



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
3 February 2006

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-fourth session

16 January-3 February 2006

Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia

1. The Committee considered the combined initial, second and third periodic report of the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/1-3) at its 713th and 714th meetings on 25 January 2006 (see CEDAW/C/SR.713 and 714). The Committee's list of issues and questions is contained in CEDAW/C/MKD/Q/1-3 and the responses of the former Yugoslav Republic of Macedonia are contained in CEDAW/C/MKD/Q/1-3/Add.1.

Introduction

2. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it was overdue. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for Labour and Social Policy, which included representatives of other ministries with responsibility for implementation of measures in the areas covered by the Convention, as well as a member of the Parliament. The Committee expresses its appreciation for the open and constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for having ratified the Optional Protocol in October 2003.

Positive aspects

5. The Committee congratulates the State party for having amended, in 2002 and 2004 respectively, the Law on Election of Members of Parliament and the Law on Local Elections, in order to ensure that both sexes are represented with a quota of at

least 30 per cent in the list of nominated candidates for elections to the Parliament, the municipal councils or the Council of the City of Skopje.

6. The Committee notes with appreciation that the State party has embarked on a process of revision of national laws, such as the Labour Law, the Criminal Code and the Family Code.

7. The Committee welcomes the establishment of a number of gender equality committees at the local level, aimed at mainstreaming gender perspectives into local policies.

8. The Committee also welcomes the progress made to combat human trafficking, such as the creation, in 2001, of the National Commission to Combat Human Trafficking and Illegal Migration; the inclusion, in 2002, of trafficking as an offence in the Criminal Code; the adoption, in 2005, of the Law on Witness Protection; and the elaboration of the National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008.

Principal areas of concern and recommendations

9. The Committee expresses concern that the legislation of the State party does not contain either a definition of discrimination against women, in accordance with article 1 of the Convention, or the principle of equality of men and women, in line with article 2 (a) of the Convention.

10. The Committee encourages the State party to incorporate in its Constitution or other appropriate national legislation, such as the Law on Equal Opportunities for Men and Women, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and the provisions on the equal rights of women and men in line with article 2 (a) of the Convention.

11. While noting with satisfaction that the provisions of the Convention are applicable in the courts of the former Yugoslav Republic of Macedonia, the Committee is concerned that no cases related to gender-based discrimination under the Convention have been brought before the courts.

12. The Committee calls upon the State party to enhance training for lawyers and judges on the Convention and on the communications and inquiry procedures provided in the Optional Protocol to the Convention. It also requests the State party to raise the awareness of women about their rights under the Convention and to build the capacity of women to claim their rights under the existing institutions.

13. While welcoming the work undertaken by the State party towards the adoption of the Law on Equal Opportunities for Men and Women and the statement of the delegation that it will address gender-based discrimination in a comprehensive manner, the Committee remains concerned that this Law seems to focus primarily on gender-based discrimination in the field of employment and work.

14. The Committee recommends that the State party ensure that the scope of the Law on Equal Opportunities for Men and Women address gender-based discrimination comprehensively in the political, economic, social, cultural, civil or other fields, in line with the Convention. It urges the State party to promptly adopt and effectively implement that Law.

15. While noting the establishment of the Unit for the Promotion of Gender Equality within the Ministry of Labour and Social Policy, and the establishment of a number of local gender equality committees, the Committee expresses concern that the national machinery for the advancement of women may not have sufficient visibility, decision-making power or financial and human resources to promote effectively the advancement of women and gender equality, and that not all municipalities have created gender equality committees.

16. The Committee requests the State party to ensure that the national machinery for the advancement of women receives adequate visibility and has sufficient decision-making power and financial and human resources to promote effectively the advancement of women and to accelerate the establishment of local gender equality committees.

17. The Committee expresses concern that temporary special measures are neither provided in the law nor used by the State party as a policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention.

18. The Committee encourages the State party to effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation No. 25, in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include in the Law on Equal Opportunities for Men and Women a provision on temporary special measures, in particular with regard to women's participation in decision-making and access to economic opportunities.

19. The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. The Committee is also concerned that women continue to be portrayed in traditional stereotypical roles in the media.

20. The Committee calls upon the State party to implement comprehensive measures, in particular in rural areas, to bring about change in the widely accepted stereotypical roles of men and women. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press on gender equality issues.

