

ANATOMIZING THE SITUATION OF NORTH MACEDONIA IN REFERENCE TO THE HUMAN RIGHTS VIOLATIONS AND CONFIGURING THE REQUIRED RECOMMENDATIONS

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DOI: doi.org/10.55662/APLPR.2022.803

ABSTRACT

Since the beginning of the Republic of North Macedonia, there have been marginalized groups. The LGBTI community, Roma, and women living in North Macedonia have faced various human rights violations for years, including a lack of representation or resources. While the government has attempted to address some of these violations and inequalities through policy, much remains to be addressed. The government must step forward, strengthen its legislation, and provide support to these groups. Roma has historically struggled in many states, with many peoples. The Roma in North Macedonia has experienced various discriminations and rights violations, easily summed up in a pipeline from segregated education to poor health. A step forward for the LGBTI community in North Macedonia, albeit rather complicated, has been the Law on Protection and Prevention of Discrimination. This law was proposed in 2019 to replace its predecessor with a more comprehensive version. It was the first law that explicitly prohibited discrimination based on sexual orientation or gender identity. This law passed but was quickly repealed, as it initially had not achieved the required majority to pass, amongst additional deliberation. Soon afterwards, Parliament was able to re-establish the law with the necessary majority. The lives of women in North Macedonia are not well protected despite the word of the law. Violence against women has been a prevalent issue and significant public health problem due to the negative impact it has on women's health, causing physical and

psychological damage. The government has taken action to prevent this violence and protect its victims.

Keywords: Human Rights, Republic of North Macedonia, Roma, Gender-based Violence & Recommendations.

INTRODUCTION TO RIGHTS VIOLATIONS AGAINST THE LGBTI COMMUNITY AND RECOMMENDATIONS

Members of the LGBTI community in North Macedonia face various discrimination and violations of their rights. To name a few, they are not allowed to marry and same-sex partnerships or marriages are not recognized by the state, there is a lack of legal and medical structure and support for gender transitions, and there is biased education for those in the medical and psychological fields (Association, 2022). This means that members of the LGBTI community cannot access the resources they need in many situations, sometimes emergencies, leading to further trauma. They also face hate speech and violence, as well as ignorance from the general community. They are not protected from hate speech, as legal protections are usually not enforced by police or prosecutors though they should be (Paternotte, 2015). The public is ignorant of much of the LGBTI community's struggles and existence; most citizens of North Macedonia do not know or want to associate with anyone in the LGBTI community. Lastly, many members of the LGBTI community, specifically transgender people, have lost their livelihoods because of the COVID-19 pandemic, and have received no government assistance.

Rainbow Europe, an organization funded by the European Union, offers a few proposals for the situation of members of the LGBTI community in North Macedonia. They recommend comprehensive hate speech laws, differing from the present ones that are not enforced. They also endorse a legal and medical framework for gender recognition, which would allow LGBTI persons to legally access better healthcare, including transition surgeries, and have their gender officially recognized by the government. Lastly, Rainbow Europe proposes that North Macedonia legally recognize same-sex marriage (Europe, 2022).

RIGHTS VIOLATIONS AGAINST THE ROMA COMMUNITY

When Roma children are receiving less support in school, or perhaps cannot speak Macedonian in the classroom, they are more likely to get worse jobs with worse pay, leading them to substandard housing as adults or with their families, which can cause health issues due to lack of water sources or overcrowding (Spitálszky, 2022). In their housing situations, Roma commonly faces evictions. In one case brought to the European Court of Human Rights, the court found that the government destroyed a community's makeshift dwellings without prior notice or another place to stay. The government had classified their settlement as waste and tried to clean it up by destroying their dwellings and all of the possessions inside, instead of dealing with it legally (Rights Centre, 2022). The Roma in North Macedonia also faces cases of police violence and lacks the legal support to respond to it. In one case, the European Court of Human Rights ruled that North Macedonia had not done enough to investigate alleged police brutality against two Roma children, who were arrested for theft, and other members of their community (Jovanovic, 2022).

