

Submission on Macedonia –Fifth Round of the Universal Periodic Review, May 2009

This report is submitted by the **Sexual Rights Initiative**¹ and was written by Enisa Eminovska, Roma women's human rights activist.

This report deals with the situation of **sexual rights of Romani children, women and youth beggars** in Macedonia. It particularly draws attention to violation of their sexual rights deriving from practising harmful traditions on one hand and the failure of the State to recognize these infringements and respond effectively on the other. The report also highlights the clash between Romani culture and the Macedonian legal system while the current Romani human rights movement keeps these issues off the agenda.

Introduction

10. Who are the Roma? As explained in point 4, Roma people are ethnic minority in Macedonia. Approximately one thousand years ago Gypsies, or Roma, left their native India. Today Gypsies can be found in countries throughout the world, their distinct culture still intact in spite of the intense persecution they have endured. For centuries the Roma have survived by using defensive strategies, especially the **absolute exclusion of gadje (non-Gypsies)** from their private lives, their values, and access to information about Romani language and social institutions. Sexuality, gender, and the body are fundamental to Gypsy law, with rules that govern being pure (*vujjo*) or impure (*marime*). Women play an important role in maintaining legal customs, having the power to sanction and to contaminate, but they are not directly involved in legal proceedings². As consequence of the absolute exclusion of the non-Roma, many researchers including government officers do not have access to receive proper information about Roma culture and community life. In this way, Roma would give information to the non-Roma researcher, anything they want to hear but very consciously they would avoid speaking about the real traditions, customs, issues etc. Roma themselves have oral history and therefore, research and writing about Romani life/communities/culture is relatively new.

11. **Beggars** – the poorest layer of Roma communities. Some beggars in Macedonia are also non-Roma but the majority of beggars are from Roma origin. Roma beggars are the most traditional and least integrated Roma in the country. Most of these families had Roma traditional professions which did not survive the transition of the country since the fall of Yugoslavia in early 90's (horse traders, crafts, animal dressers, fortunetelling or low paid jobs like cleaners, servants etc.) As a result, families made of up to 4 generations found themselves in the streets begging.

The Republic of Macedonia: legal system and ethnic minorities

12. On gaining independence from Yugoslavia, Macedonia was set as a republic with a unicameral Parliament, a 120-seat National Assembly and an elected President. Contrary to most other former Yugoslav republics, it managed to separate from Yugoslavia without bloodshed. For the first seven years it was ruled by former socialists, who prevented the country from being drawn into any kind of conflict.

13. Roma people are granted full citizens' rights in the Macedonian Constitution adopted upon the country's independence. Their status of ethnic minority community in the country is also recognised. Roma constitute 2, 66 % of the total population in the country.

14. In 2001 an armed conflict escalated mainly as a result of intolerance between ethnic Macedonians and Albanians. The Ohrid Framework Agreement was the peace deal signed by the government of the Republic of Macedonia and ethnic Albanian representatives in August 2001. The agreement ended the armed conflict between the National Liberation Army of Albanians and the Macedonian security forces and set the groundwork for improving the rights of ethnic Albanians.

15. International Conventions adopted and ratified by the Macedonian Government (as relevant to this report): Convention on the Rights of the Child; Convention on the Worst Forms of Child Labour, and CEDAW Convention.

¹ A coalition including Action Canada for Population and Development; Creating Resources for Empowerment and Action-India; INCREASE-Nigeria, Mulabi-Espacio Latinoamericano de Sexualidades y Derechos, the Polish Federation for Women and Family Planning, and others.

² Source: "Gypsy Law - Romani Legal Traditions and Culture"

16. Recommendations:

- To promulgate a comprehensive anti-discrimination law including race, colour, ethnic origin, gender, age, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, pregnancy, marital status, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition, as protected categories.
- To design an institutional framework and monitoring plan for the Convention on the rights of Child
- To ensure participation of Roma in The National Commission for Children's Rights of the Republic of Macedonia

The Decade of Roma Inclusion 2005 – 2015

9. The Decade of Roma Inclusion 2005–2015 is a political commitment by governments in Central and South-East Europe to improve the socio-economic status and social inclusion of Roma. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming. All governments including that of Macedonia have developed National Strategies for the integration of Roma and National Decade Action Plan for each Decade priority area³. In February 2008, the United Nations Children's Fund (UNICEF) also became a partner in the Decade. Figures from the latest reports available suggest that gaps between the Roma and non-Roma population in areas of social and economic life remain visible as an every day reality. Life expectancy in Roma communities is 10 years shorter when compared to the general population, around 30 % of Roma population is aged 0-14 versus 21% of the general population, only 4,4 % of the Roma are aged above 65 versus 10,57 of general population, infant mortality rate among Roma is 13,9 versus 7,2 being the national rate⁴. Nearly a quarter of Roma women give birth at home, without medical care⁵.

