAW/C/MKD/CO/1, 3 February 2006, (*CEDAW Concluding comments, 2006*), para 18 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/238/24/PDF/N0623824.pdf?OpenElement>

discrimination in employment, and relevant provisions in the Law on the Family.¹⁰

Further, in their combined fourth and fifth periodic report, the authorities failed to respond to Committee's 2007 request that Macedonia provide information on "concrete projects directed at Roma women under the Decade of Roma Inclusion 2005-2015".¹¹ While Macedonia noted the adoption in 2008 of the National Action Plan on Promoting the Status of Romani Women (para.276)¹², it provided scant few details of any "concrete projects". The report noted headline areas of concern (para. 277) but gave no details of the Action Plan. The only detail referred to the publication of reports¹³ on discrimination against Roma women by state institutions, and the provision of a subsequent two-day training to government employees (see para.281-2).¹⁴ In para. 283, the authorities note the adoption on 28 December 2010 of a "Second Action Plan for advancement of the social position of the Roma women".¹⁵ Finally details are provided of an environmental project directed in some respects at Romani women (para. 284).

Amnesty International considers Macedonia's response to the Committee's 2006 recommendations on the rights of Romani women and girls to be woefully inadequate. The state party response is, however, consistent with the lack of priority given to these recommendations.

Amnesty International notes that, in interviews it conducted with relevant Macedonian authorities between 2007-09, officials were unaware of their responsibilities to implement "temporary special measures" and were not informed or aware of the meaning of the Committee's recommendation. This included ministers and officials responsible for the Decade of Roma Inclusion within the Ministry of Labour and Social Policy, and those within the same Ministry responsible for combating gender discrimination in the Department of Equal Opportunities,

¹⁰ CEDAW/MKD/4-5, see paras.41-45. Special measures are also mentioned with regard to establishment (in 2006) of the committee on equal opportunities, and the extending of equality to women in the military. <http://daccess-dds-n.y.un.org/doc/UNDOC/GEN/G11/458/20/PDF/G1145820.pdf?OpenElement>

¹¹ CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia*, CEDAW/MKD/CO/1, 3 February 2006, para 18 (*CEDAW Concluding comments, 2006*) <http://daccess-dds-n.y.un.org/doc/UNDOC/GEN/N06/238/24/PDF/N0623824.pdf?OpenElement>

¹² Para. 276 refers to this plan as, "the National Action Plan on Promoting the Status of the Roma Woman".

¹³ The authorship and finding of this report is noted below.

¹⁴ Para. 276. Directed towards improving the status of the Roma woman and her integration into the social developments, the Government of the Republic of Macedonia has adopted the National Action Plan on Promoting the Status of the Roma Woman by Operational Plans for the period of 2008–2010 on the 139 session held on 23.3.2008

¹⁵ Amnesty International has been unable to view or obtain a copy of this document.

In August 2012, the Committee requested further information about the implementation of the “National Action Plan for the Promotion of the Status of Roma Women”.¹⁶

The government responded that, “The Ministry of Labour and Social Policy has not secured a budget for implementation of the National [Action] Plan for improving the social condition of Roma women [in] 2008-2010. The human rights priorities contained in this action plan were realized with the support of international organizations (UN Women, IOM)”.¹⁷

Amnesty International notes that one of the activities cited by the state party, under the heading ‘human rights’, was a series of four workshops for young Roma, run by the International Organization for Migration across Macedonia, on their rights when working abroad under EU visa liberalization rules, and the consequences of illegal migration. No such objectives had been identified in the action plan. (See also see p.14, below).

Other activities listed included two one-day trainings for Roma NGOs on gender discrimination, funded by the EU. With respect to the right to health the list included the production of a brochure on healthy life-styles published in the Roma language and an Information Bulletin on the Health Situation and Health Protection of the Roma in the Republic of Macedonia.

Finally, in response to a specific request for further information on the effectiveness of measures to reduce the drop out rates of girls from education, the government replied that, “[t]here has been an improvement in the last years of the coverage of male/female students from the Roma community, as one of the most vulnerable groups”.¹⁸ While the state party provided statistics showing an annual increase in the number of Roma students,

¹⁶ “Please provide further and updated information on the scope and priorities of the 2008 National Action Plan for the Promotion of the Status of Roma Women, funds allocated for its implementation and progress achieved with regard to its implementation”, *List of issues and questions with regard to the consideration of periodic reports, The former Yugoslav Republic of Macedonia, CEDAW/C/MKD/Q/4-5, 21 August 2012, para 20*, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/450/96/PDF/G1245096.pdf?OpenElement>

¹⁷ *Replies of the former Yugoslav Republic of Macedonia to the list of Issues*, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.MKD.Q.4-5.Add.1.pdf>, para.20.

