



**OUT LOUD
FOR
SEX WORKERS**

STAR-STAR Follow-up Report to NSWP on the 71st Session of the Committee on the Elimination of Discrimination against Women

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“68 % of sex workers encounter some form of violence as a result of their work!

We urge the Committee to recommend to our Government to repeal the laws that sanctions sex workers and allocate more resources for our legal services, but most important of all – our health”.

Jana Trbojevikj, - STAR Board member to the CEDAW Committee members.

1. Introduction

STAR-STAR in direct and close collaboration with its partners, which include HOPS - Healthy Options Project Skopje, The Coalition MARGINS, Stronger Together Association for Support of People Living with HIV, and ECOM the Eurasian Coalition on Male Health have jointly prepared a Shadow Report to specifically reflect on the status of sex workers in the Republic of Macedonia in front of the CEDAW Committee.

2. Key Content Points of the Shadow Report

The report featured very detailed and comprehensive information regarding the current legislature pertaining to sex work and sex workers, as well as the stigma, discrimination and/or violence that female and transgender sex workers are faced with or subjected to on a day-to-day basis. Furthermore, the Shadow Report provides specific information on the restricted access to social, legal and healthcare services available for female and transgender sex workers, as well as recommendations for measures to be taken so that the situation and circumstances could potentially improve on all counts.

Specifically the Report contained information the following:

- 2.1 The Definition of Discrimination in the Constitution, the Law on Prevention and Protection Against Discrimination, as well as the Law on Equal Opportunities for Women and Men.
- 2.2 Article 2 -Policy measures to eliminate discrimination, i.e. a reflection on the fact that sex work in Macedonia is regulated by two laws. The Law on Misdemeanors Against Public Order from (2007) that provides administrative sanction for soliciting and the Criminal Code (1996) that bans mediation in prostitution.
- 2.3 Statistical data on gender based violence against women.
- 2.4 Article 5- Sex role stereotyping and prejudice, i.e. focusing on cases of regressive traditional models for division of roles and family values, and the media that often fuel the stigma against sex workers by publishing harassing articles which label sex workers as immoral, carriers of diseases, promoters of debauchery.
- 2.5 Article 10 – Education, i.e. emphasizing the fact that within the frames of the new Comprehensive Strategy on Education 2016-2020 fails to recognize discrimination, bullying and violence as problems that need to be addressed in the respective period, although there is a rising problem of homophobic and transphobic bullying in schools.
- 2.6 Article 12 – Right to health, referring to the availability of HIV preventative and reproductive and sexual healthcare services for female and transgender sex workers, or the lack thereof.
- 2.7 Article 15- Equality before the law, i.e. highlighting cases that sex workers cannot utilize the laws and legal remedies available against discrimination and that most sex workers are discouraged to use formal or informal mechanisms for protection of their rights.

3. Methodology and Development

In the process of preparation of the previously sent Shadow Report, we have arranged for two focus groups to be formed, one with seven female sex workers led by Ljubinka Atanasoska, STAR-STAR Outreach Worker and peer educator, and the other with five transgender sex workers, led by Lila Milikj STAR-STAR Health Program Assistant, Outreach Worker and Peer Educator. The sole purpose of the formation of these focus groups was to gather as much relevant information as possible that would accurately reflect the current situation.

In addition, our partners' legal teams have selflessly contributed their time and knowledge in providing the legal background and framework regarding sex work and related matters in the Republic of Macedonia. This undoubtedly resulted in having a comprehensive and accurate report submitted in front of the Committee Members.

4. General Summary of the Experience of STAR-STAR's Representatives before the CEDAW Committee

Jagoda Miteva and Jana Trbojevikj were selected as Macedonian representatives to attend and deliver an oral statement on the seventy-first session of the CEDAW Committee in Geneva.

4.1 Day One: NGO Briefing

After having safely and timely arrived in Geneva, our members were called for an NGO Briefing Meeting, which was to provide adequate orientation for all countries representatives, i.e. Tajikistan, Mauritius, Macedonia, and the Republic of Laos. All participants had the opportunity to meet the IWRAW Asia Pacific representative, Ms. Sachini Perera, who was appointed the role of a trainer. Throughout the orientation process, Ms. Sachini Perera made sure that everyone was fully well familiarized with the presentation room, and all necessary facilities that our representatives had at their disposal, such as the printer room, the lunch room, as well as the etiquette and the proceeding prior to, during and after the Oral Statement in front of the Committee Members.

Our representatives found Ms. Sachini to be fully dedicated, knowledgeable, qualified and enthusiastic. She made sure that each and every representative is well-prepared to meet all the expectations and requirements, making sure that their contributions are successful to the fullest possible extend.

4.2 Day Two: Oral Statement

On this day there were five speakers from Macedonia focusing on and addressing various issues of interest for the Committee Members. Jana Trbojevikj had the fortune, pleasure and responsibility to give an oral statement in front of the Committee Members addressing sex workers' issues in the Republic of Macedonia, the highlights of which include the following:

Most sex workers are discouraged to use formal or informal mechanisms for protection of their rights. The discrimination and human rights violations that sex workers experience are due to the intersections of their identity as women and as sex workers.

The state fails to tackle these forms of discrimination disadvantaging the groups of women and sex workers. In the absence of a functional healthcare, social and legal system, sex workers mostly trust the NGOs, which are the major provider of legal aid and other services to sex workers. 68 % of sex workers encounter some form of violence as a result of their work.

The law sanctions sex workers with misdemeanors against public order for soliciting .The Criminal Code bans prostitution mediation and sanctions their earnings from allowing third party to use sex services, not regarding that both sides agree.

