

PARALLEL REPORT

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING MACEDONIA

For Consideration by the Committee on the Elimination of Discrimination
Against Women at its 54th session. (11 February - 1 March 2013).



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC)¹ submits this report to the United Nations Committee on the Elimination of Discrimination Against Women (Committee) with information on education, employment, housing and violence.

This submission does not constitute a comprehensive assessment of all issues experienced by Romani women in Macedonia, but it aims to highlight some areas of concern for Romani women related to rights enshrined in the Convention.

In Macedonia Roma account for 53,879 (2.66%)² of the total population according to the last national census. The most recent available unofficial estimate for Roma is 135,490 (6.77%).³

Romani women in Macedonia face serious problems with regard to their status within society as well as within their domestic/family environments. Discrimination in access to education, health care, employment and issues of violence are amongst the main problems experienced by Romani women in Macedonia.

The impact of the Law for Prevention and Protection against Discrimination which entered into force in January 2011 is not yet clear.⁴ However there are several issues of non-compliance with the EU Racial Equality Directive and the Employment Equality Directive such as shifting of the burden of proof, the use of statistics as evidence in indirect discrimination cases and the locus standi position limited at judicial procedures only and collective interest of certain groups. Similarly, the law omits to name and prohibit segregation as a special form of discrimination.

EDUCATION AND EMPLOYMENT

The ERRC has monitored access to education for Roma in Macedonia for more than a decade. In 2012 the ERRC and the National Roma Centrum⁵ conducted joint research on Romani children in special education, and the factors for overrepresentation.⁶ The research found that Romani children accounted for almost half (46%) of the children in a selection of special schools and special classes, with 42.5% of them in special schools and 52% in special classes in mainstream schools.⁷ Children in special education in Macedonia are isolated from the mainstream school population and are given a substandard curriculum that does not prepare them for educational success or employment. In addition to CEDAW, the special education system plainly violates the Convention on the Rights of Persons with Disabilities that Macedonia ratified on 29 December 2011, in addition to several other international and regional laws.⁸

According to the UNDP-WB-European Commission regional Roma survey⁹ 2011 only 73% of Romani girls in Macedonia are enrolled in elementary education, compared to 87% of non-Romani girls. Low enrolment severely affects further life opportunities in life for Romani girls.

1 The European Roma Rights Centre (ERRC) is an international public interest law organisation which combats anti-Romani racism and human rights abuses of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. www.errc.org.

2 Census of Population, Households and Dwellings in the Republic of Macedonia, 2002, available at: http://www.stat.gov.mk/pdf/kniga_13.pdf.

3 OSI 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.

4 Macedonia, Law for Prevention and Protection against Discrimination, 2010 available at: <http://www.pravo.org.mk/documentDetail.php?id=4846>.

5 <http://www.nationalromacentrum.org/en/>.

6 The ERRC and NRC conducted the survey in the first half of 2012 in all Macedonian cities where special education exists. The survey was implemented among 219 Romani families with 252 children enrolled in special schools and classes for children with special needs in mainstream schools. See: <http://www.errc.org/cms/upload/file/macedonia-factsheet-education-en-30-august-2012.pdf>.

7 *Ibid.*

8 UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, available at: <http://www.unhcr.org/refworld/docid/45f973632.html>.

9 UNDP/World Bank/EC regional Roma survey 2011, available at: http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf.

A young girl from Ljubanci told the ERRC about her fears for the future: “I am illiterate; I am not going to school as other children. I assume my future is endangered. I went to some non-formal education at some centres but it was not effective.”¹⁰

Lack of access to formal and mainstream education is also a major factor that contributes to unemployment among Romani girls and women. According to the UNDP-WB-European Commission¹¹ regional Roma survey 2011, 70% of Romani women and girls aged from 15 to 64 are unemployed, compared to 35% among non-Romani girls and women.

HOUSING

The Macedonian Government adopted an Action Plan on Roma Housing within The Decade of Roma Inclusion but little progress has been made to date. According to the Decade Watch report on Macedonia in 2010, two thirds of the interviewees indicated that housing conditions among Roma are worse than they were in 2005 when the Decade started.¹²

ERRC research interviews in Delcevo, Ljubanci-Skopje, Gostivar, Strumica and Vinica, found that women and families are living in sub-standard housing without proper access to services. Overcrowding is the main issue, where, for instance, 69% live in accommodation with less than 10m² per family member.¹³ For example, a 50-year-old Romani woman reported there were 12 family members living in a house of 23m² without a refrigerator or a wood stove. The family do not have beds and have to sleep on the floor.¹⁴ A woman from Bitola in an interview with the ERRC said, “We live in inadequate living standards, the house is overcrowded, seven members live in seven square metres, the house has dampness which deteriorates my health condition, that’s why I am sick.”¹⁵ A 34-year-old Romani woman told the ERRC, “There are nine of us and we live in a room of 16m², there is no sewage system installed here, there are four taps and all of us use them.”¹⁶