¹⁸ “According to the report a number of awareness-raising campaigns have been conducted with the aim of reducing the rate at which girls drop out of school (para. 173). Please provide data, disaggregated by sex, age, ethnic origin and regions, on the drop-out rates of girls at all levels of education, in particular at the primary level. Please also provide information on the effects so far of nine-year compulsory primary and secondary education for girls and boys, particularly Roma girls and women and those belonging to other ethnic minorities and those in rural areas”, *List of issues and questions with regard to the consideration of periodic reports, The former Yugoslav Republic of Macedonia, CEDAW/C/MKD/Q/4-5, 21 August 2012, para. 14*. In 2011, In a meeting with the Deputy Minister for Labour and Social Welfare Amnesty International, the organization requested comparative statistical information about the reported increase in the numbers of Romani girls attending both primary and secondary education, and on reported improvements in the drop-out rate for girls. These were never provided to the organization.

disaggregated by gender, entering secondary education, no details were provided about drop-out rates.

OTHER TREATY BODIES

In November 2006, the Committee on Social Economic and Cultural Rights (CESCR) expressed “deep concern about reports that Roma face widespread discrimination in access to employment, social assistance, health care and education” and recommended that Macedonia “intensify its efforts to combat discrimination against Roma in all fields covered by the Covenant”.¹⁹

In May 2007, the Committee on the Elimination of Racial Discrimination (CERD) also found Macedonia in breach of its obligations to the Romani community in Macedonia.²⁰

MACEDONIA’S NATIONAL ACTION PLAN ON PROMOTING THE STATUS OF ROMANI WOMEN

In November 2006 a coalition of Romani women’s organizations in Macedonia made public their Platform for Joint Action for Promoting the Social Status of Romani Women (Romani Women’s Platform). Explicitly adopting a human rights perspective, the Platform proposed a comprehensive agenda of measures which could be taken by the Macedonian government in order to guarantee the rights of Romani women. The Platform was largely based on the results of research carried out by Romani women’s NGOs for their submission to the Committee in 2005.

The Platform was the first joint document produced by a loose coalition of 22 Romani women’s NGOs and individual activists. It framed the main problems faced by Romani women, and highlighted the intersectionality of the multiple forms of discrimination they experience.

The document explicitly followed up on the Committee’s recommendations, and made specific recommendations to the Macedonian government with regard to education, employment, health care, equality and human rights, as well as the political participation of Romani women. The NGOs used the “policy window” that was opened by the Committee’s 2006 recommendations and “used the Committee’s pressure on the Macedonian government to convince the domestic policy makers to adopt the Action plans for the improvement of the position of Romani women in Macedonia”.²¹

¹⁹ *Concluding Observations of the Committee on Economic, Social and Cultural Rights, the FYROM*, Thirty-seventh session, 6-24 November 2006, E/C.12/MKD/CO/1, 24 November 2006.

²⁰ *Concluding observations of the Committee on the Elimination of Racial Discrimination*, Seventieth Session, 19 February – 9 March 2007, CERD/C/MKD/CO/7, 13 June 2007.

²¹ Izdaver Memedov, *Romani Women’s Movement and its Impact on Policy-Making Process: A Comparative Study of Macedonia and Serbia*, 2008, Central European University, Department of Public Policy, Budapest, p. 42, http://academos.ro/sites/default/files/biblio-docs/338/memedov_idaver.pdf

Between December 2007 and February 2008, Romani women's NGOs, including the Roma Centre of Skopje, worked with the Ministry of Labour and Social Welfare to draft an Action Plan based on the Platform, which was then adopted by the government in the form of a National Action Plan for the Improvement of the Situation of Roma Women (also described as a Strategy for the Improvement of the Situation of Roma Women).²² Responsibility for the delivery of the Action Plan/Strategy was assigned to an official in the Department of Equal Opportunities, rather than to the Ministry of Labour and Social Policy, which is charged with the implementation of the Decade Action Plans. Amnesty International notes that the Department's 2007 Action Plan on Gender Equality failed to include any references to Romani women and girls, despite representations made by representatives of Romani women's organizations during the consultation period.²³

In November of that year, a Romani woman, Mirdita Saliu, was appointed to take responsibility for the Action Plan and Strategy for the Improvement of the Situation of Roma Women but no budget was allocated for its implementation.

