

MACEDONIA

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Country Profile

2011-2012

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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1 About the Country Profile

The Macedonia country profile focuses strongly on education, housing, migration and asylum and violence, as key areas of work for the ERRC. The information is correct as of April 2013.

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2 Introduction and Background Data

According to the 2002 census, the Republic of Macedonia has 2,022,547 inhabitants, of whom 53,879 (2.66%) declared themselves Roma.¹ However, as elsewhere in the region, the actual number of Roma² is much higher than the official figure; various sources and research suggest that the number of Roma is between 150,000³ and 260,000,⁴ while the most recent available unofficial estimate for Roma is 135,490 (6.77%).⁵

Macedonia is home to nearly 1,700 refugees, mostly Roma, who fled their homes as a result of the 1999 conflict in Kosovo.⁶ According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of September 2012 there were 1670 asylum seekers and refugees in Macedonia, the majority of whom are Roma from Kosovo under subsidiary protection (about 1100). Most of these persons are living in the municipality Šuto Orizari in Skopje. There are concerns that the unresolved legal status of the majority of these refugees is a major impediment to their access to basic human rights, including economic and social rights.⁷

Among sub-ethnic groups of Roma in Macedonia are *Arli*, *Barutčia*, *Džumbazji*, *Gilanlia*, *Konopari*, *Kovači* and *Topaanila*. Census data from 2002 indicates that more than 90% of Roma in Macedonia are Muslim. Approximately 80% of Roma speak Romanes as their first language. Roma live in 64 out of 85 municipalities across the country. Approximately 45% of the Romani population in Macedonia lives in ten municipalities: Bitola, Debar, Gostivar, Kičevo, Kočani, Kumanovo, Prilep, Štip, Tetovo and Vinica.⁸ According to official data, the majority of Roma live in Skopje (23,202), with over two-thirds concentrated in the municipality of Šuto Orizari.⁹

- 1 Census of Population, Households and Dwellings in the Republic of Macedonia, 2002, available at: http://www.stat.gov.mk/pdf/kniga_13.pdf.
- 2 According to ERRC understanding, the term “Roma” used throughout the report refers to other groups related to Roma and groups who are perceived by the majority populations as Roma.
- 3 Needs Assessment Study for the Roma Education Fund, Republic of Macedonia, November 2004, p.5, available at: <http://siteresources.worldbank.org/INTROMA/Resources/NAREportFinalMacedonia.pdf>.
- 4 Roma in the Balkan Context, available at: http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/chapter1.1.pdf.
- 5 Open Society Institute Report, “No Data - No Progress, Data Collection in Countries Participating to the Decade of Roma Inclusion 2005-2015”, August 2010, available at: http://www.opensocietyfoundations.org/sites/default/files/no-data-no-progress-country-reports-20100628_0.pdf.
- 6 UNHCR, 2013 UNHCR regional operations profile - South-Eastern Europe; available at: <http://www.unhcr.org/pages/49e48d8f6.html>.
- 7 Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>.
- 8 Roma Education Fund “Country Assessment Macedonia”, 2011, available at: http://www.romaeducation-fund.hu/sites/default/files/publications/ref_ca_2011_mac_english_screen.pdf.
- 9 Census of Population, Households and Dwellings in the Republic of Macedonia, 2002, available at: http://www.stat.gov.mk/pdf/kniga_13.pdf.

The 2002 census also reports an Egyptian population numbering 3,713 persons, or 0.18% of the total population. Although non-Roma in general, as well as Roma, tend to think of Egyptians as Roma, Egyptians consider themselves distinct from Roma on historical, linguistic and cultural grounds.¹⁰

The latest population and household census started in October 2011 but was interrupted and cancelled after the State Census Commission resigned. As a result, there are no recent and accurate data on population and households.¹¹

Statelessness and the lack of registered civil status and personal identity documents constitute serious obstacles for many Roma to enjoy basic social and economic rights, in particular since the problem is perpetuated due to the fact that Romani parents who lack identity documents cannot register their children in the birth registry. A UNHCR survey which covered 13,770 Roma identified that 6,514 individuals faced documentation problems, including 775 people who had never been registered in the birth registry books as of October 2011.¹²

2.1 Socio-Economic Data¹³

Employment: According to recent surveys on Roma in Macedonia, the unemployment rate among Romani population is 53%, compared to 27% among non-Roma living in close proximity to Roma. Romani women are particularly vulnerable, with an unemployment rate of 70%, double the rate of that for non-Romani women. Particularly worrying is the unemployment rate among young Roma between 15 and 24 years, at 71% (the figure for Romani women being 85% and for the general population between 15 and 24 years 61%). The share of those who are employed but have no written contract with the employer is 64% in Romani communities, compared to 25% of non-Roma. The informal employment incidence among Romani women is even higher: 68% compared to 19% of non-Romani women.¹⁴

A 2010 survey conducted by a local Romani NGO on the current situation of Roma in the business sector showed that the highest percentage of informal businesses are run in the sphere of trade and commerce (60%), followed by scrap collection and recycling business,

10 Roma Education Fund “Country Assessment Macedonia”, 2011, available at: http://www.romaeducation-fund.hu/sites/default/files/publications/ref_ca_2011_mac_english_screen.pdf.

11 Commission Staff Working Paper, Progress Report FYROM 2012, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf.

12 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. 27, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>.

13 More detailed socio-economic data gathered through a survey carried out by the United Nations Development Programme, the World Bank and the European Commission are attached to this country profile as Annex 2.

14 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011, available at: <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

services, etc. These informal businesses are typically family run; only 5% of respondents included people other than family members in their business. Most of the respondents working in the informal sector had considered legalising their business (80%)’ however they lacked the financial resources and equipment to transform it into a legal business. The survey was conducted in ten towns in Macedonia with a substantial Romani population. The sample size was 500 respondents – Romani men and women who are business owners (27%) or working in the informal sector (73% of respondents). Only 8% of business owners were women.¹⁵

Housing: The Decade Watch Report on Macedonia from 2010 indicated that housing as a thematic area had the highest level of negative assessments of state efforts for Roma.¹⁶ According to the 2011 UNDP/WB/EC Roma survey, in all of the countries the share of Roma respondents who had outstanding payments for water, electricity and other housing expenses was larger than the respective share of surveyed non-Roma households. This appears to be a special difficulty in Macedonia, where there are largest gaps between Roma and non-Roma respondents in arrears for water and electricity, and the second largest gap in other housing expenses.¹⁷ In Romani households, the average number of square metres of living space per household member is 14.14m², twice as low than in non-Romani households. Significantly more Roma (25%) have no access to secure housing compared to non-Roma (5%), while 10% of surveyed Roma do not have a toilet or bathroom inside their dwelling compared to 2% of non-Roma who do not have access to improved sanitation.¹⁸

Health: Data on the health status of Roma in Macedonia are worrying, considering that the life expectancy of Roma is ten years shorter than the national average and the infant mortality rate is almost double that of the general population.¹⁹ However, the UNDP/WB/EC regional Roma survey reveals that there are no major discrepancies in access to medical services among Roma and non-Roma. Health insurance coverage is high for both Roma (92%) and non-Roma (97%); the share of Roma who had specialised medical checks in the last 12 months was somewhat smaller than for non-Roma. However, the biggest and most alarming discrepancy is in access to essential drugs. As many as 68% of Romani respondents could not afford to purchase medicines they needed, compared to 32% of non-Roma.²⁰

15 Ромски деловен информативен центар (Roma Business Information Center), *Извештај од истражувањето на актуелната состојба на претприемништвото, неформалниот сектор и невработеноста кај Ромската заедница во Република Македонија*, Скопје, Април 2010, available in Macedonian at: <http://www.entrepreneurship.mk/UserFiles/File/Presentation%20of%20Fifth%20Roma%20Economic%20and%20Business%20Forum.pdf>.

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

17 Peric, Tatjana. (2012), *The Housing Situation of Roma Communities: Regional Roma Survey 2011*, Roma Inclusion Working Papers, Bratislava: United Nations Development Programme, p. 63, available at: http://issuu.com/undp_in_europe_cis/docs/housing_2_web.

18 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011.

19 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.

20 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011.

