

## ROMA IN MACEDONIA

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## ACRONYMS AND ABBREVIATIONS

CAHROM \_\_\_\_\_ Ad hoc Committee of Experts on Roma and Traveller Issues

CEDAW \_ UN Committee on the Elimination of Discrimination against Women

CPD \_\_\_\_\_ Commission for Protection against Discrimination

ECRI \_\_\_\_\_ European Commission against Racism and Intolerance

ERRC \_\_\_\_\_ European Roma Rights Centre

ESI \_\_\_\_\_ European Stability Initiative

EU \_\_\_\_\_ European Union

FYR \_\_\_\_\_ Former Yugoslav Republic

LTICB \_\_\_\_\_ Law on the Treatment of Illegally Constructed Buildings

NGO \_\_\_\_\_ Non-governmental organization

OPE \_\_\_\_\_ Operational Plan for Employment

OSCE/ODIHR \_\_\_\_\_ Organization for Security and Co-operation in Europe,  
Office for Democratic Institutions and Human Rights

RHM \_\_\_\_\_ Roma Health Mediators

SFRY \_\_\_\_\_ Socialist Federal Republic of Yugoslavia

UN \_\_\_\_\_ United Nations

UNDP \_\_\_\_\_ United Nations Development Programme

UNHCR \_\_\_\_\_ United Nations High Commissioner for Refugees

UNICEF \_\_\_\_\_ United Nations Children's Fund



PHOTO: NINA KALESHOVSKA, MACEDONIA

## 1. ROMA IN MACEDONIA: OVERVIEW<sup>1</sup>

### 1.1. DEMOGRAPHICS

The census planned for 2011 has been cancelled and the only official data available is from the census in 2002 when 53.879 persons declared themselves as Roma and another 3.843 as Egyptians.

Due to several reasons, the actual number of Roma and Egyptians in Macedonia is difficult to determine. Not all Roma disclose their ethnicity in census-taking. In addition, ten thousands of Roma left Macedonia in the last couple of years, asking for asylum in Western Europe or went to work informally in another country. According to Council of Europe estimations, there might be up to 260.000 Roma living in the country though the actual number might be lower.<sup>2</sup>

At the end of April 2017, there were 616 Roma refugees from Kosovo still registered in Macedonia (312 men and 304 women; 261 are under the age of 18; eighteen are recognised refugees, 439 are persons with subsidiary

protection status, 159 either had their claim rejected, or their status ended, but their stay in the country is tolerated by the state).<sup>3</sup>

The municipality of Šuto Orizari is the only municipality with a Roma majority, where Romani is recognised as an official language. Large communities exist in several other municipalities such as Bitola, Debar, Gostivar, Kičevo, Kočani, Kumanovo, Prilep, Štip, Tetovo and Vinica.<sup>4</sup>

### 1.2. ANTI-GYPSYISM AND CUMULATIVE DISCRIMINATION

Anti-Gypsyism, cumulative discrimination and prejudices towards and wrong perceptions of Roma still prevail in Macedonia as in all other countries in Europe. Anti-Gypsyism and cumulative and systematic discrimination constitute the root-causes while the symptoms of Roma situation include high unemployment rates, low education

<sup>1</sup> The authors are very thankful for the valuable contribution from Sarita Jasarova.

<sup>2</sup> See "Estimates on Roma population in European countries". Retrieved on February 14, 2017 from: <http://www.coe.int/de/web/portal/roma>.

<sup>3</sup> Email received from UNHCR on May 12, 2017

<sup>4</sup> Roma Education Fund, *Country Assessment Macedonia*, 2011, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/ref\\_ca\\_2011\\_mac\\_english\\_screen.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/ref_ca_2011_mac_english_screen.pdf).

enrolment and attainment rates and the deplorable living conditions of the majority.<sup>5</sup> The repercussions of the conflict in Macedonia and the war in Kosovo further complicate their situation.

The tensions between ethnic Macedonian citizens and ethnic Albanian Macedonian citizens dominate the inter-ethnic relations in Macedonia, thus the international community pays very little attention to the position of the Roma in this conflict. A similar situation prevails with regard to the political conflict in Macedonia and its repercussions on the Roma population in the country. In both conflicts, Roma do not play an active part, but are forced to take sides, which is similar to the situation during the conflict between Albanian insurgents and the Macedonian state in 2001 when Roma were caught between the lines.

## 2. SECURITY AND FREEDOM FROM TORTURE

### 2.1. LAW AND POLICY REVIEW

The Macedonian Criminal Code contains several criminal offences that criminalise actions with a biased element: violation of citizens' equality (Art. 137), instigating national, racial or religious hatred, conflict and intolerance (Art. 319), exposure of the Macedonian people and nationalities to ridicule (Art. 179) and racial or other discrimination (Art. 417).<sup>10</sup> The Criminal Code does not include provisions which take into consideration national, racial, religious or other hatred as a motivation for other types of crimes.

As a signatory of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, Macedonia introduced a separate criminal offence "spreading racist and xenophobic material by means of information system" (Art. 394-d).

In February 2014, FYR Macedonia adopted amendments prohibiting and punishing hate speech and the

### 1.3. GENERAL LEGAL AND POLICY FRAMEWORK

The Preamble of the Constitution of the Republic of Macedonia explicitly recognizes Roma as an ethnic community along with Albanians, Turks, Vlachs, Serbs and Bosniaks, but not the Egyptians. Egyptians are however, recognised in such a way that they constitute an ethnic category during census-taking.

The major strategic policy document is the National Roma Integration Strategy, covering education, employment, housing, health and culture.<sup>6</sup> Other important documents are: the Law on Promotion and Protection of the Rights of Communities that are less than 20% of the Population in Macedonia<sup>7</sup>, the Law on Local Self-Government<sup>8</sup> and the Law on Prevention and Protection against Discrimination<sup>9</sup>.

dissemination of online materials which potentially promote or incite hatred, discrimination or violence on any ground, against any person or group.<sup>11</sup> Art. 319 provides for a prison sentence of one to five years for anyone who instigates or incites hatred, discord or intolerance on discriminatory basis.<sup>12</sup>

In 2012 Law on Civil Liability for Insult and Defamation was adopted regulating civil liability for damaging reputation of the individual or entity by insults and defamation.<sup>13</sup> Some editors and media owners expressed concerns that the steep fines would cause self-censorship. Data on hate speech or incitement in the media is collected by the Broadcasting Council. In line with the ratified UN and Council of Europe Conventions, the Criminal Code prohibits ill-treatment and harassment while performing a duty or acting in official capacity through several criminal offences: torture and other cruel, inhuman or humiliating activities and punishments (Article 142), harassment while

5 For a discussion on Anti-Gypsyism and cumulative discrimination, see the overview paper Roma in the Western Balkans 2017

6 Republic of Macedonia, Ministry of Labour and Social Policy in Collaboration with the National Coordinator of the Decade and Strategy of Roma, Strategy for the Roma in Republic of Macedonia 2014-2020 (National Strategy)

7 Official Gazette of the Republic of Macedonia Nos. 92/08, 42/14

8 Official Gazette of the Republic of Macedonia No. 05/02

9 Official Gazette of the Republic of Macedonia. No. 170/2010

10 Official Gazette of the Republic of Macedonia, Nos. 37/96, 60/06, 73/06, 7/08 139/08, 114/09, 51/11, 135/11, 1185/11, 42/12, 166/1, 27/14.

11 Official Gazette of the Republic of Macedonia, No. 27/14.

12 ERRC, Written Comments Regarding EU Accession Progress for Consideration by the European Commission during its 2014 Review, 2014. Retrieved on June 13, 2017 from: <http://www.errc.org/cms/upload/file/ec-progress-report-macedonia-2014.pdf>

13 Law on Civil Responsibility for Insult and Defamation, December 2012, available at: <http://www.pravo.org.mk/documentDetail.php?id=6426>.

performing a duty (Article 143) and others.<sup>14</sup>

The Law on Prevention and Protection against Discrimination established the Commission for Protection against Discrimination (CPD) as a new autonomous and independent body to act upon complaints from persons who consider themselves subject to alleged discrimination.<sup>15</sup> The Law also provides for individual and joint lawsuits in cases of discrimination and reverses the burden of proof in discrimination cases.

