



## Shadow report for the needs and problems of the Roma community

elaborated in frame of the project

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## Introduction

The process of creating public policies regarding the Roma in the Republic of Macedonia (RM) began in 2004, when creating public policies regarding the Roma in RM as a process has been enforced by foreign sources and for which the Roma civil society has put a lot of efforts a long period of time. As part of the agenda for approaching the EU, the state has been given a condition to begin working on the integration of the Roma community. The two essential national documents that have been adopted in 2005 are the Decade of the Roma 2005-2015 and the Strategy for the Roma people in Macedonia 2014-2020.

The first step taken by the state was the development of the National Strategy for the Roma people 2005-2015, followed by the signing of the international declaration "Decade of the Roma 2005-2015", where signatory countries undertook activities for reducing the gap between Roma and non-Roma in the four priority areas -employment, housing, education, health and with a special focus on gender issues, discrimination and political participation. The National Action Plans (NAP) and Local Action Plans (LAP) have been developed on the basis of these two documents. The goals and activities of the two national documents in the implementation period were intertwined even though they were directed towards the integration of the Roma community. This process is mainly due to the poor institutional setup that was supposed to implement, monitor and evaluate public policies for Roma.

## Methodology

The methodological framework which is applied in this shadow report combines the qualitative and quantitative approaches. This approach provides an opportunity for a comprehensive analysis of how national Roma policies are being implemented and what problems the Roma community in the Republic of Macedonia is faced with.

This shadow report contains primary and secondary data that was collected and translated into analysis and research by sub-grantees who are part of a coalition that was formed within the framework of a project supported by the European Commission "Joint Initiative to empower Roma Civil Society in the Western Balkans and Turkey". This document summarizes all the key findings and offers specific recommendations to all social stakeholders working on Roma inclusion in society. This document has been divided into six areas: governance, housing, employment, health, education and antigypsyism.

## Governance

The Republic of Macedonia, as a candidate country for accession to the European Union, receives a progress report prepared by the European Commission each year. In the analysis of progress reports, the country gets recommendations in order to meet the criteria for joining the Union, which largely cover the principles of good governance. Although the country is recovering from deep political turmoil, the government has to make further recommendations that should be revised and implemented by 2016 in order to stabilize the country and continue the progress towards the European Union. The Przhino Agreement<sup>1</sup> which was mediated by representatives of the European Union, was one of the most important steps towards resolving the political crisis from previous manipulative governance by the government led by VMRO-DPMNE along with coalition partners. In addition to the agreement, emergency reforms were prepared specifically for the context of Macedonia by Priebe<sup>2</sup> with his expert team specifically addressing the rule of law. The agreement and recommendations directly indicated that the parties abused the principles of good governance and developed direct measures and methods to overcome the crisis and avoid further hindrances.

Political parties, which have the main role in overcoming the crisis, have been consulted in order to reach an agreement on stabilization of the country. Four (4) political parties participated in the negotiations (VMRO-DPMNE, SDSM, DUI and DPA), which included two (2) Macedonian (VMRO-DPMNE and SDSM) and two (2) Albanian political parties (DUI and DPA). These negotiations were limited by the explanation that these parties are the largest (in terms of electorate) parties in the country. Given the previous practice and agreements in Macedonia mediated by the European Union, these two additional acts were no exceptions regarding the invitation of the Roma political parties in the processes. The negotiation process took place behind closed doors in which the Macedonian and Albanian parties took part in the mediation of the European Union, leaving out the remaining parties and ethnic communities as a factor in the society.

In the context of Roma political parties, six (6) of seven (7) active Roma political parties were part of a coalition led by VMRO-DPMNE, which was accused of corruption, manipulation and wiretapping, while one (1) party was part of the coalition created the opposition SDSM. None of the Roma political parties participated in a coalition with Albanian parties. Although Roma political parties provided full support with their electorate for the ruling coalition and the opposition of the Macedonian parties, they were nevertheless excluded from the stabilization

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<sup>1</sup> Przhino Agreement. Available on <https://goo.gl/xafGiC>

<sup>2</sup> Priebe's recommendations. Available on <https://goo.gl/ueB2Rt>

processes. Participation in negotiations on the future of the state remained limited, while the Roma political parties did not have anything more than to act in accordance with the Macedonian parties. Regardless of the crisis and accusations, six (6) Roma political parties supported the VMRO-DPMNE, while one (1) party remained with the opposition. After the elections and the change of the ruling coalition, VMRO - DPMNE remained with the support of four (4) Roma parties, while the SDSM coalition has the support of three (3) Roma political parties<sup>3</sup>.

The main act on which the policies for Roma in the Republic of Macedonia are based, in addition to the mainstream policies, is the Strategy for Roma<sup>4</sup> 2014-2020. Through this document, the needs and interests of the Roma people are channeled. The strategy as a direct document for improving the quality and living conditions of Roma is a commitment from the government for a robust handling of the needs of the Roma. This document covers the most alarming social spheres where there is a need for progress (employment, education, health, housing, culture, discrimination and other interrelated problems). For these topics there are national action plans and for some of them operational plans with precise activities and expected results.

The institutional infrastructure for the implementation of this strategy relies on the Ministry of Labor and Social Policy and the Department for the implementation of the Decade and the Roma Strategy. In 2017, the new Government in the institutional infrastructure includes the Minister without sphere of action<sup>5</sup>, who directs the focus on the implementation of the Strategy for Roma. In addition to this ministry, the coordination of the department is attended by all ministries with delegated spheres of action (Ministry of Transport and Communications - Housing, Ministry of Health - Health, Employment Agency - Ministry of Education - Education, Ministry of Culture - Culture, State Statistical Office - for data related to Roma, etc.) according to the topics that encompass the sphere of action of the strategy.