The Council of Europe Commissioner for Human Rights (the Commissioner) noted in his most recent report on Macedonia that Roma who lack personal documents - and especially Romani women - lack access to medical and gynaecological services. In 2010 the Macedonian government initiated a health mediator programme, with the aim of assisting Roma in obtaining access to health care services and promoting preventive health care measures such as immunisation. Sixteen mediators, whose field work is covered through a budget line provided by the Ministry of Health, began operating in May 2012 in eight municipalities, and 16 additional mediators are expected to be appointed by the end of 2013.²¹

Education: The UNDP/WB/EC 2011 regional Roma survey confirms disproportionate literacy levels between Romani communities and the general population, with around 17% of adult Roma being illiterate. The literacy gap among adult Roma and non-Roma is 13 percentage points, while this gap is even bigger among Romani and non-Romani women (20 percentage points). The gross enrolment rate to compulsory primary education is still significantly low for Roma (74%) compared to non-Roma (90%).²² Moreover, data for the 2010/11 school year show that there were 2% fewer Romani students enrolled in primary education than in the previous school year.²³

The latest available data indicate that the overall enrolment to preschool education (3-6 years) is generally low, being even lower in Romani communities (16%) than among non-Roma (25%). However, unlike all other aspects of education where girls and women are in an inferior situation, data show that enrolment rates to preschool education for both Romani girls and general population are somewhat higher than average – 19% for Romani and 36% for non-Romani girls.²⁴

The enrolment of Romani children in secondary and university education has steadily increased over recent years,²⁵ although the gross enrolment rate to secondary schools is still significantly low (27%) compared to non-Roma (65%)²⁶ especially considering that it has been compulsory since the school year 2009/10.²⁷ Certain reports show worrying data that for the school year 2010/11 there were 13% fewer Romani pupils enrolled into secondary education

21 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.

22 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011.

23 Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Country Report on Human Rights Practices for 2011 – Macedonia*, p.30 available at: <http://www.state.gov/documents/organization/186589.pdf>.

24 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011

25 European Commission, *Commission Staff Working Paper – the Former Yugoslav Republic of Macedonia Progress Report 2011*, 12 October 2011, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf.

26 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011

27 UNESCO International Bureau of Education, *World Data on Education*, VII Ed. 2010/11, available at: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/The_Former_Yugoslav_Rep_of_Macedonia.pdf.

than in the previous year.²⁸ The European Commission 2012 report on Macedonia noted that early school-leaving rate remains high, particularly among Roma.²⁹

An ongoing problem in Macedonia is the high percentage of Romani children attending “special-needs” schools for children with learning disabilities.³⁰ The overrepresentation of Romani children in special schools has been publicly highlighted by different local Roma and international NGOs, international organisations and the media as an issue requiring urgent Government action, since the release of an Ombudsman’s report in February 2010.³¹

28 Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Country Report on Human Rights Practices for 2011 – Macedonia*, p.30.

29 European Commission, *Commission Staff Working Paper – the Former Yugoslav Republic of Macedonia Progress Report 2012*, 10 October 2012, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf.

30 Council of Europe Commissioner for Human Rights, “Human rights of Roma and social cohesion should be strengthened, says Commissioner Muižnieks in Skopje”, press release, 29 November 2012, available at: http://www.coe.int/t/commissioner/News/2012/121129Macedonia_en.asp.

31 See: Dnevnik, “Здрави деца учат како да се со пречки во развојот”, 7 November 2011, available at: <http://dnevnik.com.mk/default.asp?ItemID=3398A88B2505C444A00712D9A571E4E2>.

3 Summary of (Crosscutting) Laws, Policies and Structures

The preamble of the Constitution explicitly names Roma as one of the ethnic communities living in the Republic of Macedonia. Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia.³² Regardless, Roma remain the most discriminated ethnic group in Macedonia in almost every segment of their everyday life.

3.1 Prohibition Against Racial and Ethnic Discrimination

The Law for Prevention and Protection against Discrimination (LPPD) was adopted on 8 February 2010, and came into force in January 2011.³³ The law provoked controversy, as some legal experts claimed that it is not in compliance with EU law, due to the fact that sexual orientation was not explicitly included as a possible ground for discrimination.³⁴ Furthermore, there are other issues of non-compliance with the EU Racial Equality Directive and the Employment Equality Directive, such the use of statistics as evidence in indirect discrimination cases and the fact that the capacity of associations to bring an action is limited to judicial procedures only and the collective interest of certain groups. Similarly, the law fails to define and prohibit segregation as a special form of discrimination.³⁵ Associations may act as a third party, an “intervener” in the judicial procedure (Article 39) or file a joint lawsuit and act as colitigant with consent from the party claiming discrimination (Article 41). The party claiming discrimination has to provide all the facts and evidence to support such any claim; the other party has an obligation to substantiate that discrimination has not occurred. (Article 38).

A Commission for Protection against Discrimination (CPD), comprising seven members, became functional in January 2011.³⁶ The CPD does not have a mandate to impose sanctions, but only to issue opinions and recommendations. If the discriminating party refuses to comply with the CPD’s recommendation, the CPD may initiate procedures before the relevant bodies (Article 28 LPPD), such as a misdemeanour procedure or filing a criminal complaint if appropriate.

32 Constitution of the Republic of Macedonia, available at: <http://www.sobranie.mk/en/default-en.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

33 Закон за спречување и заштита од дискриминација, available at: http://nkt.mtsp.gov.mk/nkt/content/Documents/anti_discrimination_law_mkd_2010.pdf.

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

35 ERRC submission to UN CEDAW on Macedonia, January 2013, available at: <http://www.errc.org/cms/upload/file/macedonia-cedaw-submission-30-january-2013.pdf>.

36 *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.

The standing of the CPD before the courts is not clearly regulated by the law – the law does not explicitly allow for the CPD to act as an “intervener” or “co-litigant” in the discrimination claim before civil courts. The law foresees only that associations, foundations, institutions and other organisations *from civil society* may co-litigate the discrimination claim under certain conditions,³⁷ while institutions dealing with the protection of the right to equal treatment may appear as an “intervener” in the civil procedure (Article 39 paragraph 1), thus implying the CPD as well. The independence and expertise of the members of the Commission has been questioned considering that three of the seven members (were until recently or) currently are employed in state institutions, and not all of them have experience of working on human rights issues.³⁸

Between January 2011 and April 2013, 159 complaints were submitted to the Commission for Protection against Discrimination (CPD), 85 of which had been completed. Sixteen complaints were filed by Roma on the grounds of ethnic affiliation, of which eight cases had been concluded, while discrimination was found only in one case.³⁹ The low number of submitted complaints may indicate low awareness among Roma in Macedonia on anti-discrimination legislation and protection mechanisms.

3.2 Other Relevant Structures and Roma Representation in Public Institutions

The institution of the Ombudsman was established over a decade ago, with a mandate to protect the constitutional and other rights of citizens and all other persons when these are infringed by acts, actions and omissions by state administration bodies and by other bodies with public authority. In addition, its mandate includes undertaking actions and measures for protection of the principle of non-discrimination and adequate and equitable representation of community members in public institution and administration bodies, at both the national and local level. The 2012 Ombudsman’s Report indicates that only 1.9% of all complainants who declared their ethnicity were members of the Romani ethnic community (87 complaints). Most of these complaints related to social protection and security (18), police procedures (15), consumer rights (11), civil matters (9), pensions (8), judiciary (8), non-discrimination and appropriate equitable representation, labour rights, housing, health care, education, rights of children and penitentiaries.⁴⁰

37 Provided that they have justified interest and make probable that the right to equal treatment of greater number of persons has been violated (Article 41 paragraph 1 LPPD).

38 For an assessment see European Network of Legal Experts in the Non-Discrimination Field, “FYR Macedonia - The Assembly of the Republic of Macedonia appointed the members of the first Commission for Protection against Discrimination”, available at: http://www.non-discrimination.net/content/media/MK-7-Members_of_first_equality_body_appointed.pdf; for the biographies see the website of the Commission for Protection against Discrimination available at: <http://www.kzd.mk/mk/za-kzd/clenovi>.

39 ERRC e-mail correspondence with the office of the Commission for Protection against Discrimination. Skopje: 19 April and 22 April 2013.

40 Ombudsman of the Republic of Macedonia, *2012 Annual Report*, March 2013, p. 29, available at: <http://www.ombudsman.mk/ombudsman/upload/documents/2013/GI-2012.pdf>.

The principle of equitable representation in respect to the employment of persons belonging to minority communities in State administration bodies and in other public institutions at all levels was enshrined in the 2008 Law for Promoting and Protecting the Rights of Communities which Represent Less than 20% of the Population.⁴¹ For that reason, in 2009 the Macedonian government established the Agency for Protecting the Rights of the Communities with a mandate to ensure the right to equitable representation in public administration, as well as other collective rights of smaller national or ethnic communities such as: education in their mother tongue, preservation of cultural identity, freedom of association, etc.⁴² Various sources report that members of minority communities, including Roma, are still underrepresented in the public sector, although there has been an improvement in the implementation of the principle of adequate and equitable representation.⁴³

Data collected by the Ombudsman's office throughout 2012 show that there has been a general increase in the number of employees in public administration and institutions compared to the previous year, including 79 newly employed Roma. A total of 1,383 Roma are employed in public administration and public institutions in Macedonia, which makes up for 1.3% of all employees in public sector. Those institutions that hire the highest number of Roma are: public enterprises (689 Roma), public health institutions (139), Secretariat for Implementation of the Framework Agreement (82), elementary education institutions (78), Ministry of Interior (73), independent bodies (61), General Secretariat (56), local self-government units (39). Although there is an increase comparing to last year, still only 20 Roma are employed on managerial positions (0.2%), including: municipalities (4), Ministry of Labour and Social Policy (3), independent state bodies (3), public enterprises (3), public health institutions (2) and one each in the Ministry of Interior, Ministry of Education and Science, Ombudsman office, General Secretary and a local Centre for Social Work.⁴⁴ However, according to the Ombudsman's 2011 report, out of 970 public institutions, 737 do not have a single Romani person employed.⁴⁵

3.3 Governmental Policies on Roma Inclusion

The Strategy for Roma in the Republic of Macedonia (the Roma Strategy) was adopted by the Ministry of Labour and Social Policy in January 2005 and includes a wide range of

41 Закон за унапредување и заштита на правата на припадниците на заедниците кои се помалку од 20% од населението во Република Македонија (Law for Promoting and Protecting the Rights of Communities which Represent Less than 20% of the population of the Republic of Macedonia), („Сл. весник на Реп. Македонија, бр. 92/2008 од 22.07.2008.), available at: <http://www.aopz.gov.mk/tekstovi/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD.pdf>.