## 2.1. CURRENT SITUATION

Society in Macedonia is divided between the two largest ethnic communities in the country, ethnic Macedonians and ethnic Albanians. Even though violent inter-ethnic incidents occur, racially motivated violence against Roma is rare.<sup>16</sup> The Annual reports (2013-2016) of the Public Prosecutor do not include statistics on ethnicity and thus do not contain numbers of Roma offenders and Roma victims.

In spite of the diminishing number of cases of the police ill-treatment, such cases continue to be reported and, according to non-governmental sources, this is disproportionately targeting persons belonging to national minorities, especially the Roma. Allegations of discriminatory ill-treatment of Roma are not always properly investigated and the perpetrators of violent attacks, often police forces, are treated with impunity.<sup>17</sup> In May 2017, the ERRC reported concerns due to the continuing level of police brutality against Roma in Macedonia in parallel with the level of impunity displayed among the responsible authorities.<sup>18</sup>

In 2012 European Commission's Progress Report on Macedonia it was noted that even though efforts were made to increase police officers' knowledge of European

standards, in practice the gaps in the implementation of formal safeguards against ill-treatment remain, including the zero tolerance strategy for ill-treatment.<sup>19</sup> There have been three cases in the last five years documented by the ERRC, concerning state response to violence and hate speech. There is a case pending at the ECtHR concerning the death in custody of a young man of Roma origin<sup>20</sup> and two cases of the police brutality which are being processed in the domestic courts in Macedonia.<sup>21</sup>

On 11 March 2017, the ERRC reported two new incidents of a Roma man's death in prison.<sup>22</sup> A 21 year-old man from Šuto Orizari died in prison in Idrizovo after being beaten up. On 22 March 2017, a 25-year-old father of two died in KPD Štip prison after medical treatment was apparently withheld for hours prior to his death.<sup>23</sup> Furthermore, there are other incidents involving police officers or security guards. In January 2017, swastikas and slogans 'Death for Gypsies' and 'Die Gypsies' were found on a wall of the primary school "Gjorgji Sugarev" in Bitola, where majority students (80%) are Roma.<sup>24</sup>

In 2015 concluding observations for Macedonia, the UN Committee against Torture stated, *inter alia*, that it remains concerned at information regarding the excessive use of force by police officers against Roma, particularly the incidents involving members of the special 'Alfa' unit. Furthermore, the Committee requested the Macedonian Government to combat and prevent discriminatory police misconduct by ensuring that all alleged cases of excessive use of force by law enforcement officers against members of the Roma community are promptly and effectively recorded and investigated and, as appropriate, prosecuted and punished, ensuring that the victims are provided with an opportunity to seek redress including appropriate rehabilitation.<sup>25</sup>

14 ERRC, Country Profile 2011-2012 – Macedonia, 2012, available at: <http://www.errc.org/cms/upload/file/macedonia-country-profile-2011-2012.pdf>.

15 Official Gazette of the Republic of Macedonia, No. 170/10

16 ERRC, Country Profile 2011-2012 - Macedonia, pp. 31-32.

17 ERRC, Submission to UN CERD on Macedonia, 2015. Retrieved on June 14, 2017 from : <http://www.errc.org/cms/upload/file/macedonia-cerd-submission-10-july-2015.pdf>

18 ERRC, *Submission to the European Commission on the enlargement component of the EU Roma Framework*, 2017. Retrieved on June 14, 2017 from: <http://www.errc.org/cms/upload/file/submission-on-roma-inclusion-in-enlargement-countries-may-2017.pdf>.

19 European Commission, the FYROM Progress Report 2012, p. 13.

20 *Eminov v the former Yugoslav Republic of Macedonia* (ECtHR, ERRC, pending). Retrieved on June 14, 2017 from: <http://www.errc.org/article/eminov-v-the-former-yugoslav-republic-of-macedonia-pending/4387>

21 ERRC, cases overview on response to violence and hate speech– Macedonia. Retrieved on June 14, 2017 from: <http://www.errc.org/article/domestic-cases-macedonia/4399>.

22 ERRC, March 2017. Retrieved on June 14, 2017 from: <http://www.errc.org/article/young-Roma-man-from-macedonian-prison-dies-under-suspicious-circumstances/4560>.

23 ERRC, Submission to the European Commission on the enlargement component of the EU Roma Framework, 2017.

24 Roma SOS Prilep, available at: <http://romasosprilep.org/language/en/announcement-hate-speech/>

25 UN CAT, Concluding observations on the third periodical report of FYROM, 2015, available at: [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MKD/CAT\\_C\\_MKD\\_CO\\_3\\_20486\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MKD/CAT_C_MKD_CO_3_20486_E.pdf).





PHOTO: VERA HRISTOVSKA, MACEDONIA

### 3. PERSONAL DOCUMENTS

#### 3.1. LEGAL AND POLICY REVIEW

The legal and administrative framework still lacks systemic solutions to help people overcome the obstacles in obtaining civil registration and documentation and ultimately citizenship. The fact that many Roma live in informal settlements constitutes a specific problem.

The Law on Citizenship of the Republic of Macedonia and its subsequent amendments provide for the overall framework.<sup>26</sup>

According to the Law on Registration of Domicile and Residence of Citizens, citizens of Macedonia must register a legally recognized address and proof of property ownership to acquire a national identity document. This requirement creates serious obstacles for Roma living in informal settlements. Without a valid residence, Roma living in informal settlements cannot obtain identity documents and in consequence cannot register the births of their children.<sup>27</sup>

Roma who are long-term habitual residents face specific problems. Persons in this category came to Macedonia from some other Yugoslav republic prior to the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY). For various reasons, including (but not limited to), lack of awareness and limited practical importance of republic's citizenship in SFRY, many Roma did not register their change of residence, so they effectively became foreigners when Macedonia became independent in 1991. Long-term habitual residents have to obtain civil documentation from their place of origin either to start a naturalisation process or to regulate their residence as foreigners in Macedonia.

Under the Law on Citizenship, lawful residence is essential for naturalization.<sup>28</sup>

Furthermore, to be eligible for registration as a foreigner under the Law on Foreigners it is required to possess certain documents, including a health insurance or a valid

26 Official Gazette of the Republic of Macedonia, Nos. 67/92, 8/04, 98/08 and 158/11

27 Official Gazette of the Republic of Macedonia, No. 36/92

28 Official Gazette of the Republic of Macedonia, Nos. 67/92, 8/04, 45/04.

travel document – documents many Roma, in particular the Roma refugees from Kosovo, do not have.<sup>29</sup>

The requirements and the administrative procedures of birth registration are regulated by the Law on Registry Books.<sup>30</sup> Due to some unclear provisions of the law, registry offices have some discretion in applying requirements for the registration, e.g. the provision that two witnesses are needed to establish the facts of birth for a baby born outside a hospital. In addition, subsequent birth registration includes considerable costs, *inter alia*, for a DNA analysis in order to prove family relations.<sup>31</sup>

The Law on Health Insurance is also relevant when it comes to the documents required by eligibility criteria for mandatory health insurance.<sup>32</sup>

### 3.2. CURRENT SITUATION

In the past, considerable number of Roma in Macedonia did not obtain necessary documents which, in many cases, left them stateless. This was a problem many Roma faced after the break-up of former Yugoslavia.<sup>33</sup>

The consequences of not being registered are severe, e.g. people who are not registered in the birth registry do not have a legal identity and do not have a right to health insurance, but have to pay for each visit at a doctor and for every treatment which the majority of Roma cannot afford.

In the last few years, due to advocacy and outreach activities of civil society and international organisations, in particular the United Nations High Commissioner for Refugees (UNHCR), the process of obtaining personal documents – especially for the purpose of avoiding

statelessness – considerably improved, thus a few thousand Roma were registered.