Most of the Romani population in Macedonia is concentrated and located in segregated settlements around cities, while in the villages there are fewer, more integrated Roma. Residents often do not have property papers for the land or the structure where they live, thus most of them lack legal security of tenure.¹⁷ In February 2011, the Macedonian parliament adopted the Law on the Treatment of Illegally Constructed Buildings (LTICB),¹⁸ which allows a window of opportunity to open procedures to legalise formerly unauthorised housing. The impact of that law on Romani families cannot yet be assessed.

VIOLENCE

Romani women in Macedonia face systematic violence which takes place both within and outside the Roma community. There is mutual lack of trust between Romani women and the Police and that is why only few such incidents are reported by victims to police especially in the case when violence comes from police. Since Romani women who report the violence cases often face further abuse by the police or the perpetrator.¹⁹

10 ERRC Interview with MK/JULY2011/5.

11 See note 8 above.

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

13 “Improving the health and social status of the Roma population in Republic of Macedonia by introducing Roma Health Mediators”.

14 Interview with a 50-year-old Romani woman. Strumica, Macedonia: 6 October 2012.

15 ERRC Interview with Djelovska Mazes, 2009.

16 Interview with a 34-year-old Romani woman. Gostivar, Macedonia: 18 August 2011.

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

18 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, which means that the process of legalisation has to finish in six years.

19 <http://www.stopvaw.org/macedonia>; <http://www.unhcr.org/refworld/pdfid/47593c581e2.pdf>.

According to information from different sources on 31st December 2012, during a protest in front of the Centre for Social Work in Prilep (CSWP) a Romani woman and her two children were mistreated by security guards while trying to enter the building.²⁰ The Romani protesters gathered due to unpaid social allowance before the upcoming Christmas holidays and demanded to speak to the director of the CSWP. While only a few protesters were allowed in, the rest were prevented from entering at which point the security started pushing people down the stairs at the entrance of the building. During this incident a Romani woman in the presence of her two children was punched in the stomach and head by one of the security guards. The woman fainted and was taken to a hospital by another protester.²¹ The media reported that her two children were also pushed and mistreated by the security as well.²²

We find it particularly worrying that the protesters stated they were being mistreated due to their Roma ethnicity, protesters reported: “[We] have no right to even complain, nothing. When we want to complain we will be beaten.”²³ “The treatment was degrading because we are Roma”.²⁴

RECOMMENDATIONS

The ERRC asks the Committee to recommend to the Macedonian government the following measures:

- Take concrete and effective steps to prevent multiple and/or intersectional discrimination faced by Romani women;
- Victims of alleged discrimination should be encouraged to bring complaints, such as through awareness raising about recourses and the use of mechanisms provided by specialised bodies and especially under new antidiscrimination law;
- Take measures, such as training, to raise Romani women’s awareness of property rights and facilitate the registration of property in the ownership of Romani women;
- Introduce measures to end all discriminatory practices against Romani children and in particular Romani girls, in access to education and equalise the educational status of this vulnerable group with the rest of society;
- Condemn and punish all cases of the discrimination against Romani children in education. Adopt vocational programmes for Romani women, and particularly elderly and illiterate Romani women;
- Regularly collect and publicly disseminate data disaggregated by gender and ethnicity in all fields relevant to the human rights and social inclusion of Romani women to facilitate effective policy responses to their situation;
- To enforce the right of access to adequate living conditions in relation to housing, electricity and water supply, sanitation and transport, with assistance in acquiring appropriate property papers to ensure legal security of land and possessions; and
- Investigate promptly and impartially incidents of violence against Roma and other minorities, prosecute perpetrators of such crimes to the fullest extent of the law, and ensure that any racial element is given due consideration in the process.

20 Monika Taleska, “Roma beaten or protection of employees and inventory?”, Radio Free Europa, 18 January 2013. Skopje, available at: <http://www.makdenes.org/content/article/24822786.html>.

21 Interview with a 29-year-old Romani woman and 22-year-old Roma man, Prilep, R. Macedonia: 31 December 2012.

22 Taleska, Radio Free Europa, available at: <http://www.makdenes.org/content/article/24822786.html>.

23 *Ibid.*

24 Interview with 22-year-old Roma man Prilep, R. Macedonia, 31 December 2012.