42 Agency for Protecting the Rights of the Communities (Агенција за остварување на правата на заедниците), available at: <http://www.aopz.gov.mk>.

43 See *inter alia* Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by "the former Yugoslav Republic of Macedonia"*, 4 July 2012, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1959557&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>; Ombudsman of the Republic of Macedonia, *2011 Annual Report*, p. 36; European Commission, *the FYROM Progress Report 2012*, p.17.

44 Ombudsman of the Republic of Macedonia, *2012 Annual Report*, March 2013, p. 40-43, available at: <http://www.ombudsman.mk/ombudsman/upload/documents/2013/GI-2012.pdf>.

45 Data were gathered from bodies of state administration, independent bodies and organisations, local self-government units, medical, cultural and educational institutions, courts and prosecutors.

sectors such as housing, employment, education, health, social assistance and protection, protection of human rights and anti-discrimination, culture, media, the position of Romani women and political participation.⁴⁶

Macedonia is one of the founding member countries of the Decade of Roma Inclusion, which was launched in February 2005.⁴⁷ The National Action Plan developed for the Roma Decade covers only the four priority areas - housing, employment, education and health, with the cross-cutting issues of gender equality, anti-poverty and anti-discrimination. The Action Plans were first adopted in 2004,⁴⁸ but were revised in 2009 for a three-year period.⁴⁹

Despite the existence of both a policy framework and measures to address the situation, the impact on the ground has been very limited to date, due to the fact that the implementation of the policies targeting the inclusion of Roma remains slow, and only a few of the proposed measures have actually been implemented.⁵⁰ The projects which have been implemented have been financed for a large part from non-budgetary sources, and only to some degree by the state budget itself.⁵¹ Some Romani activists estimated that by 2011 only 8% of the planned activities within the Roma Decade had been realised.⁵²

At the local level, 14 municipalities have adopted local action plans for the improvement of the situation of Roma: Bitola, Delchevo, Gostivar, Kochani, Kriva Palanka, Kumanovo, Prilep, Probishtip, Rankovce, Shtip, Šuto Orizari, Tetovo, Veles and Vinica.⁵³ Moreover, the local authorities of 19 municipalities have signed memoranda of understanding with the government to jointly implement the National Roma Strategy.⁵⁴

46 Strategy for Roma in the Republic of Macedonia, January 2005, available at: http://www.mtsp.gov.mk/WBStorage/Files/strategija_romi.pdf.

47 Decade of Roma Inclusion 2005-2015, available at: <http://www.mtsp.gov.mk/?ItemID=6575D35E016EF44899CCD4C809E583BB>.

48 Decade of Roma Inclusion - Republic of Macedonia, Action Plans, Skopje, November 2004, available at: <http://romadecade.org/files/downloads/Decade%20Documents/macedonia%20Decade%20action%20plan.pdf>.

49 Ministerstvo za trud i socijalna politika vo Republika Makedonija, REVIZIJA NA NACIONALNITE AK-CISKI PLANOVI OD „DEKADATA ZA VKLUČUVANJE NA ROMITE 2005-2015, I STRATEGIJATA ZA ROMITE VO REPUBLIKA MAKEDONIJA ZA PERIOD 2009-2011, available in Macedonian at: http://mtsp.gov.mk/WBStorage/Files/revizija_nap_dekada.pdf.

50 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. 18, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>; European Commission, *the FYROM Progress Report 2012 Ibid*.

51 Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by “the former Yugoslav Republic of Macedonia”*, 4 July 2012.

52 Redzeqi Nadir, “Chronic Deception: A Brief Analysis of Roma Policies in Macedonia” November 2011, available at: <http://www.romadecade.org/files/downloads/General%20Resources/Chronic%20Deception%20A%20Brief%20Analysis%20of%20Roma%20Policies%20in%20Macedonia.pdf>.

53 See website of the Project Generation Facility (PGF), available at: <http://www.prf.org.mk/mk/aktivnosti/92-finansiska-poddrska-nameneta-za-predlog-idei-do-opstinite>.

54 By November 2011 these are: Aračinovo, Berovo, Bitola, Čair, Debar, Delčevo, Kičevo, Kočani, Kratovo, Kriva Palanka, Kumanovo, Pehčevo, Prilep, Staro Nagoričane, Štip, Sveti Nikole, Tetovo, Veles, and Vinica. See: 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. 18.

There are several policy documents and action plans at the national level emerging from the Roma Decade and the Strategy, including the National Action Plan for the Improvement of the Social Position of the Romani Women in the Republic of Macedonia (2011-2013),⁵⁵ and the Strategy for Intensifying Social Inclusion of Roma in the Social Protection System in the Republic of Macedonia (2012-2014).⁵⁶

3.4 Political Participation and Roma Related Structures

Several Romani political parties have taken part in political life in Macedonia. The most active are the Union of Roma in Macedonia (SRM), Union Democratic Forces of Roma (ODSR), Party for Integration of Roma (PIR) and the first political party - Party for Full Emancipation of Roma (PCER).⁵⁷ In the latest parliamentary elections in 2011, these political parties, with the exception of PCER, joined a coalition with the ruling VMPRO-DPMNE party. PCER joined the biggest opposition party SDSM. Following the 2011 parliamentary elections, for the first time two Romani political parties won seats in the Parliament - SRM on the list of the ruling party⁵⁸ and PCER in the coalition with SDSM.⁵⁹

In 2008, the position of a Minister without Portfolio was created and appointed as the National Coordinator of the Roma Decade. Nedzet Mustafa, an ethnic Roma, has held this position to date.⁶⁰ In addition, the Ministry of Labour and Social Policy established a Department for Implementation of the Roma Decade, and Roma Information Centres have been established in 11 municipalities, serving as a tool for awareness-raising and counselling of Roma about access to social and economic rights.

From 2008-2011 the position of deputy minister of the Ministry for Justice was held by an ethnic Romani man, Ibrahim Ibrahim. In 2011 he was appointed as the deputy minister of the Ministry for Labour and Social Work.⁶¹

55 National Action Plan for the improvement of the social position of the Romani woman in Rep. of Macedonia, December 2010, available at: http://www.mtsp.gov.mk/WBStorage/Files/izvestaj_%20NAP_%20Romki.pdf

56 Strategy for intensifying social inclusion of Roma in the social protection system in the Republic of Macedonia (2012-2014), Skopje 2011, available at: <http://www.mtsp.gov.mk/?ItemID=6FC822BBA79A61429117F41943673AE4>.

57 Active Macedonian political parties, available at: http://mk.wikipedia.org/wiki/%D0%A1%D0%BF%D0%B8%D1%81%D0%BE%D0%BA_%D0%BD%D0%B0_%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D1%87%D0%BA%D0%B8_%D0%BF%D0%B0%D1%80%D1%82%D0%B8%D0%B8_%D0%B2%D0%BE_%D0%9C%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D0%B8%D1%98%D0%B0#.D0.90.D0.BA.D1.82.D0.B8.D0.B2.D0.BD.D0.B8_.D0.BF.D0.B0.D1.80.D1.82.D0.B8.D0.B8.

58 The head of “Union of Roma”, parliament member(2011-2015), available at: <http://sobranie.mk/?ItemID=0BFCE5FB0E44E248AD23D11E8FD7DB21>.

59 The head of “ Party for Full Emancipation of Roma”, parliament member(2011-2015), available at: <http://sobranie.mk/?ItemID=7A53D096BFA1054CB3777A1849D34744>.

60 Minister without portfolio, Government of R.Macedonia, available at: <http://vlada.mk/node/62>.

61 Deputy Minister of the Ministry of Labor and Social Work, July 2011, available at: <http://mtsp.gov.mk/?ItemID=893C7636927A4240AE5FA456A49A27AF>.

SUMMARY OF (CROSSCUTTING) LAWS, POLICIES AND STRUCTURES

The municipality of Shuto Orizari in Skopje represents a specific situation, since it is the only municipality with an overwhelming Romani majority. The municipality has a mayor of Romani origin, the deputy to the National Parliament is of Romani origin and the majority of the members of the municipal assembly are Roma.⁶²

⁶² The municipality of Shuto Orizari, available at: <http://www.sutoorizari.org.mk/>.