The Government has established an inter-ministerial working group on civil registration and documents issuance and taken steps to identify and assist people without documentation. A Memorandum of Understanding between government institutions and civil society (in particular with the NGO *Macedonian Young Lawyers Association*) has improved the access to legal aid for people who lack documents.

In cooperation with NGOs, the authorities have established mobile teams reaching out to people who might be undocumented. Moreover, the fees for obtaining documents and/or registration have been waived.

Despite these initiatives, there are still people who are not registered at all.<sup>34</sup>

As of April 2017, 597 persons, 428 of them Roma and 17 Ashkali, are at risk of becoming stateless. There are more women (316) in this group than men (281).<sup>35</sup> There are two main groups of persons at risk of becoming stateless: (i) long-term habitual residents with undetermined nationality (324 persons) and (ii) persons who experience difficulties in establishing their nationality due to the unregistered civil or legal status, primarily Roma (273 persons).

The situation with regard to birth registration has also improved. According to UNICEF, by 2014 over 98% of the Roma children under the age of 5 were registered. At the same time, 35% of mothers who said that their children were registered could not produce a birth certificate.<sup>36</sup>

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29 Official Gazette of the Republic of Macedonia, No. 35/06

30 Official Gazette of the Republic of Macedonia, Nos. 8/95, 38/02, 66/07, 98/08 and 67/09 and 13/13

31 European Network in Statelessness, *Ending Childhood Statelessness, A Study on Macedonia*. Retrieved on February 27, 2017 from: [http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia\\_0.pdf](http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf)

32 Official Gazette of the Republic of Macedonia, No. 25/00

33 Tatjana Peric, Personal documents and threats to the exercise of fundamental rights of Roma in Europe. Retrieved on February 15, 2017, from <http://www.errc.org/article/personal-documents-and-threats-to-the-exercise-of-fundamental-rights-of-roma-in-europe/1097>

34 UNHCR Skopje, *The Right to Have Rights-Legal Identity, Civil Registration and Citizenship – key towards social inclusion of marginalized communities*, 2012

35 Email from UNHCR Skopje on May 12, 2017

36 UNICEF, *Insights: Child rights in Central and Eastern Europe and Central Asia. Realizing the rights of Roma children and women in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia*. Retrieved on February 15, 2017 from: [https://www.unicef.org/ceecis/Insights2014\\_2.pdf](https://www.unicef.org/ceecis/Insights2014_2.pdf)



## 4. EMPLOYMENT

### 4.1. LEGAL AND POLICY REVIEW

The 2008 Law for Promoting and Protecting the Rights of Communities which Represent Less than 20% of the Population aims to achieve an equitable representation of ethnic communities, including Roma, in the public sector at both central and local level.<sup>37</sup>

The Law on Employment and Insurance in Case of Unemployment provides for the possibility of wage subsidies to employers who employ unemployed members of vulnerable groups, including Roma.<sup>38</sup>

The Labour Law explicitly prohibits discrimination, on ethnic grounds as well.<sup>39</sup> The Law on Social Protection provides for the framework of possible measures in social

protection of vulnerable persons.<sup>40</sup>

### 4.2. CURRENT SITUATION

Despite progress made in some fields, the unemployment rate among Roma is still extremely high. In 2016, the Council of Europe stated that the unemployment rate among Roma in Macedonia is around 70%.<sup>41</sup> In 2011, the 2011 Regional Roma Survey commissioned by the United Nations Development Programme (UNDP), the World Bank, and the European Commission showed that an overall unemployment rate among Roma is 53%.

**Table 1: Selected data on the employment situation of the Roma in Macedonia (2011)**<sup>42</sup>

Macedonia	Men		Women		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Employment rate (15-64)	35%	49%	10%	26%	23%	37%
Employment rate (15-24)	19%	15%	5%	8%	12%	11%
Unemployment rate (15-64)	45%	22%	70%	35%	53%	27%
Unemployment rate (15-24)	63%	58%	85%	64%	71%	61%
Activity rate (15-64)	63%	64%	35%	40%	49%	51%

According to the National Strategy, as of December 2013, 7,516 Roma were registered with the Employment Service

Agency while in 2015 the number decreased to 6,110.

37 Official Gazette of the Republic of Macedonia, No. 92/08. The issue of equitable representation is also regulated within the Ohrid Agreement from August 2001.

38 Official Gazette of the Republic of Macedonia, No. 112/14; see also Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>

39 Official Gazette of the Republic of Macedonia No. 54/13

40 Official Gazette of the Republic of Macedonia Nos. 79/09, 36/11, 51/11, 166/12, 15/13, 79/13, 164/13, 187/13, 38/14, 44/14

41 Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>

42 See the results of the UNDP survey. Retrieved on August 26, 2016 from: <http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data/>

**Table 2: Roma registered with Employment Service Agency (2015)<sup>43</sup>**

		Elementary school	Uncompleted secondary school	Secondary school	University degree
Total	6110	5.413	297	367	29
Women (of total)	2017	1.959	52	144	15

On the one hand, these data illustrate the difficulties of integrating Roma into the labour market, and on the other hand, they demonstrate the difficulty to exactly determine the unemployment rate among Roma.

Overall, some progress has been achieved towards implementing the right to the equitable representation of ethnic communities in the public sector, however Roma remain underrepresented in the public institutions.

In the institutions of the public sector, as of 31 December 2016, out of the total of 110,311 employees, 1,215 or 1.10% declared themselves Roma.<sup>44</sup> According to the National Strategy, the rate of employment of Roma in the public sector increased from 0.33% in 2005 to 2.56% in 2012.<sup>45</sup>

At local level, the local self-government of Šuto Orizari maintains a specific position with 42.86% Roma employees. In the remaining municipalities, however, the representation of Roma in local administration is much lower. In fact, the only municipality other than Šuto Orizari in which Roma account for more than five percent of employees in local administration (5.88%) is Čaška, which is home to a tiny Roma population.

Macedonia implements a variety of active labour market measures such as providing wage subsidies to employers who employ vulnerable persons or the ones supporting self-employment. Between 2007 and 2015, 108,794 unemployed persons participated in different government employment programmes. Approximately, 2.9% (3,153 persons) were Roma, and a share of Roma women was 37%.<sup>46</sup> Taking into account the official data, Roma are somehow equally represented in the framework of these measures, however, taking into account more realistic data and the extremely difficult situation of the Roma in the country, they seem to be underrepresented in the active labour market measures.

An analysis of “The Operational Plan for Employment 2014” (OPE) of Macedonia reveals that the vast majority of Roma (91%) who are OPE activities beneficiaries participated in measures providing support for job seeking while 9% actually became employed or self-employed.<sup>47</sup> The data for 2015 even show that in this year only 5% became employed or self-employed. This data can also be seen as an indicator of prejudices or discrimination by potential employers.<sup>48</sup>

43 Council of Europe, CAHROM, Thematic Report by the Group of Experts on Vocational Education and Training for Roma. September 2016. Retrieved on March 6, 2017 from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a9332>. (The source: the Employment Service Agency and Ministry of Labour and Social Policy)

44 EPTISA et al, Challenges of Promoting and Implementing Modalities of Employment Programmes for Integrating Roma Citizens, Refugees and Internally Displaced Persons, Skopje 2016. Retrieved on May 22, 2017 from: [http://mtsp.gov.mk/content/pdf/dekada/proekt\\_lokalna\\_integracija/Report\\_Activity%203%202%20\\_Output%2032\\_final.pdf](http://mtsp.gov.mk/content/pdf/dekada/proekt_lokalna_integracija/Report_Activity%203%202%20_Output%2032_final.pdf)

45 National Strategy

46 EPTISA et al, Challenges of Promoting and Implementing Modalities of Employment Programmes for Integrating Roma Citizens, Refugees and Internally Displaced Persons, Skopje 2016. Retrieved on May 22, 2017 from: [http://mtsp.gov.mk/content/pdf/dekada/proekt\\_lokalna\\_integracija/Report\\_Activity%203%202%20\\_Output%2032\\_final.pdf](http://mtsp.gov.mk/content/pdf/dekada/proekt_lokalna_integracija/Report_Activity%203%202%20_Output%2032_final.pdf)

47 To be included in these activities, it is required to possess Macedonian citizenship and finish primary school

48 EPTISA et al, Challenges of Promoting and Implementing Modalities of Employment Programmes for Integrating Roma Citizens, Refugees and Internally Displaced Persons, Skopje 2016. Retrieved on May 22, 2017 from: [http://mtsp.gov.mk/content/pdf/dekada/proekt\\_lokalna\\_integracija/Report\\_Activity%203%202%20\\_Output%2032\\_final.pdf](http://mtsp.gov.mk/content/pdf/dekada/proekt_lokalna_integracija/Report_Activity%203%202%20_Output%2032_final.pdf)



PHOTO: BORCE POPOVSKI, MACEDONIA

## 5. EDUCATION

### 5.1. LEGAL AND POLICY FRAMEWORK

Art. 9 of the Constitution states that the citizens of the country are equal in their freedoms and rights, regardless of the colour of their skin, national and social origin, social status, etc. Art. 44 sets out: “Everyone has the right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free.”<sup>49</sup>

According to Amendment VIII of the Constitution, members of communities “have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.”