Frustrated by the lack of any progress in implementing the measures set out in the Action Plan, representatives of 13 Romani women's NGOs sent an open letter to the Prime Minister and Minister of Finance on 28 December 2009, which noted that, "with the exception of one training of trainers (October 2009), none of the other concrete activities envisaged in this plan have been implemented because the state institutions lack either the will, or the human and financial resources". The signatories urged the Government "to put this issue on the agenda of its first session in 2010 and to allocate funds from the state budget for its urgent implementation."²⁴ No funding was allocated during 2010.

By 2010, the only measures foreseen by the Action Plan to be implemented were those conducted by the NGOs themselves with funding and assistance from intergovernmental or international organizations.

In February 2010, the Department for Equal Opportunities within the Ministry of Labour and Social Policy published the report "Even if I complain, it will be in vain..." ("*I da se pozalam nema da ima efekt*"), documenting discrimination against Roma women by state employees and institutions.²⁵ The research for the report was conducted by Romani women, including two members of the Roma Centre of Skopje, with funding and support of the UN Fund for Women (UNIFEM). In addition to documenting discrimination, the report sought to show how officials understood their responsibilities to ensure equal treatment towards all citizens of Macedonia, irrespective of their gender and ethnicity. The authors of the report envisaged

²² Previously available at <http://www.mtsp.gov.mk/>; link currently unavailable, December 2012.

²³ Amnesty International interview with Songul Shaban, Roma Centre of Skopje, 2007.

²⁴ Copy of letter sent to Amnesty International; similar letters were sent to the government and published in the Macedonian media on 31 December 2010 and 31 December 2011.

²⁵ Some 75 per cent of Roma women interviewed for the purposes of the study reported discrimination by state officials. For reference, see below.

that it would inform future policy and practice in the delivery of public services.²⁶

In March 2012, the Open Society Roma Initiatives organized a consultation meeting with Romani women activists. The report on the meeting provides a snapshot of the continued problems faced by Romani women activists working in NGOs with the Roma community, including the lack of sustainability of their organizations; the absence of international funding or inappropriate donor policies; and insufficient cooperation with state and municipal institutions – including the government’s lack of interest in realizing the National Plan for Romani women.²⁷

THE RIGHTS OF ROMANI WOMEN AND GIRLS

In 2007 Amnesty International issued a report, Macedonia: “*Little by little we women have learned our rights*”, which documented the double discrimination suffered by Romani women and girls in Macedonia, on the basis of both their ethnicity and their gender.²⁸ The report attempted to provide a baseline against which Macedonia’s progress in implementing the Decade NAPs could be measured, and was intended to follow up on the Committee’s recommendations.

In Amnesty International’s 2007 report, which covered the rights to education, employment and work, as well as the right to be free of gender-based violence, the organization found that discrimination against Romani women and girls was systemic, in all areas covered by the Decade Action Plan. At the same time, little progress had been made by the government to implement their Decade Action Plans.

Amnesty International noted that “the Macedonian authorities have to date largely failed to implement the measures identified in the Decade of Roma Action Plan or identify the financial resources to put such measures into practice. Neither has the Macedonian government introduced any measures to address the specific human rights violations faced by Romani women.²⁹ Where action has been taken, it has not been taken by government, but rather by Romani NGOs and civil society, domestic NGOs and INGOs, and with international funding”.

Instead, the organization found that “projects” aimed at the Roma community filled the rights gap left by the government’s failure to abide by their international obligations to

²⁶ The report is available at http://www.mtsp.gov.mk/WBStorage/Files/da_se_zalam_eng.pdf

²⁷ Report, *Consultative meeting among Romani women activists from R. of Macedonia 23.03.2012*, Roma Centre of Skopje, April 2012, <http://www.romawomeninfo.com/doc/crs/drugo/Consultative%20meeting%20of%20Romani%20women%20activists%20and%20NGOs%20from%20R.%20Macedonia%20EN%20,%2023.03.2012.doc.pdf>

²⁸ Described by the Council of Europe as “triple” discrimination: “These [Romani] women suffer from a triple discrimination, as Roma, as women and also as persons belonging to a socially disadvantaged group”, Article 11, Recommendation 1557 (2002), *The legal situation of Roma in Europe*.