4 Key Issues by Theme

4.1 Education

Although there has been an improvement in the field of education of Roma in Macedonia, an ongoing problem is the overrepresentation of Romani pupils in special education. Overrepresentation occurs in either special schools or special classes for children with disabilities within mainstream schools, where children are isolated from the rest of school population and offered a substandard curriculum that does not prepare them for educational success or employment. The special education system violates the Convention on the Rights of Persons with Disabilities, which Macedonia ratified in December 2011, and the disproportionate number of Romani children in these schools indicates discrimination on the basis of ethnicity in violation of a host of Macedonia's international legal obligations.⁶³

The European Commission 2012 progress report on Macedonia made a reference to this concern, saying that recent legislative changes aiming to address the overrepresentation of Romani children in special schools have not been implemented.⁶⁴ The ERRC is not aware of any concrete measures taken by Macedonian educational authorities to reduce or eliminate the overrepresentation of Romani children in special education and to facilitate the transfer of these children back into a mainstream educational setting.

In its recently published report on Macedonia, the CoE Commissioner for Human Rights recalled that the European Court of Human Rights has ruled, in several judgments, that the placement of Romani children into special schools amounted to indirect discrimination without an objective or reasonable justification. In this respect, the Commissioner emphasises that the authorities' undertakings in this context should go beyond reforming the system of categorisation of children, and should include more comprehensive and systematic measures aimed at providing access to adequate education in mainstream schools for all children without discrimination on any ground.⁶⁵

With regards to data collection segregated by ethnicity, currently, with the exception of kindergarten enrolment, aggregated data (on all children without distinction) is collected, which fails to show the real situation of excluded groups.⁶⁶

63 ERRC submission to the European Commission on Macedonia, May 2012, available at: <http://www.errc.org/cms/upload/file/ecprogress-macedonia-2012.pdf>.

64 European Commission, *the FYROM Progress Report 2012*.

65 Council of Europe Commissioner for Human Rights, Report on his visit to "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012.

66 UNICEF, OSF and REF, *Roma Early Childhood Inclusion Overview Report*, 2012, p. 90, available at: http://www.unicef.org/serbia/Roma_Early_Childhood_Inclusion-Overview_Report.pdf.

4.1.1 LEGAL AND POLICY FRAMEWORK

The ERRC has mapped a number of gaps and shortcomings in the regulatory framework around special education in Macedonia. The Law on Primary Education (LPE) contains contradictory provisions promoting inclusive education (Article 3), while segregating pupils with special education needs in special schools and classes (Article 10).⁶⁷ Furthermore, the LPE fails to give a definition of “special educational needs”, leaving room for broad interpretations and the possibility to educate children with educational negligence (asocial behaviour) and offensive behaviour in a segregated environment in special schools and/or classes intended for children with mental disabilities, regardless of the absence of physical or mental impairment. Imprecise regulations on the work of categorisation commissions, lack of clear guidance on the provision of adequate information to parents and informed consent, unclear processes and responsibilities for monitoring, re-categorisation and transfer of children with special educational needs into mainstream education have also been identified as downsides of the legal framework. More than after four years the LPE was enacted, the Ministry of Education has failed to adopt new regulations on the manner and conditions for enrolling students with special educational needs in primary schools, as stipulated in the Article 51 paragraph 2 of the LPE.⁶⁸

4.1.2 BACKGROUND AND ERRC ACTIVITIES

In early 2011, the ERRC and the Macedonian Helsinki Committee for Human Rights (MHC) conducted exploratory research on this issue from all special schools and mainstream primary schools with special classes, requesting information on the total number of children attending these schools, disaggregated by ethnicity, and placement procedures. In addition, ERRC researchers conducted interviews with both special school authorities and Romani parents in Kumanovo, Skopje and Veles. The research confirmed an overrepresentation of Romani children in special education – Romani children account for 42.5% of the overall student population in special schools, while in classes for children with special needs in regular primary schools they account for 52% of the overall student population, which represents a much greater proportion than their share in the population.

67 Law on Primary Education (“Official Gazette of Rep. of Macedonia” No. 103/08 from 19.08.2008, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12) and Rulebook on the criteria and method for implementation of the primary education for students with development difficulties (“Official Gazette of Rep. of Macedonia” No. 27/96 from 05.06.1996).

68 ERRC and National Roma Centrum, *Fact Sheet: Overrepresentation of Romani Children in Special Education in Macedonia*, August 2012, available at: <http://www.errc.org/cms/upload/file/macedonia-factsheet-education-en-30-august-2012.pdf>.

Table 1: Special Primary Schools for Pupils With Special Educational Needs

School	Total No. of pupils	No. of Macedonian pupils	No. of Albanian pupils	Number of Romani pupils	No. of Turkish pupils	No. of Serbian pupils	No. of Others
POU. Idrina Skopje	225	41	41	97	6	0	40
POU. Maca Ovcarova Veles	88	31	3	40	7	3	4
POU. Zlatan Sremac – Kisela Voda	162	unknown	unknown	65	unknown	unknown	unknown
TOTAL students	475	At least 72	At least 44	202	At least 13	At least 3	At least 44
percentage of total student population	100%	At least 15.2%	At least 9.3%	At least 42.5%	At least 2.7%	At least 0.6%	At least 9.3%

Table 2: Standard Primary Schools With Special Classes for Children With Special Educational Needs

School	Total No. of pupils	No. of Macedonian pupils	No. of Albanian pupils	Number of Romani pupils	No. of Turkish pupils	No. of Serbian pupils	No. of Others
OU. Gorgi Sugare – Bitola	50	23	1	22	2	0	2
OU. Mustafa Kemal Atatürk Gostivar	13	0	1	5	7	0	0
OU. Sveti Kliment Ohridski - Delcevo	9	6	0	3	0	0	0
OU.Sande Sterjovski-Kicevo	4	2	2	0	0	0	0
OU. Braka Miladinovci – Kumanovo	65	17	0	47	0	1	0
OU.Sveti Kliment Ohridski - Ohrid	19	14	3	0	0	0	2
OU.Sveti Kliment Ohridski - Prilep	51	16	0	33	0	0	2
Braka Miladinovci Probishtip	5	5	0	0	0	0	0

KEY ISSUES BY THEME

OU.Braka Miladinovci - Struga	10	3	2	1	1	0	3
OU.Kuzman Josifovski Pitu – Kisela Voda	14	2	1	7	0	0	4
OU.Vanco Prke – Shtip	33	9	0	24	0	0	0
TOTAL students	273	97	10	142	10	1	13
percentage of total student population	100%	35.5%	3.7%	52%	3.7%	0.4	4.8%
percentage of the population (acc. to census 2002)		64.1%	25.1%	2.66%	3.85%	1.77%	

The ERRC research revealed that many parents willingly send their children to special schools, giving different reasons for this decision. They range from financial reasons and benefits in participating in special schools, to discrimination and violence faced in mainstream schools from non-Roma and greater opportunities to find a job in the industrial sector, since employers pay fewer taxes and receive governmental subsidies when employing persons with a disability.⁶⁹ A former education mediator in Kavadarci said:

“The reason that parents place their children into special classes is due to their economic situation and the poverty that reigns among Roma, as well as the financial gains from such schooling. There is a factory here in Kavadarci that employs people who attended special classes and therefore parents place their children in such classes to get a job.”⁷⁰

Furthermore, many Romani parents are not aware of the consequences for their children when they attend only special schools or classes. For a child to study in a special school or to attend a special class within a standard primary school, the child first has to undergo a testing before the Commission for Categorisation. However, the research showed there have even been cases where Romani children were enrolled into special education without previously being tested and their alleged disability established.⁷¹

A considerable number of Romani children start their education within the mainstream schools, but are later transferred to special education due to lack of any additional educational support at an early stage, resulting in low school performance. Although parental consent is needed for a child transfer, many Romani parents feel they have no choice because their children are not making progress in the regular schools.