Definitions, concepts and gaps – Roma population versus the general population and the State

10. Cultural understanding and organization of space and home organization.

Very often in Roma communities 3-4 generations live in the same house. Despite this usually being perceived by the general population and other ethnic groups as extreme poverty, and even a primitive way of life, Roma families would emphasize more the conditions of life and unregulated tenure of their homes as a bigger problem over the way in which the space is divided and organized among the family members. This view does not imply that Roma want to live in small homes with many members, but shows the inertia in the changing of the stereotypes, and continuation of the tradition among many researchers and analysts for preterm judgment of not always well informed attitudes, i.e. labeling and establishing unfounded theories about Roma communities⁶. “Roma are genetically stupid”, “Roma are lazy”, “Roma culture is primitive”, “Roma are criminals”, “Roma sexuality is perverted”... these kinds of assumptions/labels appear very often when non Roma researchers work with Roma communities.

11. Home, housing and homelessness. It is a common perception among the general public that the children, women and families that are begging are homeless. Their situation is far more complex than this. Namely, large numbers of these women and children have a place, which for them represents a home, despite the fact that a much bigger portion of their time is spent in improvised temporary settings (especially in the summer period), but which are not their homes. However, even though these people have some housing, place and space for living, it is hard to say that they have safe, stable and decent housing which would act as a center for their interaction with the labor market and public services - especially education and healthcare services.⁷

Begging children, women and youth

³ The founding international partner organizations of the Decade are the World Bank, the Open Society Institute, the United Nations Development Program, the Council of Europe, Council of Europe Development Bank, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, the European Roma Information Office, the European Roma and Traveller Forum, the European Roma Rights Centre, and the Roma Education Fund.

⁴ Annual report on the Health Situation in Republic of Macedonia 2005

⁵ UNICEF Issues facing children in the Former Yugoslav Republic of Macedonia

⁶ Report on the situation of health and housing in Roma communities in Macedonia. Enisa Eminovska, Neda Milevska – Kostova 2008

⁷ Report on the situation of health and housing in Roma communities in Macedonia. Enisa Eminovska, Neda Milevska – Kostova 2008

12. There is **no comprehensive dataset available** as to the number, age, family profile, marital status of children, youth and women beggars across Macedonia. A few reports have been written in the past decade with partial information and sample-based estimates on patterns, incidence and prevalence of begging in Macedonia.

13. There is significant **lack of knowledge and understanding** among State institutions regarding begging and the intersectionality of race and gender as it plays in this issue. In the case of the Roma communities, State institutions are unaware of the gender relations prevalent in them and thus are not being able to introduce programs to promote gender equality and prevent women and girls from turning to begging as their only alternative. Despite this lack of knowledge, there is significant media coverage on this issue based on un-informed writings and personal judgements by journalists, resulting in social stigma and prejudicial public opinion.

14. The Ministry of Labour and Social Policy as well as NGOs have made a few efforts to abolish begging in the past decade, but **none of those measures and programs is efficient enough** to offer data about number of children who stopped begging, number of children who went back to school, number of sheltered begging mothers etc. Most of the programs addressing begging in Macedonia consist of punitive measures, their activities do not include families as stakeholders, and the Roma communities and families concerned are not consulted in the process of program designing and decision making.

15. The Ministry of Labour and Social policy have recently created Day Centres for Street Children. These centres are financially supported by the Ministry and managed by non-governmental organizations. The Ministry does not have a strategy or common goals envisaged for these Centres, nor has it been involved in defining how these centres would approach the work with street children and their families. As a result, it is possible to find in these centres children from poor families who are not street children, the NGOs in-charge do not have a communication strategy and finally the real needs of begging children and families remain un-addressed.

16. Education, health, employment and housing conditions of beggars includes: Low school attendance, high drop out rates among children beggars; Lack of registration of new born children in beggars' families; Children do not have health insurance due to not being registered at birth; Forced evictions of begging families in different municipalities in Macedonia; Long term un-employment up to 4 generations in begging families; Sexual and reproductive health information and services not available to beggars; Use of substances and underage sex work among children and youth beggars.