²⁹ See also Tatjana Perić, *A Failing Promise? Romani Women in the Decade of Roma Inclusion*, OSI - International Policy Fellow 2006/7.

respect, protect and fulfil the civil, cultural, economic, political, and social rights of the Romani community. These projects, implemented largely by domestic non-governmental organizations (NGOs) and international non-governmental organizations (INGOs), sought to improve the situation of Roma, and were funded by international donors or INGOs.

Many of these projects were conducted by Romani women's NGOs, and included the direct provision of services, including – in the field of education - literacy classes for Romani women; in the field of employment - access to workplace training in skilled employment; - in the field of healthcare - training of reproductive health advocates, and referral for sexual health issues; assistance with access to health care documentation. Romani women's NGOs also provided support services to women subjected to domestic violence.

By October 2009, when Amnesty International again visited Macedonia, the government had still not taken any of the measures set out in National Action Plan on Promoting the Status of Romani Women, or the associated Strategy. Nor had it incorporated the recommendations made in the Strategy into the revised NAPs for the Decade. The Department for Equal Opportunities within the Ministry of Labour and Social Welfare, responsible for implementing the Plan had no budget, and only one member of staff. Romani women's NGOs reported that they were struggling to identify funding for projects, including those delivering direct services to the Roma community. Despite the Decade, NGOs continue to be reliant on project funding to provide basic services and access to rights that would otherwise not be provided.

By the end of 2010, no measures had been taken to implement the National Action Plan on Promoting the Status of Romani Women, or the Associated Strategy.

In December 2011, when Amnesty International again visited Macedonia, the organization found an overall deterioration in the human rights situation in general, and for Romani women in particular. The organization found that several previously active Romani women's NGOs were finding it increasingly difficult to carry out their work due to limited international funding. Some NGOs reported that funding for long-term programmes with Romani women and girls had come to an end, and that this had led to the termination of several programmes, without state-funded programmes taking their place. Others reported that external funding enabled them to continue with some research projects, but limited the scope of their work.

In the same month, the Deputy Minister of Labour and Social Welfare was unable to provide any information about the scope of, or budget for, a reported Second Action Plan for Romani Women (2011-2013). As of December 2012, Amnesty International was unable to establish whether any progress had been made in implementing the Second Action Plan.

The organization notes, however, that within the framework of the Roma Decade National Action Plans, the Ministry of Health has made progress in extending access to basic health-care. This has meant that in theory Romani women were more effectively able to enjoy their right to health, including free medical treatment in pregnancy and in child-birth. However, local NGOs have reported that women have not been made fully aware of these rights, and in

many cases institutions have failed to implement the reforms.³⁰

In December 2012, the Open Society Foundation, OSI, announced a series of projects to address Romani women's rights to health in Macedonia and other Decade states, on the basis that Macedonia and other states had made "poor progress on health within the framework of the Decade".³¹

REGIONAL BODIES

In 2010, the European Commission against Racism and Intolerance (ECRI) "strongly encourage[d] the authorities to implement the action plans laid down in the context of the country's participation in the "Decade of Roma Inclusion 2005-2015", including the specific action plan to improve the situation of Roma women, and just as strongly recommends that they release the necessary funding."³²

In 2011, an expert report for the OSCE Mission in Skopje reported: "...the Host Country has taken significant steps in the creation of institutions, strategies and legislation geared towards complying with international commitments and approaching issues related to the Roma community. Significant gaps however remain between commitments and practice, due to weak coordination, limited capacity of institutions and actors, and inadequate funding". The report also concluded that, "... monitoring and evaluation mechanisms are weak, not least due to the absence of official data, systematic mapping and needs assessment activities at local level, and institutionalised communication between stakeholders. These mechanisms should be further strengthened for the development of policies effectively tailored to the needs of the Roma communities in the country".³³

In 2011, the European Commission in their Progress Report on EU Macedonia, reported, "Roma women and girls still suffer from both racial and gender discrimination. Some very limited actions targeting Roma women

³⁰ Although the Ministry of Health had requested 4 million Macedonian dinars (MKD)(€64,000) for the implementation of the health mediators programme - which aimed to increase Roma people's awareness of available health services - the total budget subsequently allocated for implementing the whole of the NAP for Health in 2011 was 200,000 MKD, *Status Report*, p.29.

