



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic reports of the former Yugoslav Republic of Macedonia at the Committee's fifty-fourth session, held in February 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MKD/CO/4-5). You may recall that in the concluding observations, the Committee requested the former Yugoslav Republic of Macedonia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 23 and in paragraph 30 of the concluding observations.

The Committee welcomes the follow-up report received two months ahead of time in December 2014 (CEDAW/C/MKD/CO/4-5/Add.1) under the CEDAW follow-up procedure. At its sixty-first session, held in July 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 23** of the concluding observations that the State party “strengthen existing criminal and family law or adopt a comprehensive law addressing all forms of violence against women, including domestic and sexual violence, and ensure that all women and girls who are victims of violence are protected by such legislation and have access to immediate means of redress and protection and further ensure that perpetrators are prosecuted and punished”: The State party indicated that the first systemic Law on Prevention, Combating and Protection against Domestic Violence was adopted on 17 September 2014. However, according to information received by the Committee, the new law and the bylaws have failed to introduce significant changes in terms of the number/type of measures of protection for the victims. Moreover, the insufficient institutional capacities and the existence of numerous administrative obstacles hamper the effective implementation of such measures. Although shelters for victims of domestic violence may provide psycho-social support under the new law, it has been reported to the Committee that their capacities remain poor with a limited coverage of the national territory. Furthermore, the number of criminal charges filed with reference to acts of violence against women between 2012 and 2014 shows a trend of increase, while the number of submitted petitions for criminal prosecution decreased during the same period.

Mr. Dusko Uzunovski
Chargé d'affaires a.i.
of the former Yugoslav Republic of Macedonia
to the United Nations Office at Geneva
Rue de Lausanne 143
1202 Geneva

Email: geneva@mfa.gov.mk

The Committee welcomes the adoption of the Law on Prevention, Combating and Protection against Domestic Violence. However, it considers that the State party failed to strengthen existing criminal and family law or to adopt a comprehensive law addressing all forms of violence against women and girls. Moreover, the Committee considers that the State party took some steps to ensure access to immediate means of redress and protection and to further ensure that perpetrators are prosecuted and punished. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “enhance the system of data collection to ensure that data are disaggregated by type of violence and by the relationship of the perpetrator to the victim, support research in this field and ensure that information and collected data are available to the public”: The State party indicated that the new Law on Prevention, Combating and Protection against Domestic Violence will enhance the method of keeping records on domestic violence victims. It added that the format and content of the form for exchange of information between the competent institutions, as well as the monitoring mechanisms will be prescribed with the adoption of a by-law. According to information received by the Committee, the unified central data collection system for monitoring incidences and trends of domestic violence, which constituted one of the pillars of the UN Joint Programme for Strengthening National Capacities to Prevent Domestic Violence 2008-2011, has not been established to date. The Ministry of Labour and Social Policy and the Ministry of Interior are the only ones that are currently collecting data on domestic violence. The Committee considers that the State party failed to take any measures to enhance the system of data collection to ensure that data are disaggregated by type of violence and by the relationship of the perpetrator to the victim, support research in this field and ensure that information and collected data are available to the public. The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Strengthen existing criminal and family law or adopt a comprehensive law addressing all forms of violence against women and ensure that all women and girls who are victims of violence are protected by such legislation and have access to immediate means of redress and protection and further ensure that perpetrators are prosecuted and punished; and
- 2) Enhance the system of data collection to ensure that data are disaggregated by type of violence and by the relationship of the perpetrator to the victim, support research in this field and ensure that information and collected data are available to the public.

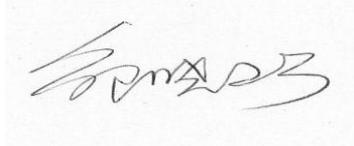
Regarding the recommendation made in **paragraph 30** of the concluding observations that the State party “investigate and urgently address the recommendations of the Office of the Ombudsman which call for the regulation and review of findings made by institutions authorized to determine the level of children’s disabilities and special needs, including those of Roma girls”: The State party mentioned that the Commission for carrying out an audit of the medical documentation in all primary and secondary special schools started its work in October 2014. The purpose of this Commission is to conduct inspection of the documentation and to establish the factual situation of Roma children enrolled in schools for children with special needs. Upon completion of the audit, recommendations for taking appropriate measures to address the problems identified will be made. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 30 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to address the recommendations of the Office of the Ombudsman which call for the regulation and review of findings made by institutions authorized to determine the level of children's disabilities and special needs, including those of Roma girls.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the former Yugoslav Republic of Macedonia on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women