69 ERRC interviews in Shtip, Bitola, Prilep, Skopje, Delcevo, Kumanovo.

70 ERRC Interview MK/JUNE2011/12.

71 ERRC research mission March 2011.

As a follow-up to its previous 2011 research on the overrepresentation of Romani children in special education, the ERRC and the National Roma Centrum (NRC)⁷² conducted a survey in mid-2012 in several Macedonian cities, targeting 219 Romani families with 252 children enrolled in special schools and classes for children with special needs in mainstream schools. Romani children in Macedonia are placed in special education without a clear and transparent process that allows parents to make a full and informed decision. The survey revealed that once a child is placed into special education, it becomes almost impossible to transfer back into mainstream school, thus severely limiting children's chances later in life. In addition, more than two thirds (69.6%) of interviewed parents said that after the initial categorisation their child was never tested again.⁷³

It is education and diagnostic officials – not parents – who start procedures leading to the placement of Romani children in special education. More than two-thirds of the parents surveyed (68.5%) said their children were recommended to be sent for testing to attend special education by a school official, an education expert, a doctor or a centre for social work.⁷⁴

Half of the parents (46.9%) surveyed were not even told what the testing of their child aimed to establish. The majority of parents were not told that: they can challenge the recommendation for enrolment into special education (78.9%); attending special education will severely limit the ability of their child to access to higher education and employment (67.6%); or that they have the right to request re-testing and reintegration of their child into mainstream education (58.3%).⁷⁵

Another significant problem that may navigate Romani children toward special education is bullying by peers: 73.3% of survey respondents confirmed that their child was bullied while in a mainstream school.⁷⁶

On 28 June 2012, the Macedonian Ministry of Labour and Social Policy (MLSP), Ministry of Education and Science and Ministry of Health organised a joint media conference on improving the work of commissions for categorisation of children with development difficulties. At this occasion Spiro Ristovski, Minister of Labour and Social Policy, announced that they have discovered dozens of cases where healthy children were placed into special schools; alleging that parents encourage children to 'act disabled' in order to get into special education and receive benefits, announcing a review of all relevant cases. He mentioned that children came from marginalised families and indicated that criminal charges would be brought against any parent who forced their children to act in this way.⁷⁷ Some media outlets in Macedonia interpreted 'marginalised families' to mean Roma and reported the comments accordingly.

72 The NRC is a Macedonian-based civil society organisation for the promotion and protection of human rights of the citizens in the Republic of Macedonia. NRC acts through direct field work, research, public debates and initiatives to change legislation. See: www.nationalromacentrum.org.

73 ERRC and National Roma Centrum, *Fact Sheet: Overrepresentation of Romani Children in Special Education in Macedonia*, August 2012, available at: <http://www.errc.org/cms/upload/file/macedonia-factsheet-education-en-30-august-2012.pdf>.

74 *Ibid.*

75 *Ibid.*

76 *Ibid.*

77 Vlada na Republika Makedonija, MTSP: Konstatirani zloupotrebi vo kategorizacijata na deca so precki vo razvojt, 28 June 2012, available at: <http://vlada.mk/node/3684?language=en-gb>.

As a response, the ERRC and National Roma Centrum (NRC) expressed concern to national authorities, underlining the State's responsibility to ensure that every child can access inclusive education of the highest standard without discrimination, and outlining the main defects of the education system that allows wrongful and arbitrary assignment to special education.⁷⁸

In order to follow up on the actions announced by the Minister of Labour and Social Policy at the June press conference, the ERRC submitted data requests to relevant ministries to find out whether they had conducted an inspection of the Centres for Social Work, special schools and commissions for categorisation within health centres. Although resolute and extensive government action was announced at the media conference, the only response stated that the MLSP had conducted an inspection of the Centres for Social Work; information on the specific findings was inconclusive.⁷⁹

Even though available information suggests that the overall coverage of Roma by the education system in Macedonia is relatively high, children from migrant families, street children and children seeking to enrol in school for the first time between the ages of 10 and 14 face specific barriers to participation in education. The Roma Education Fund considers Macedonia as a regional leader for its advances in relation to the education of Roma though many issues remain to be addressed in order to bring a lasting reduction in the gap in educational outcomes between Roma and non-Roma.⁸⁰

4.2 Freedom of Movement

Since visa liberalisation began in December 2009, allowing Macedonian citizens to travel to the EU Schengen area without visas, the number of asylum seekers from Macedonia, mostly in Belgium, Sweden and Germany, significantly increased.⁸¹ The most frequent reasons given for asylum claims concern lack of health care, unemployment and lack of schooling.⁸² In general, the authorities of receiving countries claim that the vast majority of the asylum seekers are of Romani ethnicity despite the fact that countries such as Germany do not register the ethnicity of asylum seekers. EU officials have called on the Macedonian authorities to take measures to prevent their citizens asking for asylum in the EU, because the majority of applicants were perceived as not qualifying for asylum.⁸³

78 The letter of concern is available at: <http://www.errc.org/cms/upload/file/macedonia-letter-education-august-1-2012-en.pdf>.

79 ERRC e-mail correspondence with the Ministry of Labour and Social Policy, December 6, 2012.

80 Roma Education Fund, "Country Assessment Macedonia", 2011, available at: http://www.romaeducation-fund.hu/sites/default/files/publications/ref_ca_2011_mac_english_screen.pdf.

81 For example, UNHCR data for 2010 show that EU member states and Switzerland received 6 289 asylum applications from citizens of "the former Yugoslav Republic of Macedonia", whereas the corresponding number for 2009 (i.e. prior to visa liberalisation) was 838. *See:* 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. 24.

82 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. 24.

83 ERRC submission to the European Commission on Macedonia, May 2012, available at: <http://www.errc.org/article/errc-submission-to-the-european-commission-on-macedonia-may-2012/3991>.

According to the UNDP/WB/EC 2011 survey there are no major differences among adult (16+) Roma and non-Roma in regards to intention to migrate to other countries. Almost a fifth (19%) of Roma responded they would consider to move to another country at some time in the future, compared to a very similar percentage, 15%, of non-Roma.⁸⁴

4.2.1 LEGAL AND POLICY FRAMEWORK

The Macedonian Constitution guarantees the right for every citizen to leave the territory of Macedonia and return, while restrictions on these rights can be imposed only by the law and in exceptional cases, including the protection of security of the Republic of Macedonia, criminal proceedings in progress or the protection of public health (Article 27).

As a response to intensified calls from EU officials to properly manage migration, and threats of jeopardising visa liberalisation and re-introduction of visas, the Macedonian Parliament adopted an amendment to the Law on Travel Documents (LTD)⁸⁵ introducing a new ground to refuse to issue a passport or to revoke an existing passport. Article 37 stipulates that a person who has been forcibly returned or expelled from another country, due to violating regulation on entry and stay in that country, will be not be issued with a passport.⁸⁶ If the individual already has a passport it will be confiscated⁸⁷ for a period of one year.⁸⁸

Additionally, 2011 amendments to the Criminal Code introduced a new criminal offence *Abuse of the visa-free regime with the European Union member states and Schengen agreement*, stipulating that a person who recruits, encourages, organises or transports persons to the EU and Schengen countries with the purpose of obtaining social, economic or other rights contrary to law of the respective countries, will be sanctioned with a minimum of four years imprisonment (Article 418-d).⁸⁹

4.2.2 BACKGROUND AND ERRC ACTIVITIES

The EU lifted visa restrictions for the citizens of Macedonia, Serbia and Montenegro in December 2009, allowing them to travel to Schengen area without visas for up to 90 days per six-month period, which led to a significant increase in the number of asylum seekers in EU countries.⁹⁰

84 Data on vulnerability of Roma, UNDP/WB/EC regional Roma survey 2011.

85 Закон за изменување и дополнување на Законот за патните исправи на државјаните на Република Македонија (Law on amendments of the Law on Travel Documents for Citizens of Rep. of Macedonia), („Сл. весник на РМ“, бр. 135/11 од 03.10.2011.).

86 Член 37 став 1 точка 6 (Article 37, paragraph 1, point 6) Закон за патните исправи на државјаните на Република Македонија (Law on Travel Documents for Citizens of Rep. of Macedonia), („Сл. весник на РМ“, бр. 67/92, 20/03, 46/04, 19/07, 84/08, 51/11, 135/11).

87 Law on Travel Documents for Citizens of Rep. of Macedonia , Article 37, paragraph 2.

88 *Ibid.*, Article 38, paragraph 4.

89 Law on amending the Criminal Code, October 2011, available at: <http://www.pravo.org.mk/documentDetail.php?id=233>.

90 Euractiv, “Europe hit by scores of Western Balkan Asylum Seekers”, 21 October 2010, available at: <http://www.euractiv.com/enlargement/europe-hit-scores-western-balkan-asylum-seekers-news-498992>.

In order to diffuse pressures from the European Union, Macedonian authorities have prevented thousands of Macedonian citizens from leaving their country, on the stated ground of being likely to make unfounded asylum applications in the EU. A report from the Council of Europe referenced information from the Commission noting that the measures taken included “enhanced border checks and profiling”.⁹¹

According to the most recently available data, from the end of 2009 to November 2012 about 7,000 Macedonian citizens, mostly Roma, were not allowed to leave the country and had their travel documents confiscated.⁹² In 2011 alone, during a seven-month period, more than 1,500 Macedonian citizens, mostly Roma, were refused exit from the country on the basis of being potential asylum seekers in the EU.⁹³

The CoE Commissioner for Human Rights reports that such measures interfere with the internationally established right to leave a country, and undermine the right to seek asylum. Instead of penalising people for attempting to exercise their human rights, the authorities should better address the root causes of poverty and social exclusion which push individuals to seek refuge abroad in the first place.⁹⁴

The ERRC has consistently monitored the impact of border control measure on Roma and has documented 46 cases in detail over the last two years (2011 to 2013) where Romani individuals were prevented from exiting the country by the Macedonian border police, even though, according to the Roma involved, they had the required documentation.