Article 2 of the Law on Primary Education guarantees the right to primary education to every child and Art. 2, para 2 explicitly forbids discrimination (Art. 2, para. 2 of the Law on Secondary Education reinforces this and also forbids discrimination).<sup>50</sup>

Art. 46 para. 2 of the Law on Primary Education prescribes that the parent should submit the vaccination chart for the child when enrolling the child in the first grade which could

be an impediment if the authorities do not assist vulnerable families in fulfilling this condition.

Article 46 of the law describes the rules for the schools catchment area. In general, schools have to accept pupils living or being registered in their catchment area, but also provides for possibilities that children can register in other schools. These provisions are used by non-Roma parents to send their children to schools with no or few Roma, which in practice results in segregated “Roma-only schools” in areas primarily inhabited by Roma.

Article 51 arranges the issue of enrolment of students with special educational needs. The Rulebook on the criteria and methods for implementation of the primary education for students with development difficulties complements the law and regulates in detail the process and system of specialized education.<sup>51</sup>

One particular problem prevails for children who did not enrol in school before the age of ten and who are not fourteen yet. The Law on Primary Education allows the

49 Constitution of the Republic of Macedonia. Quoted after Discrimination of the Roma in the educational process: breaking the wall of rejection and segregation: Analytical report, Institute for Human Rights Skopje, 2013. Retrieved on March 05, 2017 from: [https://www.academia.edu/5423858/DISCRIMINATION\\_OF\\_THE\\_ROMA\\_IN\\_THE\\_EDUCATIONAL\\_PROCESS-REPORT\\_2013\\_MACEDONIA](https://www.academia.edu/5423858/DISCRIMINATION_OF_THE_ROMA_IN_THE_EDUCATIONAL_PROCESS-REPORT_2013_MACEDONIA)

50 Law on Primary Education: Official Gazette of the Republic of Macedonia, Nos. 103/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12, 100/12, 24/13, 41/14, 116/14, 135/14, 10/15, 98/15, 145/15 and 30/16; Law on Secondary Education: Official Gazette of the Republic of Macedonia, No. 55/2005.

51 Official Gazette of the Republic of Macedonia No. 27/96

children to enrol in primary schools until the age of nine and the 2008 Law on Adult Education sets the minimum age for participation in adult education at fifteen.<sup>52</sup> This gap particularly affects Roma children born to families from Macedonia who began their education in Western Europe. To the extent that children move to Macedonia between the ages of 10 and 14, they can continue their education only if their school documents from Western Europe are accepted. This in turn requires that Roma families bring the necessary documentation with them when they return to Macedonia, which is often not the case.

Of further importance is the Law on Educational Inspection which assigns the responsibility for supervision of adherence to the quality education standards to the State Education Inspectorate.<sup>53</sup>

Both the Law on Primary Education (Art. 9) and the Law on Secondary Education (Art. 4) stipulate the education in mother tongue. Additionally, the Law on the use of a language spoken by at least 20% of citizens in the Republic of Macedonia and in the units of local government provides details on the use of languages at all levels of education.

The Law on Textbooks for Primary and Secondary Education stipulates that community member students, who attend classes in a language other than the Macedonian language and the Cyrillic alphabet, are given

books in the language and alphabet that corresponds to the language of their instruction.<sup>54</sup>

Further relevant laws are the Law on Vocational Education and Training and the Law on Adult Education.<sup>55</sup>

## 5.2. CURRENT SITUATION

The government implemented some affirmative measures to increase the participation of Roma children at all levels of the education system. Though the situation had improved, it still did not reach the satisfying level. Moreover, many children attend special schools or segregated schools, and discrimination remains widespread within nominally mixed schools, with cases of segregation outside the classroom and (more commonly) within classrooms. Additionally, Roma's participation in the pre-school education, in the secondary and tertiary level of education is still extremely low. In particular, it seems that more investments are necessary at pre-school level. In 2015, it is estimated that only 4% of Roma children attended pre-school education (it was 1.5% in 2005).<sup>56</sup>

A specific problem is the situation of the approximately 1,000 street children who are in majority Roma. In Skopje, there are three day-care centres trying to provide help, but that cannot replace either family or school.<sup>57</sup>

**Table 3: Selected data on the situation in education of the Roma in Macedonia (2011)<sup>58</sup>**

	Men		Women		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Literacy rate (16+)	91%	98%	75%	95%	83%	96%
Literacy rate (16-24)	90%	97%	83%	96%	87%	96%
Pre-school enrolment rate (3-6)	13%	12%	19%	36%	16%	25%
Gross enrolment rate in compulsory education (7-15)	75%	94%	73%	87%	74%	90%
Gross enrolment rate (upper-secondary education 16-19)	30%	62%	24%	67%	27%	65%
Average years of education (25-64)	6.9	10.8	5.1	10.2	6.0	10.5
Average years of education (16-24)	7.4	11.6	6.7	10.3	7.0	10.9

52 Official Gazette of the Republic of Macedonia, No. 7/08

53 Official Gazette of the Republic of Macedonia, No. 52/05, 81/08, 148/09, 57/10, 51/11, 24/13, 137/13, 164/13, 41/14, 33/15 and 145/15

54 Official Gazette of Republic of Macedonia, No. 98/08

55 Law on Vocational Education and Training: Official Gazette of Republic of Macedonia, Nos. 71/06, 17/11; Law on Adult Education: Official Gazette of Republic of Macedonia, No. 7/08

56 Data from Ministry of Labour and Social Policy; taken from ECRI report on the Former Yugoslav Republic of Macedonia (fifth monitoring cycle) 2016. Retrieved on May 21, 2017 from: [https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former\\_Yugoslav\\_Republic\\_Macedonia/MKD-CbC-V-2016-021-ENG.pdf](https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former_Yugoslav_Republic_Macedonia/MKD-CbC-V-2016-021-ENG.pdf)

57 For recent research on the situation of street children in Macedonia, see [http://www.mtsp.gov.mk/content/pdf/dekada/projekt\\_lokalna\\_integracija/1.Act%201%206\\_Assessment%20report%20with%20recommendations%20for%20care%20for%20Roma%20street%20children\\_Output%2012\\_EN.pdf](http://www.mtsp.gov.mk/content/pdf/dekada/projekt_lokalna_integracija/1.Act%201%206_Assessment%20report%20with%20recommendations%20for%20care%20for%20Roma%20street%20children_Output%2012_EN.pdf)

58 See the results of the UNDP survey. Retrieved on August 26, 2016 from: <http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data/>

The table above, which contains data from the 2011 Regional Roma Survey commissioned by UNDP, the World Bank, and the European Commission, reveals some considerable gaps between Roma and non-Roma, and also between Roma men and women. In the first category, the data in the table illustrate Roma's low participation in pre-school and secondary education mentioned in the first paragraph of this section, with the data provided for non-Roma emphasising important differences, particularly at the level of upper-secondary education. The differences between Roma men and Roma women are also important: Whereas literacy rates and level of participation in compulsory and secondary education are higher among male than female Roma, Roma girls are enrolled in pre-school education at a rate three times higher than Roma boys.