The Roma people are also underrepresented in the North Macedonian government and do not trust their Roma representatives to work for them. They perceive the government as working for its own ends, not for its people (Sudetic, 2022), and especially not for them. From the other point of view, Roma working in the public administration reported in an anonymous survey that the majority of them regularly experience or witness ethnically biased discrimination, much of the time from their superiors (Berat and Demirovski, 2019). Lastly, similarly to the LGBTI community, the Roma have been disproportionately impacted by the COVID-19 pandemic. Due to the aforementioned poor living conditions in many Roma settlements, they are more at risk or susceptible to the COVID-19 virus. They are also farther down on the list of priorities to receive the vaccine (Fucaloro et al., 2022). Groups of Roma have also seen a rise in ethnic discrimination during the pandemic. For example, a group of nine Roma musicians returning to North Macedonia from Austria were the only ones singled out in a group of 200 people and forced to quarantine in negligent conditions instead of at home. They were given no reason why they were singled out, and they were not even told when their COVID test results came back negative; they only discovered this when a public official posted about it on Facebook (Rizova, Bekar and Velkovski, 2020).

The government has attempted to address some of this inequality and discrimination, though some would say their efforts have not done enough or that the execution was poor. North Macedonia created the Strategy for the Roma in the Republic of Macedonia 2014-2020, addressing education, employment, housing, healthcare, and culture. This plan proposed many training, education, and mediation initiatives. It included encouraging families to send their children to school or to get their vaccines, financially supporting Roma's artistic endeavours, and making sure Roma knows their rights so they can identify equal treatment and act accordingly.

RECOMMENDATIONS FOR THE RIGHTS OF THE ROMA COMMUNITY

Various professionals in North Macedonia have made recommendations to improve the discrimination and rights violations that Roma faces. Andrea Spitalszky, a legal officer at Minority Rights Group, advocates for improvements in housing, education, and healthcare. She proposes non-discrimination training across the board, combatting segregation in schools, investing in infrastructure in Roma communities, increasing health mediators, accelerating the process of legalizing illegal Roma settlements, and more. He suggests that the government increase vaccinations for the Roma by administering some in a health centre located in Suto Orizari, a Roma municipality. He also proposes the government should develop a vaccination awareness program to educate the whole country, but especially vaccine-hesitant Roma, and encourage them to be vaccinated.

GENDER-BASED VIOLATIONS AND RECOMMENDATIONS

The Law for Evidence in Health adopted in 2009, required health professionals to report violence they suspected. This kind of law is beneficial, though it does not acknowledge the barriers that prevent many victims of domestic violence from seeing a doctor for a variety of reasons including lack of financial resources, their abuser stopping them from going, etc. In 2014, the government made big strides in policy development for this problem (Tozija, 2020).

They developed guidelines for the care and assistance of victims and tried to harmonize the laws for the prevention of violence against women. These measures were taken to advance the Sustainable Development Goals of the United Nations (SDGs). The administration also increased data collecting on violence against women and improved their ability for intervention programs as further steps toward achieving this aim. The Istanbul Convention, a human rights treaty of the Council of Europe against gender-based violence and domestic violence, was also ratified in North Macedonia in 2017. This requires North Macedonia to criminalize all forms of gender-based violence and to implement proper violence prevention and protection. The United States Agency for International Development (USAID) claims in a 2019 report that North Macedonia falls short by criminalizing rape to a much less severe degree than called for by the Istanbul Convention (Strategy For The Roma In Republic Of Macedonia 2014 – 2020, 2022).

Additionally, some other forms of gender-based violence are only deemed misdemeanours, though they still do not adhere to the requirements of the Istanbul Convention by being gender-neutral and not recognizing gender discrimination as a cause of gender-based violence (Tozija, 2020). While ratifying this treaty is a step in the right direction, not adhering to its requirements makes its ratification meaningless and superficial. Despite these various laws and regulations, sources such as The Kvinna till Kvinna Foundation, an NGO that promotes women's rights in conflict-affected countries, and Dr Fimka Tozija, the head of the Department for Violence and Injury Control and Prevention in North Macedonia, explain that they are insufficient to tackle the problem of violence against women. The government has these policies but does not properly follow through with them by providing all of the necessary resources, and it is often up to the public to take on this problem.

Another issue is the lack of systematic follow-up of the victims of violence, within health, social, educational, and other institutions in the country. This demonstrates the government's lack of understanding of how domestic violence and various kinds of abuse actually are, for the policies seem to expect victims to always be able to get out of their situation quickly and without more abuse from their perpetrator to keep them there. Additional surveillance and home visitations to check on victims show the potential to greatly improve the prevention and/or reduction of intimate partner violence against women.