Some sources have suggested that border police are instructed to check Roma especially. For example, there have been cases where only Romani persons on buses full of Romani and non-Romani passengers were asked to provide documents in addition to their passports to justify the purpose of their travel. At the border between Macedonia and Serbia, a Romani ERRC staff member was the only passenger from a full bus of people who was asked to show his language abilities, agree to a search of his luggage and justify the purpose of his trip to Macedonian customs control. Then he was explicitly asked if he is a Roma. The ERRC staff member told border officials that they cannot ask this question, they apologised, returned his passport and quickly left.

When returned at the border, citizens receive an “AZ” stamp in their passports which affects all future travels in the Schengen zone, as the stamp refers to being returned due to the fact that the traveller, according to the border guard, is a potential asylum seeker. The ERRC is concerned that the border guards can be subjective in making their decisions, and that they

91 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. 25.

92 *Ibid.*

93 Bureau of Democracy, Human Rights and Labour, U.S. Department of State, *Country Report on Human Rights Practices for 2011 – Macedonia*, p.18.

94 Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012.

are influenced by prejudice. In this regard, for example, the media reported that Minister of Interior Gordana Jankuloska explained that the purpose of stamping letters “AZ” was to warn border guards, and that the holders of these passports need to be subject to “additional controls, in order to prevent them from abusing the visa liberalisation and damaging the reputation of Macedonia.”⁹⁵ A Romani man from Shtip reported:

*“A month ago, I headed to Greece by car to purchase some car parts. I departed from Strumica and at the Gevgelija border I was returned. The border guard explicitly told me that they received an order not to allow Roma to pass the border. Of course, they inserted two lines in the passport, meaning that I cannot pass the border for 24 hours”.*⁹⁶

As the Commissioner for Human Rights (the Commissioner) reports: it is clear that the Macedonian authorities have developed a profile of a potential “unfounded” or “false” asylum seeker on the basis of information they receive from EU countries. Further, the Commissioner concludes that even though the authorities have argued that the above-mentioned controls are not aimed at any particular ethnic group, there are clear indications that Roma are disproportionately affected by the exit control measures in question.⁹⁷

In addition, Macedonia has adopted a law reform which enables the temporary revocation of passports of returned immigrants and failed asylum seekers. Relating to this, the ERRC has documented 10 such cases of Romani individuals whose passports had been revoked by Macedonian border officials and become aware of another 40 of such cases. Revocation of passports does not only limit travel to countries where citizens were returned from, or other EU or Schengen countries, but also travel to countries outside these areas, such as Serbia, where many Romani families have relatives and friends. While exit control measures were introduced to limit the outflow of citizens who wish to exercise their right to seek asylum or to ban their return if they have attempted to do so, such measures also ban or obstruct citizens from travelling for touristic, family or business reasons. On September 14, 2012, a Romani family of five from Strumica complained that their passports were revoked by border officials when returning from an EU country and they were banned from entering the EU, as a result of new measures to reduce immigration to the EU.⁹⁸

A man from Shtip reported:

“On December 24, 2012 my wife and so arrived at the Airport Alexander the Great in Skopje by airplane from Finland, their passports were revoked by the Macedonian border guards due to the suspicion that they were failed asylum seekers in Finland. I cannot understand why this happens,

95 Radio-televizija Srbija, Makedonija: Pecati za lazne azilante, 23 May 2011, available at: <http://www.naslovi.net/2011-05-23/rts/pecati-za-lazne-azilante/2556847>.

96 ERRC Interview with MK/NOV2011/29.

97 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.24.

98 ERRC Interview MK/OCT2012/1.

*they were not seeking asylum; I had them as guests since I have been living and working in Finland for more than two years. I had my wife and son as guests. Despite this, they were not deported but returned to Macedonia voluntarily. We got confirmation of the revocation of their passports but still do not know how long the ban will last.*⁹⁹

Before visa liberalisation, most of the Roma did not hold passports, but now for those who obtain new passports and travel abroad for the first time, the situation is in particularly worrying. As a policeman from Delcevo states: “If a person has obtained a new passport and it has no stamps, and if a group of people are travelling together, then the border guards assume that they will seek asylum in an EU country.”¹⁰⁰

The Council of Europe Human Rights Commissioner considered that the measures adopted by the Macedonian authorities in response to EU demands for management of migratory outflows interfere with the freedom to leave a country, including one’s own, guaranteed under Article 2 of Protocol No. 4 to the ECHR, as well as the right to seek and enjoy in other countries asylum from persecution, enshrined in Article 14 of the Universal Declaration of Human Rights.¹⁰¹

4.3 Housing

The most immediate and pressing issue identified by the Romani community in Macedonia is housing. Most of the Romani population live in segregated settlements in cities, while in villages there are fewer, more integrated Roma. Most segregated settlements in cities are characterised by substandard housing conditions, without proper access to services. Residents often do not have property papers for their houses or land where they live, thus most of them lack legal security of tenure and are an easy target for forced eviction.¹⁰²

4.3.1 LEGAL AND POLICY FRAMEWORK

The Macedonian government adopted an Action Plan on Housing within the Decade of Roma Inclusion but little progress has been made up to now. According to the 2010 Decade Watch report on Macedonia, two-thirds of the interviewees indicated that housing conditions among Roma are worse than they were in 2005 when the Decade started.¹⁰³

According to the Minister without Portfolio, Nezdeta Mustafa, who is responsible for overseeing the Roma Decade in Macedonia, the Macedonian government has created a fund for

99 ERRC Interview MK/DEC2012/1.

100 ERRC Interview MK/SEP2011/19.

101 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.26.

102 ERRC “Standards do not apply”, December 2010, available at: <http://www.errc.org/cms/upload/file/standards-do-not-apply-01-december-2010.pdf>.

103 Decade Watch, *MK Decade Watch 2010*, available at: http://www.romadecade.org/files/downloads/Decade%20Watch%202010/Decade%20Watch_2010_Macedonia_EN.pdf.

social housing. Under a programme of construction of social housing units which is currently underway, 30 out of 753 social housing units will be specifically allocated to Roma.¹⁰⁴ To date, Romani families across Macedonia have been granted 23 flats.¹⁰⁵

In February 2011, the Macedonian parliament adopted the Law on the Treatment of Illegally Constructed Buildings – LTICB.¹⁰⁶ The LTICB regulates the conditions, methods and procedures for legalisation of buildings constructed without proper permits or not zoned for residential use. The LTICB provided a unique opportunity for the owners of illegal buildings that were built before February 2011 to legalise their property, with many Roma as potential beneficiaries.

4.3.2 BACKGROUND AND ERRC ACTIVITIES

Although the Law on the Treatment of Illegally Constructed Buildings represents a much-needed opportunity for many Roma, obstacles to its implementation persist. ERRC research found that many Roma were not able to cover the cost of the application, in particular a geodetic survey that costs 60 Eurocents per square meter.¹⁰⁷

Based on ERRC research highlighting the complicated administrative procedure and financial limitations of most members of the Romani community, civil society organisations have joined together to address these barriers. The National Roma Centrum (NRC) and Habitat for Humanity Macedonia (HFH Macedonia), with the support of the Open Society Foundation - Macedonia (OSF) developed and implemented a project in order to increase the percentage of requests submitted by Roma to legalise their houses. The project was realised in 18 municipalities in Macedonia. As a result of this first phase of the project 1,519 Romani applicants, including just 177 Romani women, submitted claims and started the administrative procedures for legalisation. Main problems faced by the Roma relate to the legal status of their property, as well as the lack of information on procedures around legalisation process.¹⁰⁸

In August 2012, the Mayor of the Shtip Municipality, Zoran Aleksov, announced a plan to relocate about 40 Romani families from three settlements located close to the city centre, into the barracks on the outskirts of Shtip. The resettlement was planned because of an new road construction. As a follow-up to this announcement, the ERRC conducted

104 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.20.

105 ERRC interview with Nedzet Mustafa, Minister without portfolio, Roma Decade Coordinator in Macedonia MK/NOV2011/5.

106 Law on the Treatment of Illegally Constructed Buildings - LTICB (Закон за постапување со бесправно изградени објекти), available only in Macedonian at: <http://www.pravo.org.mk/documentDetail.php?id=5488>. The law was adopted on 24 February and entered into force on 4 March 2011. It remains in force for six years.