³¹ In Macedonia, the NGO LIL will, "monitor the implementation of the Patients' Rights Law on behalf of Roma, making formal complaints to various ombudsmen and tackle specific cases of failed reimbursement, unlawful detention of Roma patients for non-payment of fees (particularly new mothers) and seek dialogue with stakeholders to resolve administrative barriers to care. The NGO HERA currently supports a local centre that provides the only reproductive health care for Roma women in the town of Suto Orizari. They advocate for financial incentives from the government to encourage more providers and gynaecologists to offer services there. And they litigate on behalf of Roman women who lack the right to choose between gynaecologists in the area due to lack of providers", see <http://www.opensocietyfoundations.org/voices/roma-health-focus-european-public-health-conference>

³² European Commission against Racism and Intolerance, Report on "The Former Yugoslav Republic of Macedonia" (fourth monitoring cycle), Adopted on 28 April 2010, Published on 15 June 2010. Available online C:\Documents and Settings\Abrkanic\Local Settings\Temp\notesA4A7F6\MKD-CbC-IV-2010-019-ENG.pdf

³³ *Status Report*, p.5.

have been implemented and a more pro-active approach is needed to implement the existing national action plans”.

In their October 2012 Progress Report, the EC reported that “Some very limited actions targeting Roma women were implemented”; and came to the chilling conclusion, “Roma women and Roma with disabilities face precarious living conditions because of double discrimination”.³⁴

ABSENCE OF MEASURABLE PROGRESS

In making this submission, Amnesty International is unable to refer to any concrete data to indicate that the rights of Romani women and girls have improved since 2007. The absence of hard statistical data, and of any effective and comprehensive monitoring and evaluation mechanisms to monitor Macedonia’s progress in implementing the Decade Action Plans has been criticized by several external organizations.³⁵ In each of the four priority areas of the Decade - housing, employment, health and education - it is almost impossible to measure whether there has been any real progress.³⁶

One informal indicator of the lack of progress made by the Macedonian authorities in guaranteeing the rights of Roma in general, is the massive increase in the numbers of Roma leaving the country since the liberalization of visa arrangements with the EU. Between December 2009 and October 2012, some 21,205 Macedonian citizens,³⁷ the majority of them Roma, have sought asylum in EU member states, prompting six member states to call on the European Council in October 2012 to take further measures to prevent the numbers of applicants from Macedonia seeking asylum. In response to the EU, the Macedonian authorities have adopted increasingly repressive measures to prevent Roma citizens from exercising their right to freedom of movement to leave Macedonia, including by marking the passports of suspected “bogus asylum seekers” or those deported from EU countries, to prevent them from leaving the country again.³⁸ It has not, however, taken prompt action to

³⁴ Commission Staff Working Document, *The Former Yugoslav Republic of Macedonia, 2012 Progress Report, (COM(2012) 600 final)*, 10 October 2012, page 15, 18, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

³⁵ See for example, Open Society Institute, “No Data - No Progress, Data Collection in Countries Participating to the Decade of Roma Inclusion 2005-2015”, June 2010, http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf

³⁶ See also Open Society Institute, *No Data - No Progress, Data Collection in Countries Participating to the Decade of Roma Inclusion 2005-2015*, June 2010, http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf

³⁷ European Stability Initiative, *Saving visa-free travel, Visa, asylum and the EU roadmap policy*, , January 2013, p. 5, http://www.esiweb.org/pdf/esi_document_id_132.pdf

³⁸ See, for example, EU and the Balkans: When preventing migration comes before combating Roma discrimination , December 2012, www.ecre.org/component/downloads/downloads/669.html;
http://romarights.files.wordpress.com/2011/08/letter_macedonian_authorities_030811.pdf

address the poverty and discrimination that drives Roma to leave the country.

TEMPORARY SPECIAL MEASURES

The Convention allows states parties to take “temporary special measures” to accelerate “de facto equality between men and women”. These are “promotional measures of assistance, compensation and correction to ensure women equal opportunities in all fields of life”.³⁹ The Convention expressly says that temporary special measures are not discriminatory.