## SPECIAL SCHOOLS

According to the ECRI report on Macedonia (2016), the Ministry of Education stated that in 2015, 37% of children in special schools were Roma. This only reflects a minor decrease compared to research conducted in 2011.<sup>59</sup>

In 2011, a research established that in some selected schools, Roma children accounted for 42.5% of the children in special schools and 52% in special classes in mainstream schools.<sup>60</sup>

The research further revealed that Roma children were enrolled in special schools without any testing of their "disability". Parents were willingly sending their children to special schools due to financial reasons, discrimination and violence Roma children faced in mainstream schools. Furthermore, these children have better working place perspectives after finishing school, considering that companies receive wage subsidies and they have tax incentives when employing persons with disabilities.

The National Strategy identified the problem and set a target to reduce the number of Roma pupils enrolled in

schools for children with special needs by at least 20% by the end of the school year 2019/2020 (in comparison to the school year 2012/13).<sup>61</sup>

## SEGREGATED SCHOOLS

Overall, different forms of segregation still prevail in Macedonia: (i) segregated Roma-only or Roma-majority schools; (ii) segregated classes for Roma in a mainstream school; (iii) segregation within the classroom that Roma children and non-Roma children each occupy a separated part of the classroom and (iv) sending Roma children into special schools.

In the last years, one could observe an increasing tendency to segregated schools due to the fact that non-Roma parents do not enrol their children into schools or take out their children from schools with larger percentage of Roma children ("white flight"). This phenomenon might have been strengthened through new provision in the Law on Primary Education (Art. 46) that allows parents to choose the school for children.<sup>62</sup> In addition, the still pertaining practice of sending Roma children into special schools contributes to segregated education.

## ROMA LANGUAGE AND ROMA IDENTITY AND CULTURE

For the majority of Roma, Romani is their first language, however, over 95% study in Macedonian language which creates a first obstacle to a successful school career.<sup>63</sup> Romani language and culture can be introduced in schools as an optional subject. According to the Ministry of Education around 2,200 students in twelve schools attend such classes (e.g. in Čair, Kičevo, Kumanovo, Šuto Orizari and Štip). However, in many municipalities with a large Roma population the instruction in Romani language is not available.

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59 ECRI report on the Former Yugoslav Republic of Macedonia (fifth monitoring cycle) 2016. Retrieved on May 21, 2017 from: [https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former\\_Yugoslav\\_Republic\\_Macedonia/MKD-CbC-V-2016-021-ENG.pdf](https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former_Yugoslav_Republic_Macedonia/MKD-CbC-V-2016-021-ENG.pdf). CRD also contacted the Ministry of Education, but received the answer that ethnically segregated data are not available. Email from Ministry of Education of 15 May 2017. Archive number of submitted request: No. 23-6092/1 (5 May 2017)

60 ERRC and National Roma Centrum, Fact Sheet: Overrepresentation of Roma Children in Special Education in Macedonia, 2012. Retrieved on March 05, 2017 from: <http://www.errc.org/cms/upload/file/macedonia-factsheet-education-en-30-august-2012.pdf>

61 National Strategy

62 European Roma and Travellers Forum, Fact Sheet on Situation of Roma in Macedonia. Strasbourg 2015. Retrieved on March 03, 2017 from: [https://www.ertf.org/images/Reports/The\\_situation\\_of\\_Roma\\_in\\_Macedonia\\_01092015.pdf](https://www.ertf.org/images/Reports/The_situation_of_Roma_in_Macedonia_01092015.pdf).

63 European Roma and Travellers Forum, Fact Sheet on Situation of Roma in Macedonia. Strasbourg 2015. Retrieved on March 03, 2017 from: [https://www.ertf.org/images/Reports/The\\_situation\\_of\\_Roma\\_in\\_Macedonia\\_01092015.pdf](https://www.ertf.org/images/Reports/The_situation_of_Roma_in_Macedonia_01092015.pdf).



## 6. HOUSING

### 6.1. LAW AND POLICY REVIEW

The government regulates general housing conditions in FYR Macedonia by a set of housing-related laws.<sup>64</sup> A few laws are of particular relevance to the Roma situation. The Law on the Treatment of Illegally Constructed Buildings (LTICB), adopted in February 2011 regulates the conditions, methods and procedures for legalisation of buildings constructed without proper permits or not being zoned for residential use. The law permits the legalisation of illegal buildings that were built before February 2011 with many Roma as potential beneficiaries.<sup>65</sup>

In Macedonia, responsibility over urban planning is entrusted to municipalities. LTICB also gives municipalities the authority to decide on legalising informal properties and buildings in Macedonia. The law enabled to proceed with legalisation even without all the necessary documentation available and regulated the required permission costs.

There are, however, no data made available on the number of Roma applying for legalisation. National Roma Centrum and Habitat for Humanity have supported about 3000 applications for legalisation each.<sup>66</sup>

Roma are also often affected by the provision of the Law on Housing regarding the transfer of the rights to social housing from a deceased relative as this is not done automatically. In reality, when a beneficiary of social housing dies, the relatives are often forced to leave the social housing facility if they are not officially registered there.

According to the Roma Strategy, “persons who are members of the Roma community and are socially vulnerable” are eligible for social apartments (administered by the state). The quota system allocates 10% of the new

apartments to Roma. However, it seems that in certain periods Roma even accounted for more than 15% of all social housing beneficiaries.<sup>67</sup> Social apartments and these regulations are within a special programme for low-income vulnerable groups (including Roma) established by the Ministry of Transport and Communications. The long-term residents of these apartments have an option to buy it under favourable conditions or to give the advance of 30% of the real value and pay the rest in 240 instalments i.e. in 20 years. However, not many Roma used this option.<sup>68</sup>

In 2012-2013, the Government adopted a budget for the Ministry of Transport and Communications to implement the housing infrastructure component of the Decade of Roma Inclusion Strategy and the Action Plan on Housing of Roma in the Republic of Macedonia. The funds were used to improve communal infrastructure in several municipalities with Roma minority, mostly for constructing roads and sewage system.

### 6.2. CURRENT SITUATION

A large number of Roma live in improvised housing without electricity, heating, water and sewage. Many have no ownership of the land or the buildings. Some households are illegally connected to communal networks, and this, in combination with use of outdated and inappropriate equipment, installations and infrastructure, causes frequent fires and floods in Roma households. An additional problem is the lack of adequate household waste disposal which is a serious threat to Roma health. The Decade Watch Report on Macedonia from 2010 pointed out that the experts had assessed housing as the most neglected policy area in the efforts related to Roma inclusion.<sup>69</sup>

64 Law on Housing (Official Gazette of the Republic of Macedonia, Nos. 99/09, 57/10, 36/11, 54/11, 13/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16), Law on Sale of Social Apartments (Official Gazette of the Socialist Republic of Macedonia No. 36/90, Official Gazette of the Republic of Macedonia, No. 62/92, 7/98, 24/03, 24/11, 144/14), Law on Ownership and Other Real Rights (Official Gazette of the Republic of Macedonia, No. 18/01, 92/08, 139/09 and 35/10), Construction Law (Official Gazette of the Republic of Macedonia, No. 130/09, 124/10, 18/11, 36/11, 54/11, 13/12, 144/12, 25/13, 79/13, 137/13, 163/13, 27/14, 28/14, 42/14, 44/15, 129/15, 217/15, 226/15, 30/16, 31/16, 71/16 and 132/16), Law on Building Land (Official Gazette of the Republic of Macedonia, Nos. 15/215, 44/15, 98/15, 193/15, 226/15, 30/16, 31/16, 142/16), Law on Spatial and Urban Planning (Official Gazette of the Republic of Macedonia, No. 51/05, 137/07, 151/07, 91/09, 124/10, 18/11, 53/11, 144/12, 55/13, 163/13, 199/14, 42/14, 44/15, 193/15, 31/16, 163/16), Law on Housing and Business Management (Official Gazette of the Republic of Macedonia, No. 2/1994), Law on Local Self-Government (Official Gazette of the Republic of Macedonia, No. 5/02), Regulation on criteria and mode to set selling price of social apartments (Official Gazette of the Republic of Macedonia, No. 68/12).