However, despite the precisely designed strategy with the anticipated activities and results, the government is behind schedule regarding the implementation and progress of solving the ardent problems of the Roma. Due to the political crisis, Roma issues were excluded from the national agenda. In addition, the government redirects Roma issues that need to be resolved to address them through projects and funds of the European Union. In this way, the government minimizes budget funds for Roma. Thus, Roma issues rely on projects without systematic long-term changes for solving the Roma issues in the country. This was also stressed by the

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<sup>3</sup> Brief. Zaev: We are forming a coalition of 22 parties lead by SDSM. Available at <https://goo.gl/gfpeqW>

<sup>4</sup> Strategy for Roma 2014 – 2020. Available at <https://goo.gl/ubvQVL>

<sup>5</sup> Samka Ibraimoski, Minister without a sphere of action, who is in charge of the implementation of the Strategy for Roma 2014-2020 in the Republic of Macedonia. Available at <https://goo.gl/7XTMMS>

European Commission, confirming that Roma civic organizations become fragile due to lack of funds.

According to the latest progress report, there is a lack of funding for a national strategy that relies on investments in structures for effective implementation of the strategy. Since 2008, the ministries have allocated a very small amount of funding for Roma issues. The minimum amount of resources is repeatedly allocated to the selective items of the ministries that would handle the problems of the Roma. These amounts are distributed without revision of the priorities for the Roma community in Macedonia.

Many of the Roma issues defined by the European Commission in the strategy are not met in a systematic way. The Republic of Macedonia is still behind schedule in the implementation of the recommendations in all social spheres related to the Roma. There is a series of recommendations that are continually repeated and are also part of the strategy due to the unsuccessful handling of resources for Roma and the failure to implement measures to address the needs of Roma. The Roma community in the Republic of Macedonia lives in poverty and undergo bad socio-economic conditions and standards. As previously noted, violations of human rights and discrimination against Roma, in particular Roma women, still continues.

According to the latest progress report, there is discrimination on the labor market, especially for Roma women. Regarding education, it is also continuously pointed out that there is a disproportionate number of Roma children accommodated in schools for special needs children. This problem is still silent, although the European Commission is constantly reporting this issue.

In addition to these problems, the political participation and representation of Roma in the institutions, as well as the media coverage of the Roma language and the status of Roma, is still a repetitive problem in the country. Although Roma are represented in government bodies, they are still outside the decision-making process at the national level. There is a lack of political influence of Roma leaders, as well as the capacity to engage in the promotion of Roma interests at the national level. Projects of Roma civil society organizations are ongoing in order to deal with issues that the state fails to cover. These projects are mainly driven by donor funds, while the allocation of the state budget remains unchanged.

The inevitable fact that must be noted is that in Macedonia the last census has been done before about 15 years. Figures projected since 2002 are estimated to be variable due to several factors, including migration. Push and pull factors of migration, economic security and other additional factors that generally affect the general population have changed the demographic structure of the population in the country. Besides these available data, state institutions, including the State Statistical Office, do not have ethnically segregated data. In doing so, it is

actually advocating for a number of Roma that the civil society organizations have long considered to be greater than the official number of the census.

Given that there are no ethnically segregated data, often government projects or civil society organizations do not know the target, i.e. the number of users. If there are no data then there are often no indicators of success, monitoring and evaluation of the measures or projects. Due to the lack of capacities for establishing success indicators, monitoring and evaluation, the opinion is divided on whether a project or some measure is successful or not.

Regarding the funds that are assigned for the Roma, the main source for the institutions is the government. In the planned draft budget in general, resources in some areas are restricted, while in other areas there is a slight increase, which does not promise much progress. In addition to the efforts for greater budgetary representation of Roma, many of the problems need to be co-financed through external grants by various donors, including the European Union as one of the main grantors for Roma issues in the country.

### Recommendations

The Government should increase the political participation of the Roma community at the national and local levels by appointing persons in managerial positions to guide the implementation of the Strategy for Roma 2014 and 2020.

The Government should increase the budget for implementation of the prepared National Action Plans 2015-2020 in the priority areas for integration of the Roma community. Also, local governments should first adopt the Local Action Plans 2017 - 2020, and then allocate a certain percentage for the implementation of local action plans. 3. The government should promulgate a law that will allow collection of segregated data on ethnic communities. Such a step would contribute to better monitoring and evaluation of the result achieved from the implementation of the Strategy and other projects aimed at integration of the Roma community in Macedonia.

## Antigypsyism

Antigypsyism is a specific form of racism directed towards Roma, Sinti and other groups who are stigmatized as "gypsies" in the public eye<sup>6</sup>. This term as such is gaining wider recognition by the institutions at the European level. In the Republic of Macedonia, antigypsyism as a term that is not yet widely accepted, i.e. it is seen as racism, hate speech and discrimination. According to the analysis of the reports prepared by FRONTEX, the Bureau for Democracy, and the Council of Europe, by 2014 about 20,000 Roma have been returned from the Macedonian border crossings. Due to the tendency of constant growth of this figure over the years, it can be assumed that by the end of 2016, around 25,000 Roma would be rejected at the Macedonian borders.