Our Government took over the funding for HIV prevention program from the Global Fund to Fight AIDS, Tuberculosis and Malaria in January 2018, but failed to allocate money for their legal services, like free gynecological services and information relating to sexual and reproductive rights and health.

We urge the Committee to recommend to our Government to repeal this law that sanctions sex workers and allocate more resources for their legal services, but most important of all - their health.

Unfortunately, upon the completion of the Oral Statement, there were no questions for Macedonia and Laos as well. All the questions by the Committee Members were mostly addressed to Tajikistan and Mauritius.

4.3 Day Three: Informal Lunch Briefing

In the morning, Jana had had a prearranged meeting with Mr. Yuorsky from ECOM - the Eurasian Coalition on Male Health (ECOM provides STAR-STAR with technical support in order to get participants ready for the Country meeting. Snacks and soft drinks were provided by Macedonian delegation for the lunch with the attending Committee Members. There was an

informal lunch meeting organized for each participating country separately. 7 out of 19 Commissioners from Turkey, France, Cuba, Norway, Israel, Georgia, and China joined the Macedonian delegation for a lunch briefing.

Predominantly, the Committee Members were interested in Roma and Women in Rural areas of the country. The personal impression of the sex workers participants from Macedonia was that the Committee Members were not favorably inclined to sex work in general, therefore showing lack of interest to ask questions or engage themselves in conversations pertaining to sex work whatsoever. The Committee Member from Georgia was the only one who asked questions directly addressing the sex workers delegation.

The first question was how sex work is regulated in Macedonia and what the biggest violations that sex workers face in Macedonia are. Sex worker representatives from Macedonia answered in full detail and precisely, as it were stated in the Shadow Report.

4.4 Day Four: Country Reporting Day

Two Ministers from the Republic of Macedonia attended this session, i.e. the Minister of Health and the Minister of Labor and Social Policies. The fact of the matter is that currently we do have a less conservative and more liberal Government, whose main focus is utter respect for human rights, including sex workers'. Therefore, the Government's reporting was not much in conflict with the NGOs reporting, both parties accepting the challenges that need to be referred to and addressed.

A Committee Member had a question for the Labor and Social Policies Minister, in terms of how she views the Swedish Model pertaining to sex work. This particular Minister has had a long and extensive experience working in the NGO sector prior to her Ministerial position, which is understandably why her views are not particularly favorable to this extremely damning and dangerous model for all sex workers. The Minister answered that whatever laws will be implemented, firstly the sex worker community will be consulted.

Furthermore, the Committee Member from Norway asked how the Government about sex workers' access to legal services. "He would be interested to hear how the Government ensured that legal aid was provided to vulnerable groups whose activities were at variance

with the law, most notably sex workers, bearing in mind their distrust of the authorities." He also asked about the effect of the Law on Equal Opportunities for Men and Women on sex workers, as well as LBT women and rural women.

5. Final Observations

5.1 Trafficking and Exploitation of Prostitution Law

The Committee recommends that the State Party should strengthen the human, technical and financial resources of the Public Prosecutors' office and the unit for trafficking in human beings and smuggling of migrants of the Department for Criminal Investigations.

The Committee notes with concern the information about cases of gender-based violence against women in prostitution such as physical or verbal violence, harassment, ill treatment and arbitrary detentions by the police. It also notes with concern that women in prostitution face barriers to access shelters for victims of violence and limited access to health care. The Committee is also concerned about the absence of exit programmes for women who wish to leave prostitution.

5.2 National Human Rights Institution

The Committee welcomes the information about the increased funds provided for the functioning of the Ombudsman's Office and its appointment as a national body for the prevention of torture. It is, however, concerned that the Ombudsman's Office has insufficient human and technical capacity to promote and protect women's rights.

5.3 Discrimination

The Committee...remains concerned about...The *de facto*, multiple and intersectional forms of discrimination against women, in particular Roma women, women in rural areas, migrant, asylum seekers, refugee women, and women in prostitution.

The Committee...recommends that the State party:

- Accelerate the adoption of the new law on the Prevention and Protection against Discrimination, ensuring protection from discrimination on the basis of sex, and protection from multiple and intersecting forms of discrimination;
- develop a plan for a targeted implementation of the Law on Equal Opportunities for Women and Men, ensuring a focus on Roma, rural, migrant, asylum-seeking and refugee women, women in prostitution and women with disabilities;

- Strengthen cooperation with civil society organizations and other stakeholders with the aim of identifying and addressing situations of exclusion, deprivation, poverty and neglect.

5.4 Violence, Health and Social Protection

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The Committee recommends that the State party:

- Combat violence against women in prostitution and adopt measures to prevent, investigate, prosecute and adequately punish violence against them;
- Ensure that health care and social protection are available to women in prostitution; and strengthen income-generating opportunities for women as well as provide exit programmes for women who wish to leave prostitution.

6 Barriers to be taken into consideration

6.1 entire CEDAW administration process is quite time-consuming;

6.2 The registration process is not available for non-English speaking sex workers;

6.3 The cover costs for IWRAW preparing training should be sponsored by UN.

7 Conclusions and Future Work

After a two-year long community consultation on sex work regulation, Macedonia is on its way to start the negotiations with the government in order to establish legal framework which is to improve the legal and working conditions of sex workers in Macedonia. We are pleased and empowered by the recommendation stated in the final observation by the Committee as it clearly paves the way to a broader, fairer and comparatively better position of sex workers in society.