65 Official Gazette of the Republic of Macedonia, No. 23/11, 54/11, 155/12, 53/13 and 72/13), available at: <http://www.pravo.org.mk/documentDetail.php?id=5488>.

66 See National Roma Centrum, available at: <http://nationalromacentrum.org/en/>

67 Friedman et al., Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Macedonia (Budapest: Decade of Roma Inclusion Secretariat Foundation, 2013)

68 Law on Housing

69 Initiative for Social Change, MK Decade Watch: Roma activists assess the progress of the Decade of Roma Inclusion 2005-2015, 2010.

In 2013, CAHROM experts identified that some 80,000 Roma households lack long-term housing solutions and 12% of the houses were sub-standard. The average age of buildings in the country was 30 years, and, as a result of poor maintenance, most of these required immediate replacement or renovation. Moreover, about 320,000 people, almost 15% of the country's population, many of them Roma, live in illegally constructed buildings.<sup>70</sup>

Individual Roma have about 14 square metres of living space per household member on average, twice as low in comparison to non-Roma households. Significantly more Roma (25%) have no access to secure housing compared to non-Roma (5%), while 10% of Roma participating in the survey do not have a toilet or bathroom inside their dwelling compared to 2% of non-Roma who do not have access to improved sanitation.<sup>71</sup>

The research among Roma women in FYR Macedonia established that only 5 per cent of them formally owned property. In most cases, it was the husband that possessed the property title (56%), followed by the parents (24%).<sup>72</sup>

In 2007, with support from the Development Bank of the Council of Europe, the Government approved a project of reconstructing damaged Roma houses. By 2016, 1,754 social apartments in 33 residential buildings in 26 cities have been reconstructed.<sup>73</sup>

Research conducted in eight towns in Macedonia demonstrated that out of 339 constructed social apartments within a government programme, 61 (18%) were allocated to Roma.

## EVICCTIONS

There are no comprehensive data available on evictions of Roma in FYR Macedonia. The Ombudsman office, however, reported on two recent eviction cases.

In June 2015, an eviction note was delivered to the whole Roma neighbourhood in Kavadarci called "Teneke Mahala", without previously informing the inhabitants of this decision. The informal settlement consists of 18 houses, all of which are Roma, originally established in 1976. The families lived in substandard living conditions, without electricity, sewage systems and adequate, accessible water supplies. According to the ERRC, the authorities ordered the removal of these Roma families to containers in an isolated area of Macedonia. Money was set aside from the municipal budget to purchase "second-hand containers" for re-housing of the affected Roma community. However, the decision specified that containers would be available for only eight out of 18 families in the neighbourhood.<sup>74</sup> Following the reactions from CPD and the Ombudsman, the eviction order was annulled.

In August 2016, dwellings in the "Poligon" settlement near the River Vardar in Skopje were bulldozed and demolished by authorities. There were 31 families (135 people with 78 children and six pregnant women) evicted and left without any protection. The settlement was tolerated by authorities for nine years. The Ombudsman found that the forced eviction and dwellings demolition violated the law and requested the Ministry of Labour and Social Policy, Center for Social Work of the City of Skopje and the Mayor of the City of Skopje to provide alternative accommodation and care to people and permanently resolve the issue of housing to these families, with respect of their human dignity. The Ombudsman also stated that this eviction demonstrates disrespect and flagrant violation of children's rights and the principle of the best interests under the Convention on the Rights of the Child.

In November 2016 and January 2017, the UN Committee on the Elimination of Discrimination against Women (CEDAW) issued two executive orders to the Macedonian authorities to urgently re-house the Roma women evicted from the "Poligon" settlement.<sup>75</sup> The respective authorities failed to take any measures.

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70 CAHROM, Housing report, 2013.

71 UNDP, Housing, 2012

72 Roma Centre of Skopje, Network Women's Programme and European Roma Rights Centre, Joint Submission: Shadow Report on the Situation of Roma Women in the Republic of Macedonia, 2005, p. 28.

73 Government, Report for the Decade of Roma Inclusion, 2014, available at: [http://www.romadecade.org/cms/upload/file/9811\\_file9\\_mk-2014.pdf](http://www.romadecade.org/cms/upload/file/9811_file9_mk-2014.pdf).

74 ERRC, available at: <http://www.errc.org/cms/upload/file/macedonia-cerd-submission-10-july-2015.pdf>

75 ERRC, *Second UN Emergency Order: Macedonia Must Rehouse Pregnant Roma Women Made Homeless by Authorities*, 2017, available at: <http://www.errc.org/article/second-un-emergency-order-macedonia-must-rehouse-pregnant-roma-women-made-homeless-by-authorities/4542>.



## 7. ACCESS TO JUSTICE

### 7.1. LAW AND POLICY REVIEW

In January 2011, the anti-discrimination law - the Law on Prevention and Protection against Discrimination – came into force.<sup>76</sup>

The law was criticized by some antidiscrimination experts who argued that it does not comply with the EU Racial Equality Directive and the Employment Equality Directive, in the areas of using statistics as evidence in indirect discrimination cases and in limiting the capacity of associations to bring cases only with regards to the judicial procedures.<sup>77</sup> Furthermore, the experts argue that the law fails to define and prohibit segregation as a special form of discrimination. Moreover, the law does adequately reverse the burden of proof, which means that the party claiming discrimination has to provide all the facts and evidence

to support its claim and the opposing party is required to provide evidence that there has been no discrimination.<sup>78</sup> The consequence of this requirement is that discrimination will be difficult to establish and that the law will have limited impact.

The law foresees that associations, foundations, institutions and other organisations from civil society may only co-litigate the discrimination claim under certain conditions, while institutions dealing with the protection of the right to equal treatment may appear as an “intervener” in the civil procedure<sup>79</sup>.

In January 2011, the Commission for Protection against Discrimination was established.<sup>80</sup> According to the ERRC,

76 Official Gazette of the Republic of Macedonia. No. 170/2010

77 European Network of Legal Experts in the non-discrimination field, available at: <http://www.non-discrimination.net/content/main-legislation-27>.

78 Ibid.

79 ERRC Country Profile-Macedonia, 2012.

80 SETimes, “Macedonians get new resource against discrimination”, 19 January 2011, available at: [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2011/01/19/feature-03](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/01/19/feature-03).

the CPD does not have a mandate to impose sanctions, but only to issue opinions and recommendations.

The Law on Free Legal Aid came into force in early 2010.<sup>81</sup> It stipulates the procedures and conditions of acquiring free legal aid. Ministry of Justice is assigned the responsibility to regulate free legal aid provided by attorneys at law and authorized citizens' associations. Currently, there are ten NGOs providing initial legal advice for the right to receive legal aid, general legal information and completing the application for free legal aid. According to the Open Society Foundation Macedonia, the application of the law remains severely limited with only 1.1% of the entire population in FYR Macedonia being eligible to receive free legal aid.<sup>82</sup> In 2016, the Ministry of Justice formed a working group to prepare amendments to the Law, which would address existing shortcomings.

Article 163 of the Law on Civil Procedure describes the conditions under which court fees can be waived for people who cannot afford to pay them.<sup>83</sup> However, the access to justice for many Roma remains limited due to the fact that they cannot afford to pay various court fees.

## 7.2. CURRENT SITUATION

Data provided to the ERRC by CPD indicated that between 2011 and 2013, complaints filed by Roma on the grounds of ethnicity accounted for 16 of the total number of 159 complaints submitted to CPD. Out of these 16 cases, eight had been concluded, with discrimination established only in one case. According to the ERRC, the low number of submitted complaints may indicate low awareness among Roma in Macedonia on anti-discrimination legislation and protection mechanisms.<sup>84</sup>

While the data provided to the ERRC demonstrate that CPD keeps data on the ethnicity of complainants, CPD's

annual reports do not include such data.<sup>85</sup> Cases involving Roma are sometimes presented in the annual reports as illustrations of CPD's work, but statistics by ethnicity are absent. The majority of complaints refer to work and labour relations.