It can be noted that the largest wave of Roma returns was in 2013, when around 6,700 people were returned from our border crossings. Given that 54,000 Roma live in Macedonia according to the last census, the number of 25,000 returned Roma accounts for almost half of the total Roma population in Macedonia.<sup>7</sup>

The European Policy Institute (EPI) in its analysis of this problem reached the following conclusion: "Almost all members of the Roma community who were rejected at the borders, who were part of this research, think they are rejected, discriminated and treated as second-class citizens, which contributes to creating their sense of non-belonging in their own country. " All respondents who declare that they are treated differently compared to other citizens who are members of other ethnic communities at the border crossings, or as Ismet noted: "The second they see us at the border, they say: Aaaaahhh, no,no. You a Roma. Beat it."<sup>8</sup>

Following the reaction of the Roma civil sector, the Ministry of Internal Affairs (MOI) reacted through a statement to the journalists on 01.02.2016 and confirmed that a total of 41 court proceedings in the courts in Macedonia were conducted because the members of the Roma community were discriminated at the border crossings.<sup>9</sup> At the same press conference, the MOI sent an indication to the border police not to discriminate against the Roma. In the media in the past years there have been some pieces of the news that contain prejudices and stereotypes about the Roma community. Internet portals often translate news from foreign portals without specifying the source of the news or checking its authenticity and supporting it with facts.

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<sup>6</sup> Alliance against Antigypsyism. 2017. Antigypsyism - a reference paper. Available at <https://goo.gl/nQbcLQ>

<sup>7</sup> Ismail Kamberi, Freedom of movement, except if you are Roma - Available at <https://goo.gl/5Xz1Ae>

<sup>8</sup> Institute of European Policy. (2017). The Roma at the Macedonian borders. Available at <https://goo.gl/CGrNhM>

<sup>9</sup> Aleksandra Denkovska, Discrimination of the Roma at the border crossings must stop - Available at <https://goo.gl/N9nnyR>

One of such news is the information taken over from a foreign source that supports stereotypical declarations, such as "*The Roma tend to get married too soon*".<sup>10</sup>

Antigypsyism in the media occurs in the form of building certain narratives that most often reflect negative attitudes and opinions towards the Roma community, which later turn into negative and violent behavior that targets the Roma<sup>11</sup>. This occurrence is present among the Macedonian public figures and politicians. Namely, in a particular case where the renowned actress I.R. and the president of the political party "Dignity" S.A, who appeals to the Roma "do not act like gypsies" or the actress who believes that "*Gypsies are called Roma because of political correctness*."

A daily newspaper once dedicated its cover page to the Roma. In the picture on the front page there was a young girl with a baby in her hands sitting on the Stone Bridge. The title of the article was "*Children from the streets deserve a chance*". The text is on the third page of the newspaper, and speaks affirmatively regarding the Daily Center for Homeless Children in Shuto Orizari formed by the Association for Protection of the Child Rights. The author of the article in one sentence emphasizes the ethnicity of these children, and the sentence is formulated in such a way that the reader may think that only Roma children come from dysfunctional families or that they are the only ones who are left on the streets: "*For four years now, these two boys of Roma nationality are regular visitors to the Daily Center, whose primary focus is to help children from dysfunctional families left on the street*."<sup>12</sup>

On the national TV station, another article has been noticed, which does not take into account the negative effects of its broadcasting. The report refers to a criminal act of rape and would be considered as the usual news if it didn't contain the following sentence "*the perpetrator is of Roma nationality and previously known to the police*". Such notification does not occur when it comes to a person belonging to another ethnicity, that is, initials are used in such cases.

In September 2016, the European Commission of Human Rights expressed concern about Macedonia because of the case of 53 Roma who were relocated from the settlement "Polygon", which in August 2016 were left homeless and sheltered in tents and other cardboard objects at the suburbs of the city<sup>13</sup>.

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10 "Za Se"; VIDEO: The bride fled twice because the bridegroom did not know how to... Available on <https://goo.gl/UgjcVc>

11 Zoran Miloshevski, "Swastikas and nazi graffiti on the walls of the school "Gjorgji Sugarev" in Bitola. Available at <https://goo.gl/iVDvEa>

12 Nino Shkrinjarikj, "Children on the streets deserve a chance". Available at <https://goo.gl/nSsfWq>

13 Amnesty International. Macedonia 2016/2017. Available at <https://goo.gl/FyFihV>

In mid-2016, the Ombudsman publicly reacted to the demolition of the improvised homes of about a hundred citizens from the Roma community, located near the Skopje Fortress to the Vardar River. At the same time, he opened a case on his own initiative, and with more interventions he addressed the City of Skopje, the the PI Inter-Municipal Centre for Social Works of the City of Skopje and the Ministry of Labor and Social Policy. In the same case, a complaint on behalf of several citizens was also submitted by the Budapest-based European Roma Rights Center<sup>14</sup>.

The Commission for Protection against Discrimination in its report for 2016 confirmed the existence of direct discrimination on the basis of skin color in the area of access to goods and services. In the submitted complaint, the person from Roma ethnicity with his family rushed towards the entrance of the pool "Biser" in the Municipality of Aerodrom, but they were not given access because of the color of their skin. The next day, the person decided to try to visit the pool once again, and first tried to enter with his wife and daughter, and then with his son. The applicant stated in his complaint that his wife and daughter were allowed to enter the pool because they had fairer complexion of the skin, but the applicant and his son were not allowed to enter the pool "Biser".<sup>15</sup>

## Recommendations

1. The Republic of Macedonia has a weak formal framework for the recognition and sanctioning of hate speech. Judicial practice and the principle of non-punishment indicate the need for codification and a more clear definition of the members of the Criminal Code that cover this work. Additionally, given that sexual orientation as a basis is not specified, and according to statistics is the second basis of hatred in the country, it should be stated explicitly.
2. The Ministry of Internal Affairs and the Department of Electronic Crime should have a proactive role in preventing hate speech transmitted or instigated electronically. At the same time, they should establish better cooperation with local self-governments and remind the authorities of the competencies for removing hate speech from public areas.
3. 3. Criminal provisions in the Criminal Code should offer alternative measures for punishing perpetrators. Practical examples of voluntary work in NGOs with perpetrators in accordance with the basis of hatred towards an individual or group give greater results in the process of reintegration and rehabilitation of perpetrators in addition to the pronounced imprisonment or fine.

