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ERRC report on Macedonia
For the 2010 EU Progress Reports

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1. Human rights law and policy update

Anti-discrimination law

On 8 April 2010, the Parliament of the Republic of Macedonia voted to approve the Law on Prevention and Protection against Discrimination which was submitted by the Government; the law is slated to enter into force only from January 2011. The equality body has not yet been established. The adopted law has been strongly criticised by both the civil society and the international community for its non-compliance with the EU Race Equality Directive and the Employment Equality Directive, as well as with other relevant international standards. Related to this in February 2010 the ERRC sent letter of concern to the Macedonian government and parliament urging them to amend the law proposed by the government and to include sexual orientation and belief as impermissible grounds of discrimination, to include a provision that will define and prohibit segregation as a special form of discrimination (which is crucially important for the Romani community in Macedonia) and to extend the mandate of the Commission for Protection against Discrimination to include the promotion of equality and non-discrimination, awareness-raising and education activities that will assist the implementation of this law, to conduct independent surveys concerning discrimination, to publish reports and make recommendations for any kind of issue related to discrimination. However the government and the parliament declined to make any significant changes to the law.

Implementation of the Decade of Roma Inclusion Action Plans

During the period, the implementation of the Decade Action Plans (DAP) within the framework of the Decade of Roma Inclusion (2005-2015) and the National Roma Strategy remained without any serious governmental commitment. The latest Decade Watch Report¹ notes that both the central and local government did not dedicate sufficient attention to their implementation of the Roma-targeted policies. According to a survey conducted by the Decade Watch team in Macedonia, 80% of Roma interviewed emphasised that the only positive developments had been in the field of education.²

Health was an area in which 42% of interviewees observed certain improvements, although generally these improvements were noted to be minor and attributable to general health policies rather than to Roma-targeted actions, especially regarding Romani women. In the area of housing, 88% of interviewees noted deterioration or a lack of change in their housing situation; only 6% pointed to any improvement of their situation (3% did not respond).³

2. Violence against Roma

Despite several European Court of Human Rights (ECtHR) rulings against Macedonia on police violence against Roma, the problem persists in the country.

¹ MK Decade Watch 2008: Roma Activists Assess the Progress of the Decade of Roma Inclusion 2005-2015, Print KOMA, 2009 Macedonia.

² Ibid.

³ Ibid.

According to national media and reports from ERRC partners in Macedonia, an action of the State Inspectorate of Commerce during which 20,000 EUR worth of merchandise was confiscated from Romani vendors in the market in Skopje's Suto Orizari sparked violent confrontation between police and Roma on 15 April 2010.⁴ About 200 Special Forces police officers were called to the scene equipped in riot gear. The overwhelming police presence further heightened an already tense situation, which resulted in clashes between the police and civilians. Rocks were thrown and the police used tear gas to disperse the crowd. Although the media has only reported the number of police injured, the Mayor of Suto Orizari, Elvis Bajram, indicated that about 40 Romani individuals were injured, among them minors.

Several aspects of this incident raise concern: First, no warning was communicated to the municipality in advance to allow them to prepare, so the situation was able to get out of hand quickly.⁵ Second, the disproportionately severe police response elevated an already tense situation into a violent confrontation: police presence is not routine in customs inspections (at least not such a large show of force). Third, the market in Suto Orizari has operated for over a decade, selling goods which are imported through official customs checks at the Macedonian borders. Similar merchandise is widely available in many markets in Macedonia, including the largest market, Bit Pazar, but no state action against this or any other location has been reported, certainly not any police action on this scale, which may indicate selective application of the law.

The ERRC sent a letter to the Minister of Interior urging the Minister to ensure full investigation into the violent clash and to bring to justice all officers found to have acted disproportionately in contravention of the law. On 19 April 2010 the Minister responded, rejecting all claims made by the ERRC as untruthful, emphasising that the police action was not directed toward individual community members but against those directly involved in illegal activities. The Minister failed to provide information about whether the Ministry had opened any investigation into the incident. The failure of the State to investigate allegations of police abuse is a persistent problem in Macedonia. In 2007 and 2008, the ECtHR issued three judgments against Macedonia in Roma-related cases highlighting this failure.⁶ In each case, the Court found Macedonia to be in violation of Article 3 of the European Convention on Human Rights.

In May 2009 another case of police violence against a group of Roma was reported in the city of Bitola's Bair Romani neighbourhood. According to the Romani organisation Bairska Svetlina, a group of plain-clothes police officers drove into the Romani neighbourhood very fast, allegedly searching for a local drug dealer, nearly hitting a Romani woman, man and child. The officers stopped the car, got out and reportedly started to beat the man. At that time, a group of 40 Romani people gathered at the scene. When the police officers realised that the group had formed they started shouting and beating everyone who was in front of them. According to Bairska Svetlina, the residents called the police for assistance but when other police officers arrived they told the gathered Roma that they could not do anything. The police action ended with the arrest of eight Romani men who were charged with attacking the police and preventing them from conducting their duties. According to information from the Ombudsman's Office provided to Bairska Svetlina, the Department for Internal Control within the Ministry of Interior conducted an investigation and but did not find any irregularities in the police action. Criminal procedures against the Roma, on the other hand, are pending.