The annual reports of the Ombudsman for the last few years, demonstrate that (self-declared) Roma constitute only a small share of the persons submitting complaints (2013: 4.78%; 2014: 3.9%; 2015: 4.46% and 2016: 4.54%). The review of the annual reports of the Ombudsman reveals that in 2016, 1.83% and in 2015 only 1.2% of cases submitted belonged to the category of 'non-discrimination and appropriate and just representation', in 2014 it was 1.55% and in 2013 1.35% of all submitted cases were classified this way.

In 2013, the Ombudsman in cooperation with OSCE/ODIHR conducted a survey on "Aspects of discrimination towards the Roma community and their protection." The survey provided data on the personal perception of the Roma community on the discrimination, as well as the information the members of this community are familiar with regarding the institution of Ombudsman. The results lead to the conclusion that Roma perceive discrimination in many areas of their lives. The survey also showed that the majority of Roma were aware of the existence of the Ombudsman, but did not know what the office is doing and in which situation they can apply to the Ombudsman.<sup>86</sup>

Several projects had an aim of implementing the law on free legal aid and access to justice along with it. Activities within the projects included either offering free legal aid through mobile legal offices in a few municipalities or strengthening the capacities of the Roma Information Centres.<sup>87</sup>

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81 Law on Free Legal Aid, Official Gazette of the Republic of Macedonia, No.161/09.

82 Foundation Open Society Macedonia, available at: <http://www.soros.org.mk/en/Home/NewsAndActivity?newsID=7307&catID=7&pageIndex=1&month=0&year=0&additionalID=96>

83 Law on Civil Procedure, Official Gazette of Republic of Macedonia No.7/2011

84 ERRC Country Profile-Macedonia, 2012.

85 Commission for Protection against Discrimination, reports, available at: <http://www.kzd.mk/?q=node/51>.

86 Annual reports of the Ombudsman Office. Retrieved on May 17, 2017 from: [http://ombudsman.mk/MK/godishni\\_izveshtai.aspx](http://ombudsman.mk/MK/godishni_izveshtai.aspx)

87 Government of FYR Macedonia, Report for the Decade of Roma Inclusion, 2014, available at: [http://www.romadecade.org/cms/upload/file/9811\\_file9\\_mk-2014.pdf](http://www.romadecade.org/cms/upload/file/9811_file9_mk-2014.pdf).

## 8. HEALTH

### 8.1. LAW AND POLICY REVIEW

The right to health care is stipulated by two laws: the Law on Health Care and the Law on Health Insurance.<sup>88</sup> According to the Law on Health Insurance, two types of health insurance have been established: compulsory and voluntary.

The law in FYR Macedonia does not request a contribution of the employer to the health insurance of the employee, however, the employee has to contribute 7.8% of the income to the health insurance.<sup>89</sup>

The health authorities do not collect records of insured (and uninsured) people divided by ethnicity and hence there are no official data on Roma in the health system. The Ministry of Health does not have the monitoring instruments in place by which the government has committed in the framework of the Decade of Roma Inclusion.<sup>90</sup> The Institute of Public Health publishes annual report on the health status and protection of the population in the FYR Macedonia, which includes a chapter on the health status of Roma, but it does not provide any statistical evidence.<sup>91</sup>

As data from 2012 demonstrate, a significantly high number of Roma children were born outside of hospital with 23% of Roma women having given birth unattended.<sup>92</sup>

However, in 2011 the “Preventive Programme for Active Health Protection for Mothers and Children” has already initiated a decrease in the numbers. The Programme allowed Roma women without health insurance to give birth in hospital free of charge with the hope that this will increase the number of registered Roma children.<sup>93</sup>

In 2011, the Ministry of Health in cooperation with other organisations established the Roma Health Mediators

(RHM) Programme. In 2016, 32 RHM worked in Macedonia. They are trained according to the Ministry of Health curricula and employed on temporary basis by the Ministry of Health and other health agencies.<sup>94</sup>

### 8.2. CURRENT SITUATION

The overall health situation of Roma and in particular of Roma women in Macedonia is considered worse than the situation of other ethnic groups in the country. Although acknowledging the difference in life expectancy, the CAHROM thematic report on health (2016), prepared by the representative of the Macedonian government, argues that the gap in health insurance among Roma and non-Roma “seems insignificant”. The report suggests that the main health care determinant responsible for the gap is the lack of personal documents among Roma.<sup>95</sup>

The 2016 UNICEF report indicates that there are still 3,000 to 5,000 Roma without health insurance due to lack of personal documents (12% of the male and 7% of the female respondents). At the household level, 5% of the respondents stated that no member of their household had health insurance and another 10% said that at least one family member had no health insurance.<sup>96</sup>

The living conditions in many of the Roma settlements with limited or no access to infrastructure severely affect their health status. Many settlements are not connected to public water supply and depend on other water sources which are reportedly often contaminated.<sup>97</sup>

The Council of Europe Commissioner for Human Rights reported in 2012 that the health status of Roma in Macedonia is worrying, considering that the life

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88 Law on Health Care, Official Gazette of the RM 43/2012, Law on Health Insurance Official Gazette of the RM 25/2000 and 91/2013.

89 UNDP, Health, 2012, p. 9.

90 Roma S.O.S. in Prilep, LIL in Skopje, et al.(2016) *What do the experiences and data for (non) implementation of the health component of the Roma Strategy 2005-2015 shows?*

91 IPH, report, available at: <http://www.iph.mk/en/multimedia/documents/population-health/>.

92 UNDP, Health, 2012, p. 58.

93 Email from the NGO “Lil” of 19 June 2017

94 CAHROM, 2016, p. 51.

95 CAHROM, Thematic Report on Health Mediators, 2016,

96 UNICEF, *Assessment of Barriers to Health Insurance Access for Roma Families*, 2016, available at: [https://www.unicef.org/tfyr Macedonia/Analysis\\_of\\_barriers\\_to\\_health\\_insurance\\_EN.pdf](https://www.unicef.org/tfyr Macedonia/Analysis_of_barriers_to_health_insurance_EN.pdf)

97 ERRC, *Thirsting for Justice*. A report by the European Roma Rights Centre. Retrieved on June 16, 2017 from <http://www.errc.org/cms/upload/file/thirsting-for-justice-march-2017.pdf>



expectancy of Roma is ten years shorter than the national average and the infant mortality rate is almost double than of the general population.<sup>98</sup> More than half (55%, the third highest number in the region) of Roma in Macedonia reported that they are unable to work due to some form of disability.<sup>99</sup>

Only 36% of Roma evaluated their access to health care services satisfactory.<sup>100</sup> Other data, however, reveal that Roma in Macedonia make more frequent use of medical services (ambulance service and in-patient stays) than non-Roma.<sup>101</sup>

An alarming discrepancy between Roma and non-Roma can be found in access to essential medicine. As many as 66% of Roma respondents could not afford to purchase medicine they needed, compared to 32% of non-Roma.<sup>102</sup>

The situation of Roma women is of particular concern. Although Roma women across the region disproportionately suffer from lung diseases, the Roma women in Macedonia are specifically more often diagnosed with lung

diseases than non-Roma women and Roma men (Roma women: 17%; Roma men: 9%; non-Roma women: 10%, non-Roma men: 6%).<sup>103</sup>

Roma women also more often experience anxiety and depression: Roma women: 24%; Roma men: 13%; non-Roma women: 14%, non-Roma men: 8%.<sup>104</sup>

Roma women experience difficulties accessing primary gynaecological services. The Roma Educational Centre Ambrela of Šuto Orizari reported that 8,000 Roma women from Šuto Orizari do not have a primary gynaecologist and have been left without regular check-ups in the last eight years. In 2014, the “Initiative of women from the municipality of Šuto Orizari” was established with the support of HERA NGO, in order to advocate for launching a gynaecological facility in the neighbourhood.<sup>105</sup> Following the government change in 2017, when a former program coordinator at HERA became Minister of labour and social policy, a gynaecologist started the practice in Šuto Orizari in September 2017.