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<sup>14</sup> Annual report by the Ombudsman for 2016. Available at <https://goo.gl/hZM9Fx>

<sup>15</sup> Annual report of the Discrimination protection committee in 2016. Available at <https://goo.gl/HTv2jL>

# Education

## Preschool education

The part of preschool education and upbringing in the Republic of Macedonia faces three serious problems: insufficient and inadequate space for coverage of all children, insufficient number of staff and insufficient funding by the budget of the Republic of Macedonia. The lack of adequate capacity for coverage of as many children directly affects the Roma children whose number is limited in the project for inclusion of Roma children in the pre-school institutions run by the Ministry of Labor and Social Policy. The frivolous approach, the numerous political problems and situations have resulted in negative reflection in pre-school education. The reasons for the absence of children from the preschool education system are numerous, among which the most important are:

- 1) small number of Roma children that are included in the preschool education;
- 2) absence of early socialization and educational experiences among Roma children who are absent from any form of preschool education;
- 3) child labor is being utilized in the informal economic sector; - the network of preschool and school facilities for acceptance of all Roma children is not sufficiently developed;
- 4) lack of Roma teachers for pre-school education; - There are no suitable staff for pre-school education who are aware of the needs of children belonging to the Roma community.

## Primary education

Primary education in the Republic of Macedonia is regulated by the Law on Primary Education. Primary education has a mandatory character for all children and lasts for nine years. Although mandatory, the institutions of the system are inferior and disinterested in ensuring that every child is covered by compulsory primary education. Numerous visible and invisible barriers allow the exclusion of many children from the educational process. The following are some of the more prominent:

- 1) 1) Absence of a birth certificate and / or a document confirming the place of residence, enabling ungenerous or overpopulated primary schools to refuse to enroll children;
- 2) Inadequate database and outreach practices for compulsory registration and enrollment of children in school;
- 3) Insufficient knowledge of the Macedonian language when children enroll in the first grade, and as a result - inability to follow the instruction;

- 4) Many of the enrolled children have been desolated during the eight-year school, especially after the fifth grade because of the weak knowledge of the previous grades;
- 5) The ineffective attitude of the management staff and the professional service in the schools regarding the enrollment policy, especially in the schools where the Roma are in a significantly small number.
- 6) The low level of education (illiteracy) of parents;
- 7) Absence of awareness of the importance of education, especially of the parents and the environment.
- 8) The poor success of the children acts demotivates them to continue with education;
- 9) Insufficient awareness of some teachers and professional services of the problems and needs of Roma children;
- 10) Existence of stereotypes about the Roma.

### Secondary education

In the Republic of Macedonia, in public secondary schools, students from the Roma ethnic community can enroll in a particular public high school if they have up to 10% fewer points than the number of points stipulated in the Enrollment criteria for the relevant curricula and programs if they fulfill the additional criteria for the exam for knowledge and skills in the appropriate school. Institutions responsible for the implementation of compulsory secondary education show little interest in motivating and assisting Roma students to complete secondary education or they are directed to inadequate guidance in secondary education. The challenges in secondary education are the following:

- 1) Insufficient number of elementary Roma students enrolled in secondary education;
- 2) Insufficient number of enrolled Roma in vocational secondary schools;
- 3) Great number of pupils drop out of secondary education;
- 4) Insufficient inclusion of Roma children in the extra-curricular programs in secondary schools;
- 5) Negligence of Roma students in secondary education;
- 6) Bad results / success which is visibly lower than the average success of the other students; - Inconsistency and constant absence from regular classes;
- 7) Absence of relevant recent statistics on the number of Roma children at the age suitable for secondary education (14 / 15-18 year-olds);
- 8) A great deal of Roma pupils enter secondary education with lesser knowledge obtained in the primary education, which is why there is still a great drop-out rate of Roma students in secondary education;
- 9) Inadequate and non-functional guidelines in secondary schools towards which Roma students are directed.

- 10) High rate of Roma high-school students who are at high risk of dropping out and / or leaving education due to temporary internal and / or external migration (relocation due to seasonal work, cases of false refugee seeking), or due to early marriages.

### Higher education

Compared to the state present ten years ago, the trend of enrollment in higher education institutions among members of the Roma community is in an upward trend. This is primarily provided by the Roma Education Fund based in Budapest through the scholarships it grants in all three levels of higher education - undergraduate studies, master studies and doctoral studies in cooperation with the Ministry of Education or the Department for Development and Promotion of Education in the Languages of members of the communities. The scholarship funds for Roma students, although agreed to be institutionalized and part of the annual budget of the Republic of Macedonia, are kept in a special donor account, which, if there are no funds from the donors, will be closed. This situation leads to deinstitutionalization of the tendency of promotional and affirmative measures for enrollment of faculty members of the Roma community. The Law on Higher Education and Universities in the Republic of Macedonia provides wide opportunities and a range of studies for interested students. A trend among the members of the Roma community is studying in the social sciences while technical faculties, engineering and natural sciences are not subject to interest. A serious problem is the low interest in the directions of the pedagogical faculties that in the long run do not produce teaching staff from the members of the Roma community. Insufficient number of Roma students study at one of the medical faculties.