According to the Committee, such measures may be legislative, executive or administrative, and may include outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; and targeted recruitment.⁴⁰

Temporary special measures are not the same as general social policies states might adopt to improve the situation of women and girls. Not all measures which potentially are favourable to women qualify as temporary special measures.⁴¹ Rather, temporary special measures are directed towards achieving a concrete goal to improve gender equality. Once that specific outcome has been met, the measures may be “discontinued”, (art 4(1)). However, ‘temporary’ measures are not necessarily short-term; it may be necessary to put special measures in place for a lengthy period of time to achieve the particular equality outcome.⁴²

Where necessary, as in the case of Macedonia, the Committee has recommended that temporary special measures should be directed to benefit women and girls subjected to multiple discrimination,⁴³ including rural women⁴⁴ and women belonging to ethnic minorities.⁴⁵ The Committee has recommended States parties introduce temporary special measures to eradicate poverty and illiteracy, especially amongst rural women and Roma women.⁴⁶

The Committee has recommended that “States parties provide in their reports details of any action plans which may be directed at creating access for women and overcoming their underrepresentation in certain fields, at redistributing resources and power in particular areas, and/or at initiating institutional change to overcome past or present discrimination and accelerate the achievement of de facto equality. Reports should

³⁹ M.Freeman, C.Chinkin & B.Rudolf (eds), *The UN Convention on the Elimination of all Forms of Discrimination Against Women: A Commentary*, (Oxford University Press, 2012), p. 124.

⁴⁰ CEDAW General Recommendation 25, para 32. The Committee added that such measures, “... can be formulated and adopted by national, regional or local executive branches of government to cover the public employment and education sectors and include the civil service, the political sphere and the private education and employment sectors”.

⁴¹ CEDAW General Recommendation 25, para 19.

⁴² CEDAW General Recommendation 25, para 20.

⁴³ CEDAW General Recommendation 25, para 38; Freeman, Chinkin & Rudolf, *ibid* 2, p. 136.

⁴⁴ For example, concluding observations on Vanuatu, CEDAW/C/VUT/CO/3 (2007) para 21.

⁴⁵ Concluding observations on Israel, A/60/38, 33rd Session (2005) paras 25102, 255-6 & 259-60.

⁴⁶ For example, concluding observations on Bolivia, CEDAW/C/BOL/CO/4 (2008) para 33.

also explain whether such action plans include considerations of unintended potential adverse side-effects of such measures as well as on possible action to protect women against them. States parties should also describe in their reports the results of temporary special measures and assess the causes of the possible failure of such measures.⁴⁷

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International considers that the Macedonian authorities have failed to honour their international obligations to protect, respect and fulfil the rights of Romani women and girls without discrimination.

In the five years since the Committee requested the state party to take temporary special measures to address the multiple discriminations experienced by Romani women and girls, it has failed to include any significant measures to benefit women and girls in their Action Plans for the Decade of Roma Inclusions.

Further the state party has failed to provide resources for the implementation of the Strategy on the Improvement of the Status of Romani Women it adopted in January 2008.

Over the past five years, the delivery of basic services to Romani women and girls by Romani women's NGOs has become increasingly difficult as international funding declines. Many Romani women's NGOs have had to terminate a number, or all of their activities. The absence of these projects and activities reduces further the possibility of Romani woman and girls gaining access to rights envisaged in the Convention.

Amnesty International urges the Committee to:

- Reiterate its 2007 recommendation to Macedonia that temporary special measures should immediately be taken to address the ongoing violations of the rights of Romani women and girls;

Such measures should include:

- The collection of data, including statistics required to measure progress in the implementation of the Action Plan on Promoting the Status of Romani Women (Romani Women's AP) and in the Decade of Roma National Action Plans, disaggregated by sex, age, ethnicity and other relevant variables;
- Establish a plan for the implementation of the Romani Women's AP and the NAPs, including:
 - clearly established implementation timelines; and

⁴⁷ CEDAW General Recommendation 25, para 33.

- a monitoring and reporting mechanism on progress, to be made available to parliament and to the public; (add to whom they should report)
- Recruit and train staff to implement measures in all responsible institutions and agencies;
- Provide necessary resources and support for implementation of the Romani Women's AP and NAPs, including for the training of expert staff;
- To report back to the Committee, within a year, on measures taken.

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