Health Risks among the Roma

17. Sometimes, Roma culture itself contributes to increasing the risk of certain diseases. For example, the belief in purification and the related rituals have contributed a lot towards refusal of child or adult immunization. Roma social isolation goes to such extremes (i.e. not wanting to register newborn children) that certain significant mortality trends remain hidden. Isolation also results in lower compliance with the preventive health checks (for example, gynecological examinations which are especially hard to promote among the Roma women). It is important to stress that in Macedonia so far there hasn't been any research undertaken which comprehensively explores this issue, in terms of whether the Roma communities have kept certain habits or rituals in their culture that exposes them to increased health risk as a result of non-compliance with medical intervention instructions or in other way affecting the timelines of the medical intervention. On contrary, there is an abundance of publications with anecdotal approaches and levels of information, anticipating that the mentality, culture and tradition of the Roma in Macedonia are responsible for obstructing the increased health care and concern, prevention or improvement of the overall health condition within their communities.

Sexuality in Roma communities:

18. There are certain specificities about Roma communities related to sexuality, beliefs, habits etc. Then people very often have partial or incorrect information regarding sex and sexuality in general. Most of the youth population has only heard about different STD's but lack the information regarding protection. Additionally to this, in beggars' families sexuality is more mystified and information about it is very often incorrect. For example, people don't know the names of all genital organs, their functions, protection etc. They have developed their own vocabulary for these terms. For example, people do not know the word uterus but they rather use "children's place", they don't know the word gynaecologist but they rather say women's doctor.

19. Social segregation is to be acknowledged as one of the reasons for having partial or incorrect information regarding sexuality. Young Roma in general -including MSM⁸ and LGB⁹ - rarely leave the community or have any social interaction with mainstream society. Even when a group of young people decides to go out in non-Roma clubs, they might not be allowed in. For example, on January 14th 2007, seven or eight young gay Roma were not allowed to enter Van Gogh club in Skopje. The owner of the club asked them to leave saying that the club was overcrowded already.

In terms of those with same-sex sexual desires, sexual roles determine gender roles for men (active - masculine, passive – feminine), whereas women are totally invisible in this regard. Clothes are also chosen based on how people perceive themselves sexually. It is very common to have passive gay men with feminine manners and cross-dressing and MSM active men being masculine and violent. Being MSM adds to their masculinity and they are seen as ‘real men’ among peers. Another pressure is marriage. LGB people are expected to marry and found a family and this pressure is so strong that people really do marry. Some of them see marriage as an opportunity to change (“convert into heterosexual”). They have children and wives but then often get involved with same-sex partners and not use any condoms. Their wives may or may not know about these extramarital relationships. MSM are extremely violent (physically, sexually psychologically) to gay men. For example MSM find it very uncomfortable if their gay partner reaches an orgasm during intercourse. This is very often a reason for physical violence. MSM usually say: “he cannot have an orgasm with me, I am not gay”. Also, MSM make decisions about using condoms or not. However, there is a significant less amount of physical violence against non-straight people compared to mainstream society in general. There is very low level of risk awareness about STD¹⁰'s and HIV/AIDS but also a certain dose of reluctance to using condoms. It is rather believed that personal hygiene is enough for prevention whereas condoms prevent unwanted pregnancy only. There is evident sexual violence among MSM, however there is.

20. In terms of reproductive rights, abortion also happens in medically un-observed conditions following instructions by older women. If a young un-married girl beggar got pregnant, she has to “fix” the problem somehow (before it escalates into violence by family members) so most of these girls/women would agree to anything. They do not make informed choices since they don't have information about health risks associated with abortions in medically un-observed conditions. In order to avoid going to the gynaecologist and community seeing this, many young girls decide to consult these older women in the community. Sterilization is not known as such among beggars. When asked if they had gone through any medical procedure to prevent pregnancy, women usually say that doctors inverted their uterus up-side down or pulled their uterus more inside the stomach.

Harmful traditional practises and violations of sexual rights of begging children, youth and women in Macedonia

21. **Early and arranged marriages** occur in many patriarchal communities/societies and disappear over time usually as a result of an overall development of those communities. Nevertheless, consequences they bring last for generations especially for young nations such as the Roma. Early marriages prevent human development of individuals, deepen poverty and produce another generation of beggars. Early marriages may happen as early as 12 years for both girls and boys. These marriages are usually arranged by family members and involve the dowry system. These practises remain un-noticed by local authorities unless the family itself requests legal help from institutions (usually the police in cases of bride kidnapping or runaway brides, or the centres for social work in cases of underage single mothers). Macedonian institutions do not have the necessary capacities to respond effectively in such situations and additionally to this, the discriminatory attitude of public officers further prevent enforcing existing legislation and protection of rights of individuals affected by such practises.¹¹

22. Women's virginity is discussed prior to marriage. If there is any doubt, the groom's family may ask for a medical check up to which the girl's family usually agrees. In this way, they prevent future possible conflicts. Otherwise, they wait for the first wedding night when the first sexual intercourse