### Recommendations

1. The Government of the Republic of Macedonia, via the Ministry of Labor and Social Policy, should allocate funds from the budget for the opening of ECD Centers in cooperation with the municipalities and to strengthen the infrastructure of the kindergartens by increasing the capacities and opening new ones in order to more coverage of Roma children in pre-school institutions.
2. To amend the legislation and to create mechanisms that will enable the completion of primary education for children who are returnees from abroad, refugee seekers, children who have been absent from the learning process for various reasons for a long time, and to amend the Law on Secondary Education with introducing guidelines that correspond to the labor market demand;
3. At the level of the local municipalities, measures should be taken to amend the statutes for assignment of children to specific districts when enrolling in primary school and to create

conditions that will not lead to segregation of Roma students or their isolation in only one school.

## Healthcare

As one of the most important national documents in the field of health in Macedonia, the Strategy 2016-2018 has been adopted by the Ministry of Health. In the strategy, the following elements are listed as priorities<sup>16</sup>:

- Continuation of reforms, modernization and promotion of the health sector;
- Sustainable, efficient and accessible health care provision system for the population and better quality of health services for the population;
- Community-oriented health care at all levels: preventive, primary, secondary and tertiary.

The Strategy targets all citizens of the Republic of Macedonia, however certain trends can be noted in its implementation. First, in the area of modernization, it is not planned to modernize and improve the work of the outpatient clinic in Shuto Orizari, although it is considered to be an urban municipality. Shuto Orizari is the only Macedonian municipality with a majority of the Roma population, in which the conditions of the health center are under any average standard. Secondly, in the part of the health care of mothers and children in the Republic of Macedonia, the antenatal examinations of 1,500 Roma women in 2016 have been planned in the action plans; however, there are no results that these goals were achieved. Namely, there is no source of information on the number of antenatal examinations of Roma women for the period from January to December 2016.

The next important element is the information regarding the allocated funds from the budget designated for Roma people. That is, the Ministry has allocated funds for employment of 30 Roma health mediators in 18 municipalities on the territory of the Republic of Macedonia within the project "*Roma Health Mediators in the Republic of Macedonia*".

Specifically for Shuto Orizari as a municipality, the strategy projects allocating funds for providing a gynecologist in the outpatient clinic, who will visit and inspect that municipality once a week. Namely, in the last few years, the issue arising from the absence of a gynecologist in the municipality of Shuto Orizari is one of the most important and common problems mentioned by the community. After several attempts to resolve the problem, at the beginning of 2017<sup>17</sup>, the new government managed to bring a gynecologist to work in this municipality with permanent status. The National Roma Strategy in the field of health includes mothers, pregnant women and children among the key tasks for the period 2014-2020. In particular, these are the specific problems that are covered by the strategy in the field of health<sup>18</sup>:

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<sup>16</sup> Ministry of Health. Strategic Plan 2016 - 2018. Available at <https://goo.gl/ioC82R>

<sup>17</sup> Ministry of Health, Women in the Skopje Municipality Shuto Orizari are getting a gynecologist today- Available at <https://goo.gl/zdwMaz>

<sup>18</sup> Ministry of Labor and Social Policy, Roma Strategy 2014 - 2020. Достапно на <https://goo.gl/jANPDX>

- Violation of healthcare rights and insurance for Roma patients due to unequal treatment by healthcare providers in providing conditions and information
- Roma having limited access to the right to health insurance due to frequent changes and amendments to the legal regulations and introduction of complex administrative procedures
- Limited and delayed circulation of information in the Roma community on the way of exercising the rights of health care and health insurance
- Insufficient coverage of Roma people regarding services of preventive, primary and secondary health care
- Limited access to gynecological services and antenatal protection of Roma women.
- Issues in the area of reproductive health and STDs.
- Insufficient coverage of Roma children aged 0-18 years with vaccines from the immunization calendar
- Lack of Roma medical staff in health institutions

Another important aspect that is not covered in the health strategy is the last challenge faced by citizens with lower incomes and unemployed people this year, and it relates to the obligation to submit a statement of income for the previous year in the procedure for continuation the right to health insurance, which confirms that they do not have higher incomes of 96,600 MKD in the previous year. The connection between the challenge and the Roma community is obvious, given that the majority of the community are recipients of welfare. Namely, the period for fulfillment of this obligation, according to the call of the Health Insurance Fund, was from 1.02.2013 to 31.03.2013, whereby 50% of the registered insured persons terminated the right to health insurance in April 2013 due to failure to submit a statement for realized incomes, and then in order to be able to exercise their right again, they were obliged to submit a new application and complete documentation for all family members (as persons who exercise the right for the first time). Considering the percentage of unemployed and the level of poverty among the Roma community, it can be assumed that the number of Roma who have lost the right to health insurance in this procedure is significantly high. However, due to the lack of segregated data by ethnicity, the exact percentage is not defined and thus the real weight of this administrative procedure for the Roma community has not been determined.

The National Health Action Plans<sup>19</sup> arising from the Roma Strategy are good enough for improving the health status and access to Roma health, but lacking adequate allocation of budget funds and political will to prioritize the poor health status of Roma. Also, the inability to collect data specifically for an ethnic group is a major problem.

Medical staff deny the existence of discriminatory practices against Roma patients, but data from field trials conducted by NGOs point to the inability of some Roma to fully practice their rights to health care and also, the presence of discrimination in the treatment of Roma as patients. For example, before the basic courts in Prilep, Bitola and Kocani in the past three years, court proceedings have been initiated for 4 cases of Roma patients, where in criminal

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<sup>19</sup> National Health Action Plan 2015 – 2020. Available at <https://goo.gl/4UejEb>

and civil proceedings the suspicion of violation of health care rights due to omissions in treatment and giving health services, and omissions regarding access to health information.