As previously mentioned, there is ethnic discrimination in North Macedonia, and this problem is linked with gender discrimination as well. Roma women experience physical violence the most, Albanian women reported experiencing psychological violence the most, and Turkish women faced the most sexual violence among all ethnic groups in North Macedonia. Additionally comes the issue of class and societal standing (Marusic, 2022).

The administration might concentrate on enhancing data collecting, analysis, and education for experts in the avoidance of violence towards women in order to meet the SDGs. Authorities in the federal and provincial communities ought to strive more to advance concerning gender equality and development. To do this, advocacy and empowerment counselling interventions can be provided to help victims take back their power and change the predominant ideas in the country on gender equality. Demonstrating how seriously they take gender-based violence by thoroughly prosecuting perpetrators may also be helpful. Ultimately, the government needs to provide more resources to improve women's safety.

In light of the COVID-19 pandemic, restrictive measures keeping citizens home were taken to protect against the virus, inadvertently increasing the risk of domestic violence. This rise occurs when resources, such as care and support at refugee facilities, are inadequate, when access to health services is difficult, and when many institutions are closed during a time when these services are most needed (Azizi, 2020). The few resources there were available prior to the pandemic became more difficult to access, and this needs to change to protect citizens in times of even greater crisis.

LABOUR ISSUES AGAINST WOMEN AND RECOMMENDATIONS

Similar to how gender-based violence is addressed in North Macedonia, the country's labor regulations are extensive and typically in line with EU rules. However, there are substantial gaps between the intention behind these laws and their actual application, notably in rural regions and for women who are members of ethnic minorities in North Macedonia. 85% of these women are unemployed or working seasonal jobs in the informal economy (MACEDONIA: How Are Women Faring In Macedonia?, 2019). In the previously mentioned 2019 USAID gender analysis report, it is explained that there are jobs stereotypically aimed at

women, and these jobs are those among the least regulated as well as least paid for women. Moreover, women may often accept any job with any level of income out of necessity. Doing so exposes them to the possibility of facing further discrimination and exploitation.

REPRODUCTIVE RIGHTS VIOLATIONS AND RECOMMENDATIONS

Reproductive rights are also under threat in North Macedonia. In 2013, the Law on the Termination of Pregnancy rapidly went through the legislative process in a mere three weeks taking down much of the previous protection on abortion access (Kotevska and Spasovska, 2019). The law mandated that a woman seeking an abortion attend counselling with her husband present. The required presence of a woman's husband severely restricts her autonomy for she is forced to consult and compromise with another on a matter involving her body. Moreover, it conflicted with patients' rights to privacy.

In tandem with reproductive rights issues are racism and ethnic discrimination. Access to healthcare is severely restricted for Roma people, women in particular. They are given very few choices in this regard. This is incredibly harmful to them as well as their loved ones. A study of Roma women's agency in determining their own reproduction found that women who had more of a say in their healthcare made them much more likely to be satisfied or even happy with the timing and existence of a pregnancy. Choosing whether or not to keep a pregnancy, and even choosing whether to become pregnant in the first place, are important life decisions women should be able to make freely (Stojanovski et al., 2017).

Greater access to reproductive healthcare is necessary for all women in North Macedonia. Other ways for the government to meet their goal of reducing abortion would be to implement comprehensive sex education, and family planning programs, and make contraceptives more accessible. Women face more discrimination in the workforce, making them less likely to be financially independent, and making it more difficult for them to tackle unplanned parenthood. Changing labour laws and making the workforce less discriminatory would also help when it comes to women's reproductivity, and overall promote more gender equality.

CONCLUSION

Across the board, there are egregious human rights violations affecting many different kinds of people in North Macedonia. Generally, the government has made at least some effort into fixing these breaches, but their actions have not done enough to atone for the past nor create a better future for the affected groups. Women, members of the LGBTI community, and the Roma people have all faced much unnecessary hardship such as violence and discrimination in multiple places, including something as fundamental as healthcare. The government has a duty to all the people within the country's borders, and they need to conduct more research and listen to the various experts on what kinds of policies to implement in order to serve the people better.

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