21. While welcoming the efforts undertaken by the State party to combat human trafficking, the Committee remains concerned about the persistence of trafficking in women and girls and the exploitation of prostitution, and about the lack of measures aimed at rehabilitating women victims of trafficking.

22. **The Committee requests the State party to effectively implement the National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008. It calls upon the State party to ensure that legislation on trafficking is fully enforced, in particular by effectively prosecuting and punishing offenders. It also recommends that the State party increase its efforts to prevent human trafficking and provide assistance and support to women victims. The Committee also calls on the State party to take all appropriate measures to suppress the exploitation of prostitution in the country.**

23. While welcoming the legislative measures taken to combat violence against women, including the amendment, in 2004, of the Law on Family codifying domestic violence as a separate crime in the Criminal Code, the Committee remains concerned about the high prevalence of violence against women, including domestic violence.

24. **In accordance with its general recommendation No. 19, the Committee urges the State party to give priority to putting in place comprehensive measures to address all forms of violence against women, including domestic violence, recognizing that such violence is a form of discrimination and constitutes a violation of women's human rights under the Convention. The Committee calls upon the State party to further elaborate and effectively implement legislation on violence against women, so as to ensure that perpetrators are effectively prosecuted and punished, and that victims receive adequate protection and assistance. The Committee also calls on the State party to provide shelters for women victims of violence. The Committee recommends that the State party also implement educational and awareness-raising measures that highlight the unacceptability of all forms of violence against women and that it aim such efforts at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public.**

25. While commending the introduction of the 30 per cent quota for each gender in the Law on Election of Members of Parliament and the Law on Local Elections, the Committee notes with concern that this amendment has not produced the desired results as women continue to be underrepresented in elected bodies. The Committee is also concerned about the underrepresentation of women in appointed bodies and at the international level.

26. **The Committee recommends that the State party carry out awareness-raising campaigns for men and women on the importance of women's participation in political and public life and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation. The Committee also recommends that steps be taken to meet the 30 per cent quota established in the Law on Election of Members of Parliament and the Law on Local Elections. The Committee encourages the State party to step up its efforts to increase women's representation in elected and appointed bodies and at the international level.**

27. The Committee is concerned that rural women, as well as ethnic minority women, particularly Roma 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. The Committee is particularly concerned about the high school dropout rates among Roma girls and girls living in rural areas.

28. **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. 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.**

29. The Committee notes that women represent 51 per cent of refugees and asylum-seekers in the former Yugoslav Republic of Macedonia. While welcoming the adoption, in 2003, of the Law on Asylum and Temporary Protection, and the fact that it is possible for women seeking asylum or refugee status to file an application separately, the Committee remains concerned that a gender-sensitive approach has not been mainstreamed throughout the process of granting asylum/refugee status.

30. The Committee recommends that the State Party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, including in the application stage.

31. The Committee notes with concern that, although there has been a 20 per cent decrease in the rate of abortions since 1994, abortion continues to be used as a method of birth control. It is also concerned about the limited use of contraceptives.

32. The Committee recommends that the State party implement programmes and policies aimed at providing effective access for women to contraceptives and health-care information and services, thus avoiding the need for women to resort to abortion as a method of birth control. The Committee urges the State party to implement programmes of sexual and reproductive health education for women, men and adolescents in order to foster responsible sexual behaviour, and to further discourage abortion as a method of birth control.

33. The Committee remains concerned about the situation of women with regard to employment, their high level of unemployment, and their low participation in the formal labour force, and about the large number of women employed in lower-paying jobs. It is also concerned about the low number of self-employed women and women entrepreneurs.

34. The Committee urges the State party to fully implement article 11 of the Convention. It calls on the State party to address the impediments that women face with respect to employment and to implement measures to encourage and support women's entrepreneurship, including by providing training and access to credit. It also requests the State party, in its next periodic report, to provide information on the impact of such measures.

35. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

36. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

37. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

38. **The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of the former Yugoslav Republic of Macedonia to consider ratifying the treaty to which it is not yet a party: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

39. **The Committee requests that the State party widely disseminate the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

40. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in February 2007, and its fifth periodic report, which is due in February 2011, in a combined report in 2011.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.