After several years of project implementation, the Institute of Public Health of the Republic of Macedonia<sup>20</sup> conducted a report on the work of health mediators for 2016. According to their records<sup>21</sup>, in the year of 2016, a total of 11 RHM were active in 8 municipalities. According to the report of the Institute, out of 1727 realized services, 806 are for health care, 497 for administrative assistance for personal documentation, and 424 for exercising the right to financial social assistance. In general, the analysis shows that Roma health mediators successfully carry out their work tasks, which is also shown by the increased number of services provided compared to 2013. However, despite the functioning of the program, the following challenges have been identified that RHM faces and which are not yet solved:

- Reduced number of RHM in 2016 compared to 2013 (this reduction has a direct effect in those municipalities where only one person has undertaken the work of a mediator).
- The status of full-time employment is still unresolved
- non-employment of newly educated personnel as RHM in municipalities with lower numbers
- quitting on the part of the mediators in Shtip, Gostivar and Kumanovo
- the target group with which the RHM work still lives in inadequate conditions with low economic incomes and inadequate social status.

Almost all measures for achieving the goals and achieving the results in the area of health in the Roma Strategy also mention the Roma Health Mediators (RHMs), which remain among the administrators with the greatest number of tasks. According to the mediators, the key challenges of the Roma community for the period of 2016 are still "*Lack of personal documentation (especially children who are not registered in the birth register), the distance and lack of access to the Homeless Families' Clinic located near Skopje (Pod Kale ) and other locations. In the absence of a gynecologist, women cannot perform regular checkups when pregnant, because the check-ups are charged even though they should be free. Because of poverty, most of our RHM service users, when they need to go to specialist examinations or when they need to use hospital care, do not do it because they do not have the money to pay for health services, and thus their health deteriorates*" (interview with a Roma health mediator).

In 2016, 5942 persons were incorporated, 1436 of which were visited for the first time by the RHM. From a socioeconomic point of view, most of these individuals have families with more than 2 dependents, 14.6% of families do not have health insurance, and 56.2 of families visited do not have adequate quality housing.

Main data on the health of Roma were received from 11 RHMs from 8 municipalities:

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<sup>20</sup> Public Health Institute, Report on the activities of the Roma health mediators in the Republic of Macedonia in 2016, Available at <https://goo.gl/RHuoHN>

<sup>21</sup> Ibid.

- During 2016, 1384 unvaccinated or irregularly vaccinated children and 870 adults were detected, out of which 1037 of the children were vaccinated
- Of the total number of families visited, Roma health mediators found 15 persons with disabilities or 8 males and 7 females
- 981 persons were sent to get copies of their personal documentation, which was a prerequisite for receiving other benefits in the area of health, social protection, etc.

## Recommendations

According to the situation, certain obstacles are identified in the full realization of the rights to health care and adequate access to health services. Therefore, the following aspects are recommended for consideration in the future when creating national action plans or projects and programs for Roma:

- Creating an alternative solution in the form of programs for Roma who currently do not have personal documentation. Providing free treatment to Roma beneficiaries of welfare financial assistance
- Special employment offers for Roma health staff in health institutions as a long-term institutional solution
- Locating larger budget funds for the implementation of the national action plans of the Roma Strategy. This will enable the expansion of the work of some mechanisms that have proven to be successful. For example, an increase in the number of employed mediators and municipalities in which they operate.

## Housing

The access to adequate housing was one of the main priorities of the Decade of Roma Inclusion 2005-2015. However, after ten years since the implementation of the Decade, there are no visible changes in this area. The data show that 63% of the Roma population in these communities lives in buildings of solid construction, 7.25% of families live in improvised houses made of non-construction material (cardboard, nylon, aluminum sheets, plastic, etc.) and 29.5 % in ruined and prefabricated buildings. The homes of Roma families are small, planned for performing and fulfilling basic living needs, with more than 50% of the population having a living space of less than 5 square meters per family member<sup>22</sup>. According to the data presented in the Roma Strategy it is assumed that about 70% of Roma do not have ownership documentation of the property in which they live. In view of this fact, the new Strategy 2014-2020 prepared by the Ministry of Labor and Social Policy includes legalization and urban documentation as the specific strategic goal 11. From this goal it is expected to legalize 70% of the settlements inhabited by the Roma population up to end of 2017.

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<sup>22</sup>Ministry of Labor and Social Policy in cooperation with the National coordinator of the Roma Decade and Roma Strategy 2014-2020

The small portion of resolved applications under the 2011 Law on the Procedure for Illegally Built Buildings leaves open questions about the real prospects for legalization of illegal settlements inhabited by Roma (and others). Even at this point, having in mind that certain settlements are not part of the urban plans of the municipalities, it can be expected that a significant number of Roma will be left homeless after their requests for legalization have been rejected, as provided with the law, followed by demolition of their homes.

The legalization of the homes of the Roma community takes place slowly, regarding the fact that the Law has been implemented for more than four years, i.e. as of September 30, 2015, in the entire Republic of Macedonia 113,096<sup>23</sup> cases were solved, that is, only about one third of the total 344,293 applications filed for legalization of illegally constructed buildings. So far, a total of 107,681 objects have been identified as having legal status.

According to the Ombudsman of the Republic of Macedonia, there are several reasons for the great number of unsolved cases, including failure to submit a geodetic report and unresolved property-legal relations. It is also noted that when acting upon the requirements for determining the legal status, the submitters of those requests do not submit the necessary geodetic reports or they submit incomplete documentation. Therefore, most of the procedures are terminated. The unresolved property-legal relations, first of all, are the ownership proprietary disputes, unsuccessful legal proceedings and cases of objects illegally built on the land which is property of the Republic of Macedonia, and these are the most frequent reasons for the extensive duration of the proceedings. In such circumstances the municipalities make conclusions for the termination of the procedure by referring all controversial property- legal issues to be resolved in a court or in a procedure before a notary public. In dealing with such cases, municipalities often encounter problems where the situation on the spot does not match the cadastral bases or the rights to the land are not recorded in the real estate cadastre. Belated payments of the utility fee for determining the legal status is also a factor that affects the large number of unsolved cases<sup>24</sup>. After the adoption of the Law, a group of problems that Roma faced in the process of applying and legalizing the homes were identified. The biggest problem in the whole process was the personal documentation i.e. the lack of legal position in order to start the process.