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98 Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, p. 19. See also: 2015 Roma Inclusion Index, p. 18. [http://www.romadecade.org/cms/upload/file/9810\\_file1\\_roma-inclusion-index-2015-s.pdf](http://www.romadecade.org/cms/upload/file/9810_file1_roma-inclusion-index-2015-s.pdf).

99 UNDP, Health, 2012, p.22.

100 UNDP, Health, 2012, p. 22.

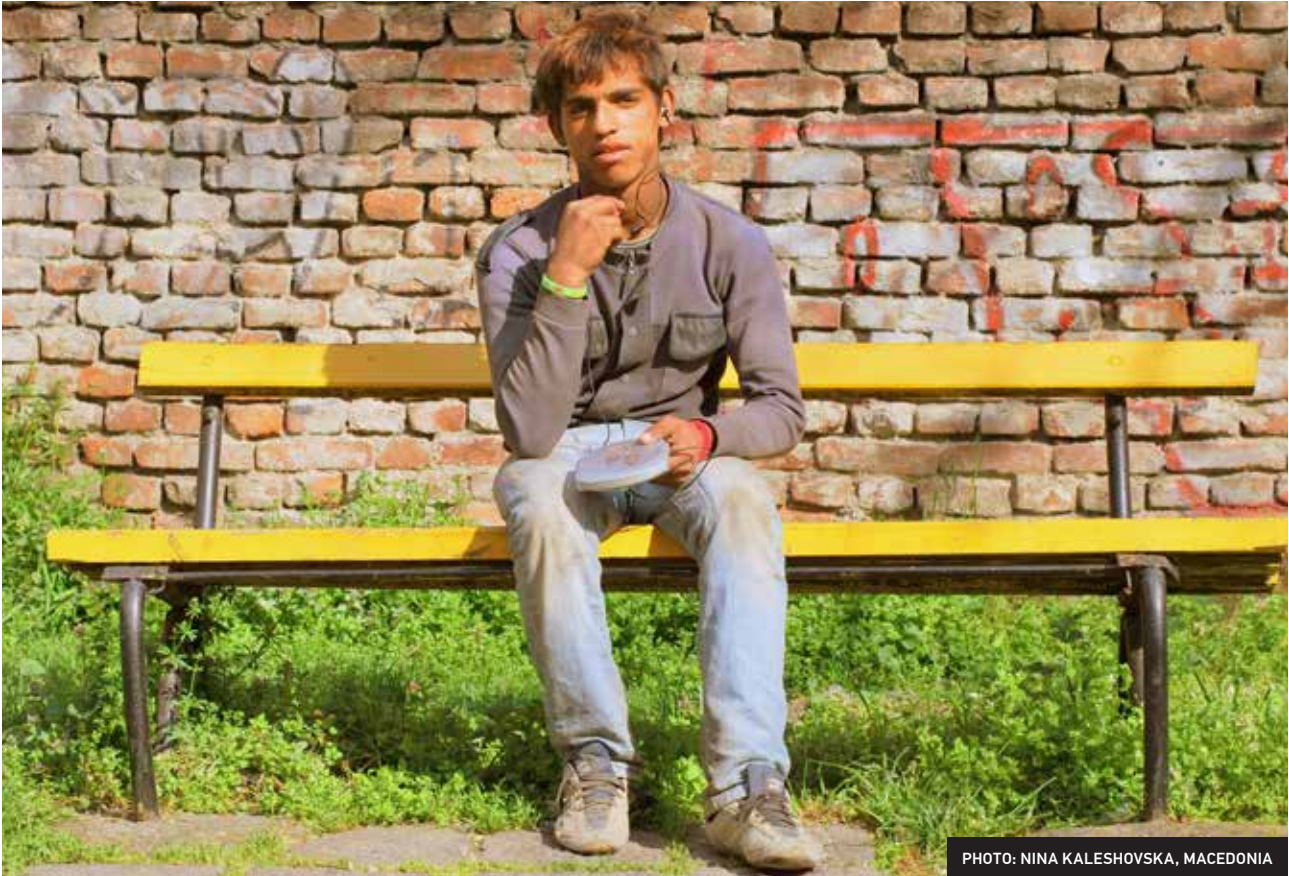
101 UNDP, Health, 2012, p. 21.

102 ERRC, Country Profile - Macedonia, 2012, p. 9

103 UNDP, Housing, 2012, p. 38.

104 UNDP, Housing, 2012, p. 39

105 Nova TV published it on 28 January 2016. Retrieved from <http://novatv.mk/zhenite-romki-do-todorov-mnogu-vetuvanja-bez-nikakov-efekt/>



## 9. ASYLUM AND FORCED RETURN

### 9.1. LEGAL AND POLICY REVIEW

The Constitution of the Republic of Macedonia (Art. 27 paragraph 2) guarantees the right of every citizen to leave the territory of the Republic and to return, except in certain exceptional, clearly defined cases (i.e. where it is necessary to protect the security of the state, in case of criminal procedures and for the protection of health (Art. 27 paragraph 3)).

In 2011, the Parliament amended the Law on Travel Documents in order to allow the revoking of an existing passport (for one year) or to refuse to issue a new passport.<sup>106</sup> In 2014, the Constitutional Court declared these provisions unconstitutional.<sup>107</sup>

### 9.2. CURRENT SITUATION

After the lifting of the visa obligation for Macedonia in 2009, a relatively large number of persons left the country to ask for asylum in Western Europe.

In the years 2008 – 2015, 61,690 persons from Macedonia applied for asylum in Western Europe. The European Stability Initiative (ESI) claims that 50-70% of the Macedonian applicants are Roma. If the ESI claim is correct, between 31,000 and 43,000 Roma from Macedonia would have applied for asylum in the European Union in these years.<sup>108</sup> In 2016, an additional 6,544 Macedonian citizens applied for asylum in European countries.<sup>109</sup>

106 Law on Travel Documents, Official Gazette of Republic of Macedonia No. 67/1992, 20/2003, 73/2004, 19/2007, 84/2008, 51/2011, 135/2011, 154/2015 and 55/2016

107 ERRC, Written Comments of the European Roma Rights Centre Concerning Macedonia For Consideration by the Committee on the Elimination of the Racial Discrimination at its 87th session (03 - 28 August 2015). Retrieved on March 06, 2017 from <http://www.errc.org/cms/upload/file/macedonia-cerd-submission-10-july-2015.pdf>

108 European Stability Initiative (2013; 2015)

109 Data retrieved on March 31, 2017 from: [http://popstats.unhcr.org/en/asylum\\_seekers\\_monthly](http://popstats.unhcr.org/en/asylum_seekers_monthly)

Following threats from the European Union of the re-introduction of the visa-regime and calls for a better migration management, the Government of Macedonia introduced measures to prevent its citizens from leaving the country.

As reported by the European Policy Institute, from 2011 to 2014 more than 19,000 citizens were refused exit at Macedonian border crossings.<sup>110</sup> Between 2011 and May 2015, the ERRC documented 75 cases in which Macedonian border officers revoked the passports of Roma individuals who had been deported from EU countries as failed asylum seekers, and identified another 155 such cases. In most of the cases only Roma were asked for evidence to justify why they intended to leave Macedonia.

According to the ERRC, in the period between 2011 and 2014, 60% of Roma who were refused the right to leave were told by the border officers that they (the border officers) were instructed to restrict the rights of Roma.<sup>111</sup> Court rulings in Macedonia confirmed twice that this is discrimination and violation of the right to equal treatment on the grounds of ethnicity.<sup>112</sup>

In addition, returned rejected asylum seekers were denied access to social welfare upon return since they either did not follow the regular notification procedure at the Centre for Social Welfare or they even continued receiving social assistance while being in asylum in Western Europe.<sup>113</sup>

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