107 ERRC Interview MK/APR2011/3.

108 Foundation Open Society – Macedonia, Round table: “Roma and the implementation of the Law on dealing with illegally constructed buildings”, available at: <http://soros.org.mk/default.asp?lang=eng&menuid=2381>.

interviews in the local Romani communities and with the Mayor. in order to determine whether previous consultations with the affected families had taken place. According to the Shtip Mayor, the municipality does not have an official resettlement plan, but their idea is to gradually build housing units (10 per year) and progressively move Romani families. It is expected that the first families will move into the new housing at the end of 2013. While the Mayor stated that local authorities organised consultative and informative meetings with the Romani families throughout 2011 and 2012 with a positive outcome, interviewed community members said they heard about municipal plan to relocate them to other parts of the city from TV news or from the ERRC monitor on the spot. Romani families disapproved of the proposed resettlement site. Their main concern is that the new location is outside the city centre without access to public transportation (the nearest bus stop is 2 km away), health facilities, shops and schools. In contrast, the Mayor argued the that proposed location has access to public services.¹⁰⁹

Shelters “Cicino Selo” and “Strahil Andasarov”

Recently the ERRC has been monitoring housing conditions in the shelters “Cicino Selo”¹¹⁰ and “Strahil Andasarov”¹¹¹ that are mostly inhabited by Roma.

“Cicino Selo” is a former holiday camp near Skopje, which has been used as a shelter for refugees, Internally Displaced Persons and homeless people since the 1990s. Currently this camp is used as a shelter for homeless people. According to ERRC research, 111 persons live in the camp, the majority of them Roma (75 persons or 22 families, including 20 children and four babies). Almost all children attend school.¹¹² Living conditions in this camp were seriously criticised by the Macedonian Ombudsman in 2009. ERRC research confirms that conditions have not improved at all since then. The facilities are old and damaged. They lack fridges, stoves and heating. Some residents do not even have beds, so they sleep on the floor. One Romani man reported “We have two rooms: one has two beds and another doesn’t have beds. The children sleep in the beds and we sleep on the floor”.¹¹³

The segregated shelter “Strahil Andasarov” in Ljubanci (20 km away from Skopje) was closed down by the Ministry of Labour and Social Policy in November 2012.¹¹⁴ Eight Romani families used to live there, including 16 adults and 34 children, none of whom attended school.¹¹⁵ According to information received from the former residents at the shelter “Strahil Andasarov”, the Skopje Centre for Social Work (SCW) offered them accommodation in the shelter

109 ERRC interviews, September 2012.

110 On 12 May and 11 December 2011.

111 On 6 July and 12 December 2011.

112 ERRC Interview MK/DEC2011/4.

113 ERRC Interview MK/DEC2011/6.

114 ERRC Interview MK/APR2013/14 and MK/APR2013/15.

115 ERRC Interview MK/JULY2011/1.

“Cicino Selo”. Six out of eight families refused this accommodation in fear of their safety, as there had been several incidents of Roma being ill-treated by the local Albanians living in “Cicino Selo”. The six Romani families in question (45 people, of whom 27 are children) currently live in rented houses or tents, while only two families and one single Romani man (total of 11 persons) accepted accommodation at the other shelter.¹¹⁶

4.4 Violence Against Roma and Police Ill-Treatment

Since the 2001 armed conflict in Macedonia, society remains divided between the two largest ethnic communities in the country, ethnic Macedonians and ethnic Albanians.¹¹⁷ Even though violent inter-ethnic incidents occur,¹¹⁸ instances of racially motivated violence against Roma are rare, and no major cases of hate crime targeting Roma have been reported in the last two years by local NGOs and international organisations or documented by the ERRC.

In spite of the diminishing number of cases of ill-treatment by the police, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially the Roma, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not always properly investigated.¹¹⁹ The 2012 European Commission’s Progress Report on Macedonia 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.¹²⁰

4.4.1 LEGAL AND POLICY FRAMEWORK

The Macedonian Criminal Code (CC)¹²¹ contains several criminal offences that criminalise actions with a biased element: violation of citizens’ equality (Article 137 of the CC), instigating national, racial or religious hatred, conflict and intolerance (Article 319), exposure of the Macedonian people and nationalities to ridicule (Article 179) and racial or other discrimination (Article 417). As a signatory of the Additional Protocol to the Convention on Cyber-crime, 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” (Article 394-d).

116 ERRC Interview MK/APR2013/14 and MK/APR2013/15.

117 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. 6.

118 *Ibid.*, p. 10.

119 Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by “the former Yugoslav Republic of Macedonia”*, 4 July 2012.

120 European Commission, *the FYROM Progress Report 2012*, p. 13.

121 Criminal Code, “Official Gazette of the Republic of Macedonia” No. 37/96, 60/06, 73/06, 7/08 139/08, 114/09, 51/11, 135/11, 1185/2011, 42/2012, 166/2012).

In mid 2012 the government announced decriminalisation of defamation and libel and slander and a schedule of fines for nonmaterial damage.¹²² Consequently, in November 2012 a Law on Civil Liability for Insult and Libel¹²³ was adopted which regulates civil liability for damaging reputation of the individual or entity by insults and defamation. Some editors and media owners expressed concerns that the steep fines would cause self-censorship.¹²⁴ Data on occurrences of 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 performing a duty (Article 143) and others.

4.4.2 BACKGROUND AND ERRC ACTIVITIES

Throughout 2011 and 2012 ERRC has monitored instances of violence, hate speech or police brutality against Roma in Macedonia, including the few listed below:

- On 31 December 2012, a Romani woman reported ill treatment by two police officers in Prilep. A group of Romani people gathered to protest about unpaid social allowance on 31 December 2012. They asked to speak to the director of the Centre for Social Work in Prilep; some tried to enter the building but were stopped by two police officers acting as security guards. During this incident the Romani woman was punched in the stomach and head by one of the police officers. The woman fainted and was taken to hospital. Media reports suggest that her two children were also pushed and mistreated by the security guards as well. As a follow up, the ERRC sent a letter of concern to all relevant institutions highlighting that this excessive and disproportionate use of force against the Romani woman and her two children by the CSWP's security guards may be incompatible with national and international standards and asked the authorities to disclose whether any disciplinary measures were taken against the two police officers involved in the incident.
- On December 14, 2012 a minor Romani boy from Gjorce Petrov –Skopje was beaten by a Police Officer from Gjorce Petrov because the officer's son had had a fight with the Romani boy. The father of the Romani boy reported the case to the police, but did not want to start a legal action because he was afraid of potential revenge or reprisal by the police officer.¹²⁵
- On November 6, 2012, at 13:10PM a 37-year-old Romani man from Skopje reported that he was mistreated by a police officer from the Gjorce Petrov¹²⁶ police station due

122 Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Country Report on Human Rights Practices for 2012 – Macedonia*, p. 11, available at: <http://www.state.gov/documents/organization/204523.pdf>.

123 Law on civil responsibility for insult and libel, December 2012, available at: <http://www.pravo.org.mk/documentDetail.php?id=6426>.

124 U.S. Department of State, *Country Report on Human Rights Practices for 2012 – Macedonia*, p. 11.

125 Plusifo, Уште едно Ромче изеде котек во ОУ „Страшо Пинџур“ во Ѓорче Петров, 14 December 2012, available at: <http://plusinfo.mk/vest/71423/Ushte-edno-Romche-izede-kjotek-vo-OU-Strasho-Pingzur-vo-Gjorce-Petrov>.

126 Gjorce Petrov is one of the ten municipalities that compose the city of Skopje, the capital of the Republic of Macedonia with official Roma population 1,249 (3%), available at: http://en.wikipedia.org/wiki/Gjor%C4%8De_Petrov_Municipality.

to his ethnicity. According to a statement made to the ERRRC, the Romani man went to the police station to report a physical attack on his son by an adult non-Romani man, when the police officer on duty refused to make a complaint and insulted him by saying that all Roma were lying and that if it had been communism time, he would have beaten him. The case has been taken up for litigation by a Macedonia legal NGO.¹²⁷

- On October 29, 2012, at 4PM a 17-year-old minor Romani boy from Bitola reported ill-treatment by two police officers from Bitola during an interrogation process over a stolen bicycle that allegedly he bought from a person whom he did not know. According to a statement made to the ERRRC, two Police officers came to his house, without any prior notification, and took him to the Bitola Police Station for an interrogation. During the interrogation, the two police officers forced him to confess something he did not do by beating him with truncheons. Other police officers who came in the interrogation room slapped him too in order to force him to confess. In total around ten police officers mistreated the boy. The victim stated he was mistreated and beaten because he is Roma and such cases occur very frequently in Bitola. In addition, the brother of the minor Romani boy was mistreated as well; he was throttled by a police officer, forcing him to sign a document that would allow them to keep his brother for 24 hours, since his brother was juvenile. Legal action is being taken by a local Roma NGO in Bitola.¹²⁸
- On May 18, 2011, at 9:30 AM a Romani man from Kicevo reported ill-treatment by the Forest City Police of Kicevo. According to his statement to the ERRRC he was in the forest collecting firewood for personal use when two forest policemen appeared and started to hit him without saying anything. The victim did not report this case to the Ministry of Interior because he was afraid of being beaten up again.¹²⁹