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<sup>23</sup> Ombudsman of the Republic of Macedonia, Research on the implementation of the procedure for determining illegally built objects. Available at <https://goo.gl/GUja9J015>

<sup>24</sup> Ibid

At this point, the biggest obstacle to the legalization of Roma dwellings is the location where these settlements are built, that is, there are many Roma settlements that are located in the territory that according to the GUP or DUP is not projected for housing, Such municipalities are slow in managing the coordination of urban plans with the condition in reality.

In addition, there is a delay in some cases primarily due to legal proceedings. What is necessary for this process to go faster is to establish a local department of the Property and Legal affairs office, as well as a dispersed office of the Agency for Real Estate Cadaster in the municipality of Shuto Orizari, since it is in Chair<sup>25</sup> at the moment. The legalization of illegal buildings in the municipality, whose number is not to be underestimated, is difficult because of the lack of required documents by the applicants for the legalization of illegal buildings.

On the other hand, the fact that there is no data on the number of Roma families who have missed the deadline for submitting a request for legalization of illegally constructed facilities is worrying. The construction of welfare apartment buildings is slow and the number of Roma who have received this type of housing is small. The funds allocated for improving the infrastructure in Roma settlements are too little to achieve a visible effect. The number of positively completed procedures for legalization of the homes of the members of the Roma community is too small. Some municipalities do not keep statistics on the number of Roma who have submitted requests, and some municipalities have not yet adopted local plans / housing strategies. Network of Roma organizations that conducted action in nine municipalities found that the settlements in which Roma live are without access to infrastructure, not urbanized and without a legal connection to water supply and sewerage. It has also been established that these settlements are not covered by urban planning documentation and that the process of legalization is slow<sup>26</sup>.

The key is actually in the urban plan which should give directions, and to give an urban consent for the possibility of legalizing illegally built objects during the procedure. In many municipalities, such settlements are not covered by urban plans and therefore these facilities are not treated as housing facilities. Experience shows that state-level central institutions do not take part in this process, in which they ought to be involved. All cities have outdated urban plans and new urban plans need to be developed - general where certain settlements will be treated and the state should find a way to get involved in financing the development of urban

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<sup>25</sup> Civil Association MOST, Report on the public meeting of parliament members and citizens held at Shuto Orizari. Available at <https://goo.gl/rnhzSD>

<sup>26</sup> Nova TV. 2016. The Roma have a hard time legalizing their homes; Available at <https://goo.gl/kd1HT8>

plans. Illegally built settlements that exist in certain cities, and which lack infrastructure, should be equipped in a certain manner including funds that will be specifically granted by the local self-government. Those settlements along the rivers where the Roma live are under substandard conditions, but they have submitted a request for legalization, but it is very difficult to complete the legalization process because there are no conditions for completion of this procedure.

Local self-government faced major problems in the legalization process because the legislation did not provide all the answers to the challenges that arose and therefore state institutions should help the local self-government to deal with legalization. It is assumed that this whole process of legalization will last for more than 10 years.

## Recommendations

1. Municipalities should prepare new ones or modify old detailed urban plans in municipalities in which Roma settlements are not included. In this area, the central governing body should play a key role by funding and expert assistance to those municipalities, as some municipalities, such as Shuto Orizari, are not financially and professionally capable of starting this process. Also, if the municipalities decide to implement a new detailed urban plan in which Roma settlements will be included, the local population should also be consulted regarding this plan, as this will ensure that the urban plan will respond to the needs of the Roma population, especially in the area of access to basic utility services and sustainable urban development.
2. Local authorities should prevent illegal Roma dwellings that result with homelessness. Those who have been denied the requests for legalization of their dwellings before possible demolition of their homes should be offered an alternative accommodation in welfare housing by the municipalities.
3. The funds for social housing should be provided by the Government and the local self-government through their municipal budgets. Certainly, donors who can support this process through their financial means may help with the realization of this plan. However, it should be noted that the main financial resources should come from the state budget, not from the donors. In case of dislocation of Roma settlements, the affected population should be moved only in urban areas.

## Employment

Unemployment in the Republic of Macedonia is a long-term phenomenon that is closely related to the economic development of the country and as such is a priority of the Government of Macedonia. Employment is the main strategic priority of the Republic of Macedonia in order to increase the economic growth in the period 2014-2018, as well as to increase quality of life<sup>27</sup>. For this purpose, the Government designed various policies related to economic development and employment in the country. The statistical data in the reports show that the Republic of Macedonia faces a high unemployment rate since its independence, reaching almost 40% during 2005 and a downward trend of a record 23.4% in 2016<sup>28</sup>. Also, according to the reports of the Statistical Office in 2016, the active labor force in the Republic of Macedonia (employed and unemployed) listed 948,599 persons, out of which 723,550 employed and 225,049 unemployed persons. Accordingly, the activity rate in that period was 56% of which the employment rate was 43.1%, while the unemployment rate was 23.7%<sup>29</sup>. However, if the figures are analyzed, on the one hand there are positive developments in the economic development and participation of the labor force, which shows that the Macedonian authorities successfully implemented the set goals. On the other hand, if a more detailed analysis is made it can be noted that the actual situation that actually remained unchanged, or has even worsened in the labor market, especially in public sector employment.