⁸ Men who have sex with men

⁹ Lesbians, gays and bisexuals

¹⁰ Sexually transmitted diseases

¹¹ Macedonian public officials perceive these practices as representing Romani culture as opposed to patriarchal traditions, so they abstain from any attempt to changing them as doing so would result in assimilation of Roma communities. This statement is based on several workshop sessions with authorities, held by author of this report since 2004.

happens. Before the actual intercourse, the mother in law shall check the girl's body and see if there are any cuts and wounds or if she has her period. This is done in order to prevent cheating by the bride or the couple. After the intercourse, the mother of the groom takes the bed sheet and puts some alcohol on the virginal blood. According to superstitious beliefs in the Roma community, the blood should spread on the sheet. If it doesn't then families may think that blood is fake i.e. not from the hymen. If for any reason the virginity cannot be proved at the first wedding night (stress on the couple as people are waiting in front of the room, or elastic hymen) then families may decide to do several things: Take the girl to a doctor to prove her virginity; inviting a local mullah to ease the sexual intercourse by chanting, praying or instructing the couple, believing that someone has thrown a black magic on the couple; or asking an older woman from the groom's family to try to take the girl's virginity by penetrating her with fingers or an object (usually a candle). Sometimes, families are even not satisfied with the amount of blood on the bed sheet. This can also cause troubles but is usually resolved between the two families. When the bride's virginity status cannot be proved, the girl is returned to her family and she is labelled as '*phivli*' meaning non-virgin. A whole set of community rules then navigates her life: she has to obey proper behaviour codes which involve limited freedom of movement, limited space for making decisions or another arranged marriage will follow soon (most commonly to an older person or a widower) in order to preserve family status and honour in the community.

23. Example of harmful trends in gender identities and roles in Roma communities in Macedonia include: preference for male children; roles of mothers and obedient wives - women compromise their education and careers in order to be more marriageable or once they get engaged. Men are expected to prove their masculinity and exert their roles as husbands through limiting women's freedom of movement, controlling their bodies, the choices about the number and spacing of children, refusing to use contraceptives, among others. The lack of access to proper information due to high illiteracy rate among beggars compounds this situation.

Failure of Macedonian institutions

24. *Macedonian police* – usually called to intervene in cases of early marriages. Minimum marriage age in Macedonia is 16 with the consent of both parents. In cases of early marriages, police officers let families to sort out the problem themselves and it usually results in the couples remaining together in marriage. Police officers do not differentiate between early, arranged and forced marriages but rather operate on the basis of stereotypes about the Roma and their 'primitive' traditions

25. *Shelter centres for victims of domestic violence* – do not accept victims of early and arranged marriages due to lack of training regarding support and assistance to non-Macedonian victims of domestic violence. The law says victims of domestic violence can be anyone regardless of age, but it has been our experience that, when trying to help a 14 year old girl to get a safe space in the state shelter centre, we were told that Macedonian law shall treat her as child and not a woman. So, it was basically an unprofessional judgement of staff about how to approach the case.

26. *Centres for Social Work* – social workers do not understand Roma culture and marriage traditions. Programs offered by centres for social work do not invite families' participation and therefore a gap remains opened between services and needs.

27. *Orphanages* – programs in orphanages are not tailored to serve the needs of begging children. Staff in the orphanages is not familiar with Roma culture and marriage traditions which further affects efficiency in their work

28. *Ministry of Labour and Social Policy* – has the coordination role in the implementation of the Decade of Roma Inclusion. Nevertheless, issues of harmful traditional practises and begging among Roma remain un-addressed both in the work of the Ministry and in the National Decade Action Plans, National Strategy for the Roma and other social inclusion programs in the country.

29. **Recommendations**

- Provide social housing for minor single mothers or women headed households
- Extend social assistance programs for minor sex workers and their families
- Develop and introduce work and study programs for young parents
- Disseminate information about sexual and reproductive health services among beggars
- In cooperation with NGOs and community groups, design and implement trainings/discussions/education/information programmes for LGB people in Roma communities on issues of gender, identity, SRH and rights, sexuality, ITS/HIV/AIDS protection and others.

- Promote peer education among beggars about use of substances and services available
- Make available and accessible adult education program to beggars' families
- Instruct the State University of St. Cyril and Methodius to create a base of knowledge for social problems such as begging and to suggest appropriate methodologies and approaches to address these issues; review and modify curricula in the Sociology and Social Work Departments regarding the problems of begging.
- Revise the Decade Action Plans and National Strategy for Roma to include issues of begging in them, and allocate funds for those activities.
- Employ Roma experts to oversee the work of police, Centres for Social work and shelter centres for women victims of domestic violence in cases of harmful traditional practises and working with beggars.