127 ERRRC Interview MK/NOV2012/4.

128 ERRRC Interview MK/NOV2012/2 and MK/NOV2012/3.

129 ERRRC interview with MK/JUNE2011/3.

Annex 1

Human Rights Treaty Ratification and Reservation Table

International Human Rights Law ¹³⁰	Ratification/ Accession(a)/ Succession(d) date	Commentary (including relevant reservations, derogations and declarations)
United Nations		
International Covenant on Civil and Political Rights	18.01.1994(d)	
Optional Protocol to the International Covenant on Civil and Political Rights	12.12.1994(d)	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	26.01.1995(a)	
International Covenant on Economic, Social and Cultural Rights	18.01.1994(d)	
International Convention on the Elimination of All Forms of Racial Discrimination	18.01.1994(d)	
Convention on the Elimination of All Forms of Discrimination against Women	18.01.1994(d)	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	17.10.2003	
International Convention on the Suppression and Punishment of the Crime of Apartheid	18.01.1994(d)	
Convention on the Rights on the Child	02.12.1993(d)	

130 Source-Official web site of United Nations Treaty Collection: <http://treaties.un.org/>.

ANNEX 1: OVERVIEW OF RELEVANT HUMAN RIGHTS TREATY RATIFICATION AND RESERVATION

Amendment to article 43 Paragraph 2 of the Convention on the Rights of the Child	16.10.1996(a)	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	17.007.2001	“Related to Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts the Republic of Macedonia states that under the Macedonian legislation there are no possibilities, neither on obligatory or voluntary grounds, to direct any person younger than 18 years of age to military service, i.e. there is no opportunity to violate the right to a special protection of persons of less than 18 years of age. In order to ensure that persons under 18 do not join its Armed Forces, the Republic of Macedonia has made the following provision: Article 62 of the Law on Defense of the Republic of Macedonia sets forth that draftees shall be directed to military service after attaining 19 years of age. The draftee who requests to be drafted for military service shall be directed to military service after three months from the day of submission of the application, if he/she has attained 18 years of age.” ¹³¹
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	17.10.2003(d)	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	12.12.1994(d)	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	13.02.2009	
Convention on the Rights of Persons with Disabilities	29.12.2011	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	29.12.2011	
Convention relating to the status of Refugees	18.01.1994(d)	
Protocol relating to the status of refugees	18.01.1994(d)	

¹³¹ Source: <http://treaties.un.org/doc/publication/mtdsg/volume%20i/chapter%20iv/iv-11-b.en.pdf>.

Convention relating to the status of Stateless Persons	18.01.1994(d)	
Council of Europe		
Convention for the Protection of Human Rights and Fundamental Freedoms	10.04.1997	
Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions	10.04.1997	
Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention	10.04.1997	
Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto	10.04.1997	
Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention	09.11.1995	
Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty	10.04.1997	
Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms	10.04.1997	
Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms	10.04.1997	

ANNEX 1: OVERVIEW OF RELEVANT HUMAN RIGHTS TREATY RATIFICATION AND RESERVATION

Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 009	10.04.1997	Reservation contained in the instrument of ratification, deposited on 10 April 1997. In accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Republic of Macedonia makes the following reservation with regard to the right guaranteed by Article 2 of the Protocol to the abovementioned Convention: Pursuant to Article 45 of the Constitution of the Republic of Macedonia, the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions cannot be realised through primary private education, in the Republic of Macedonia. Article 45 of the Constitution reads as follows: “Citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law”. ¹³²
Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby	10.04.1997	
Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	13.07.2004	
Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances	13.7.2004	
Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention	15.06.2005	
Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms	27.04.2010 (ratified)	
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	06.6.1997	

¹³² Source: <http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=009&CM=7&DF=15/04/2013&CL=ENG&VL=1>.

Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	14.06.1996	
Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	06.06.1997	
European Social Charter	31.03.2005	Declaration contained in the instrument of ratification, deposited on 31 March 2005 Or. Engl. In accordance with Article 20, paragraph 2, of the Charter, the Republic of Macedonia declares that it considers itself bound by the following Articles of Part II of the Charter: Articles 1, 2, 5, 6, 7 (paragraphs 1, 2, 3, 4, 6, 7, 8, 9 and 10), 8, 11, 12, 13, 15 and 17. Period covered: 30/4/2005 ¹³³
Protocol amending the European Social Charter	31.3.2005 (ratified)	
European Social Charter (revised)	06.01.2012	Declaration contained in the instrument of ratification deposited on 6 January 2012 - Or. Engl. In accordance with Part III, Article A, of the Charter, the Republic of Macedonia declares that it considers itself bound by the following Articles and paragraphs of Part II of the Charter: Article 1; Article 2; Article 3, paragraphs 2 and 4; Article 4, paragraphs 2, 3 and 5; Article 5; Article 6; Article 7, paragraphs 1-4 and 6-10; Article 8; Article 11; Article 12; Article 13; Article 15, paragraphs 1 and 2; Article 16; Article 17; Article 19, paragraphs 1, 5, 6 and 8; Article 20; Article 21; Article 24; Article 26; Article 27, paragraph 3; Article 28; and Article 29. Period covered: 1/3/2012 ¹³⁴

133 Source: <http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=035&CM=7&DF=15/04/2013&CL=ENG&VL=1>.

134 Source: <http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=163&CM=7&DF=12/04/2013&CL=ENG&VL=1>.

ANNEX 1: OVERVIEW OF RELEVANT HUMAN RIGHTS TREATY RATIFICATION AND RESERVATION

Framework Convention for the Protection of National Minorities	10.04.1997	Declaration contained in a letter from the Minister of Foreign Affairs, dated 16 April 2004, registered at the Secretariat General on 2 June 2004 - Or. Engl. Referring to the Framework Convention, and taking into account the latest amendments to the Constitution of the Republic of Macedonia, the Minister of Foreign Affairs of Macedonia submits the revised declaration to replace the previous two declarations on the aforesaid Convention: The term “national minorities” used in the Framework Convention and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniac people. ¹³⁵
Convention on Cybercrime	24.06.2004	
Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems	14.11.2005	
Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	29.11.2002	
Council of Europe Convention on Action against Trafficking in Human Beings	27.05.2009	Reservation contained in the instrument of ratification deposited on 27 May 2009 – Or. Engl. In accordance with Article 31, paragraph 2, of the Convention, the Republic of Macedonia declares that it reserves the right to apply Article 31, paragraphs 1.d and 1.e, of the Convention in compliance with the conditions set forth in the Criminal Code of the Republic of Macedonia. Period covered: 1/9/2009
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	11/6/2012	Declaration contained in a Note verbale from the Ministry of Foreign Affairs of “the former Yugoslav Republic of Macedonia”, dated 6 June 2012, deposited with the instrument of ratification on 11 June 2012 – Or. Engl. In accordance with Article 37, paragraph 2, of the Convention, the Republic of Macedonia communicates the name and address of the designated national authority in charge for the purposes of Article 37, paragraph 1: Ministry of Interior Period covered: 1/10/2012 ¹³⁶

135 Source: <http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=157&CM=7&DF=12/04/2013&CL=ENG&VL=1>.

136 Source: <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=201&CM=&DF=&CL=ENG&VL=1>.

Annex 2

Data on the Socio-Economic Situation

Data on the socio-economic situation of the Roma in Macedonia as compiled in a survey among Roma (and non-Roma living in areas with higher density of Roma) by UNDP, World Bank and the European Commission from May through July 2011.¹³⁷

EMPLOYMENT	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Unemployment rate (15-64)	45%	22%	70%	35%	53%	27%
Unemployment rate (15-24)	63%	58%	85%	64%	71%	61%
No employment experience rate (15-64)	62%	45%	81%	59%	70%	52%
No employment experience rate (15-24)	86%	90%	92%	94%	88%	92%

EDUCATION	Male		Female		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
Av. Years of Education (16-24)	7,4	11,6	6,7	10,3	7,0	10,9

HEALTH	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Access to medical insurance	90%	96%	93%	97%	92%	97%
No access to essential drugs	68%	31%	67%	33%	68%	32%
Access to health services	93%	95%	94%	95%	93%	95%

137 See website of UNDP at: <http://europeandcis.undp.org/ourwork/roma/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

ANNEX 2: DATA ON THE SOCIO-ECONOMIC SITUATION

HOUSING	Roma	Non-Roma
Rooms per HH member	0,66	1,15
Square meters per household member	14,14	26,59
Share of the population not having access to secure housing	25%	5%
Share of the population not having access to improved water source	3%	0%
Share of the population not having access to improved sanitation	10%	2%
Access to electricity	97%	95%
Preference of living in mixed areas	91%	

POVERTY	Roma	Non-Roma
Absolute poverty rate PPP\$ 4.30 income based	41%	14%
Absolute poverty rate PPP\$ 4.30 expenditures based	29%	7%
Absolute poverty rate PPP\$ 2.15 income based	23%	8%
Absolute poverty rate PPP\$ 2.15 expenditures based	8%	3%
Relative poverty rate (60% equalized median income)		

MIGRATION	Roma	Non-Roma
Migration intention	19%	15%
Migration targets		
Top 3 target countries Roma		
1. Germany	41%	
2. Austria	17%	
3. Sweden	5%	
Top 3 target countries non-Roma		
1. Germany		20%
2. Country of Birth		15%
3. Switzerland		14%

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