In the last decade, the unemployment rate in Macedonia fell sharply by almost 20%. Many experts believe that the unemployment rate has been artificially reduced due to the division of active and passive job seekers. At the end of 2012, with the amendments to the Law on Employment and Insurance in the Case of Unemployment, the labor force is divided into two categories:

- "unemployed person" is a person who is not employed, actively looking for a job;
- "other type of job applicant" is an economically active or inactive person who is registered with the Agency but is not actively looking for a job and / or is not ready to accept a work post.

The definition of these two categories creates confusion in understanding the terms. The term "actively looking for a job" is used in both categories and creates difficulties in determining which person is actively seeking work. The unclear stating of these two categories causes mix-up of the terms. The term "actively looking for a job" is used in both categories, and creates

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<sup>27</sup> Government of the Republic of Macedonia, Strategic priorities and goals; Available at <https://goo.gl/S6iwZ1>

<sup>28</sup> Trading Economics. "Macedonia unemployment rate". Available at : <https://goo.gl/DzSZYX>

<sup>29</sup> State Statistical Office. Active population in the Republic of Macedonia - results from a labor force survey in 2016. Available at <https://goo.gl/9RQCpd>

difficulties in determining who is actively seeking a job - whether it is a person registered as unemployed or a person registered as an active job applicant.

Moreover, misunderstandings regarding these definitions particularly affect the Roma population as they are registered as passive job applicants with no knowledge what it actually means. According to the findings of the Helsinki Committee, the majority of Roma, rather than being registered as "active job applicants or unemployed", are registered only as passive job applicants without knowing the existence of these two groups<sup>30</sup>.

As a consequence of the lack of information, education and experience, Roma are having major difficulties in integrating into the labor market and they remain in a vulnerable position. This means that the new definition of a workforce not only creates a distinction between Roma and non-Roma but also increases the discriminatory approach of institutions to the workforce.

The practice shows that the division of the workforce into active and passive job applicants has a discriminatory attitude towards vulnerable communities, since instead of integration into the labor market it produces a gap between the two groups. In particular, the situation of Roma in the field of employment has deteriorated, 41% of Roma are permanently unemployed, and the informal work gap is 40% higher for non-Roma Roma. A total of 59% of the Roma population work in the informal sector<sup>31</sup>. Also, the rate of NEET youths (non-education, employment or training) is significantly higher than non-Roma. In total, 69% of young Roma are not in education, employment or training; 68% of the overall Roma population does not have work experience<sup>32</sup>. In addition, according to the division, the active job applicants are obligated to register themselves in the Employment Agency once a month (a period of 30 days), while passive job applicants are obligated to register once in six months. If a person is registered as a passive job applicant, then that person is eligible to utilize the measures of the Employment Agency. This means that if a person wants to use active measures, he / she should change the status of a passive job applicant to an active one.

The Republic of Macedonia theoretically designed a number of policies and programs related to the employment of Roma who in the end failed to achieve the desired goal.

In order to integrate the Roma community in the social life and to increase their employment opportunities, the Ministry of Labor and Social Policy, along with the Employment Agency, made special policies and programs related to job creation and employment of Roma.

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<sup>30</sup> The Helsinki committee for Human Rights, Analysis of the relations between the implementation and the reality of the national strategy for inclusion of Roma - Roma Decade 2005-2015. Available on <https://goo.gl/sc4QQX>

<sup>31</sup> Secretariat of the Roma Decade. Index for Roma inclusion. Available on <https://goo.gl/efhGZE>

<sup>32</sup> Ibid.

According to the Employment Agency, in 2014, the number of Roma participants in active measures increased four times more compared to 2010 (from 133 participants in 2010 to 632 participants in 2014) <sup>33</sup>. However, compared to non-Roma, the number of Roma who participated in these measures is very small, as compared to the average unemployment rate, the unemployment rate among the Roma has doubled.

In 2013, there were a total of 8,118 Roma registered as unemployed, of whom 6,461 were registered as active and 1657 Roma registered as unemployed. In Chart 1, you can see the numbers of Roma registered as unemployed in the period 2003-2017<sup>34</sup>. Official information disagrees with unofficial data on the real number of unemployment among Roma. According to the Employment Agency of the Republic of Macedonia in December 2016, the number of Roma registered as unemployed amounts to 6201, of which 2323 are women.

However, according to a survey<sup>35</sup> conducted by Deniz Selmani, the measures and programs for entrepreneurship in 12 municipalities that were subject to analysis are inferior in terms of quantity and quality. That is why the very influence on the growth and development of entrepreneurship is very small. But they have a certain positive effect in reducing the unemployment of the Roma community. The main problems that the Roma community can not engage in using the programs and measures are the criteria set by the Employment Agency of the Republic of Macedonia.

## Recommendations

1. The Employment Agency of the Republic of Macedonia, in cooperation with Roma civil society organizations, should work on amending the existing criteria, which do not give Roma the opportunity to engage in their use since the very beginning.
2. It is necessary for the Employment Agency of the Republic of Macedonia to amend the legislation in order to allow passive job applicants to participate in the use of all active measures and programs.
3. State institutions should develop educational programs related to social entrepreneurship through which the Roma community will have the opportunity to self-employ.

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<sup>33</sup> Institute for Research and Policy Analysis - Romalitiko. Assessment of the main policies for the Roma.

<sup>34</sup> The Helsinki committee for Human Rights, Analysis of the relations between the implementation and the reality of the national strategy for inclusion of Roma - Roma Decade 2005-2015. Available on <https://goo.gl/sc4QQX>

<sup>35</sup> Deniz Selmani, Analysis of the Entrepreneurship Policies in the Republic of Macedonia for overcoming the "ALIENATION" among the Roma, 2016