3. Access to education

⁴ See more: <http://www.sitel.com.mk/dnevnik/makedonija/nemiri-vo-shutka-isprazneti-divite-tezqi>
<http://www.a1.com.mk/vesti/video.asp?Video=10/mile-15-04.wmv&VestID=122096>
[http://kanal5.com.mk/default.aspx?mid=37&eqId=13&eventId=59453&ContentContainer3\\$ctl00\\$Comments1_page=0#comments](http://kanal5.com.mk/default.aspx?mid=37&eqId=13&eventId=59453&ContentContainer3$ctl00$Comments1_page=0#comments)

⁵ A1 national TV station interview with the mayor of the municipality of Suto Orizari Mr. Elvis Bajram from 15.04.2010 <http://www.a1.com.mk/vesti/default.aspx?VestID=122114>

⁶ Case of Dzeladinov and Others v. The Former Yugoslav Republic of Macedonia (Application no. 13251/02) Case of Sulejmanov v. The Former Yugoslav Republic of Macedonia (Application no. 69875/01) Case of Jasar v. The Former Yugoslav Republic of Macedonia (Application no. 69908/01).

While some positive developments have been reported in the area of education, other negative practices have come to light as well. In February 2010, the Ombudsman's Office released information about the over-representation of Romani children in schools for children with mental disabilities in several locations in Macedonia.⁷ The Ombudsman's report particularly pointed to concerns with regard to the special elementary schools in Skopje ("Zlatan Sremac", "Idnina"), Novo Selo ("Sv. Kliment Ohridski") and secondary schools for education and rehabilitation in Skopje ("Sv. Naum Ohrodski") and Stip ("Iskra"). According to official records in the elementary special school "Zlatan Sremac", 165 students are enrolled of which more than half (or 85 students) are Roma; in the elementary special school "Ilinden" 253 students are enrolled, of which 93 students are Romani; in the secondary school "Sv. Naum Ohrodski" 169 students are enrolled of which 50 students are Romani; and in the secondary school "Iskra" 84 students are enrolled of which 17 are Romani.⁸ The Ombudsman report refers to problems in the assessment process, particularly the lack of a unified process for assessment and placement.

4. Access to adequate housing and forced evictions

Access to adequate housing remains a serious problem for the vast majority of Roma in Macedonia, with little progress reported in this area during the period. ERRC field research on the housing situation of Roma during 2009 and 2010 verifies that the majority of Roma live in segregated and informal settlements, with little or no basic infrastructure: many communities lack access to electricity, water, sewage system, roads, etc.

According to ERRC field research in cities of Kumanovo, Shtip, Kocani, Prilep, Veles, Skopje, Bitola, Gostivar, Tetovo, Berovo and Delcevo, there is a significant number of Roma living in makeshift dwellings made of cardboard or tin, without access to basic amenities. In Kumanovo, the overwhelming majority of Roma live in a residentially segregated area. Most of them live in dwellings situated in large mahalas, in slums or unplanned settlements that lack asphalt roads and connections to water, electricity or sewage disposal. Romani-dominated areas tend to be located on the margins of the cities, in places that are difficult to access and near the industrial zones or between apartment blocks, where ten to fifteen families live together in extremely poor conditions.⁹

In city of Stip, 50 Roma, including 20 children, live in the Romani settlement "Klanica" located near a highly polluted river by a chemical plant.¹⁰ This settlement is a relatively new Romani neighbourhood and many of the houses have no water or electricity. The houses are overcrowded, the average number of persons per room is eight, but there are rooms in which ten people sleep together in one room. The municipal authority recently constructed a common sanitary facility for all Roma living there consisting of four toilets and four public water taps. According to residents of the settlement, during the winter time they shower inside their single room while the rest of the family members wait outside in the cold. The community does not have any garbage containers and the municipality does not collect garbage from the settlement.¹¹

Lack of secure tenure and the potential of forced eviction is a significant threat for the majority of Roma. For example, around 5,000 Roma live in the "Bair" and "Ljubojno" settlements in Bitola. According to ERRC research, all Romani houses were constructed without building permission and the owners do not have property certificates. Most Roma houses are makeshift constructions made of cardboard and are overcrowded. Roma in Ljubojno reside in low-quality houses which are not formally registered, with inadequate hygienic conditions, lacking appropriate infrastructure such as water supply, sewage systems or legally supplied electricity.¹²

⁷ Ombudsman of Republic of Macedonia: "Information about the situation in elementary special schools "Zlatan Sremac", "Idnina" - Skopje and "Sv. Kliment Ohridski"- Novo Selo and the secondary school for education and rehabilitation "Sv. Naum Ohrodski" - Skopje and "Iskra" - Shtip", February 2010. Available at: <http://www.ombudsman.mk/default.aspx?Lan=MK>

⁸ Ibid.

⁹ ERRC field research in Kumanovo, August 2009.

¹⁰ ERRC field research in Stip, August 2009.

¹¹ ERRC interview with H.A., August 2009.

¹² ERRC field research in Bitola, November 2009.

Where evictions have taken place, alternative accommodation has not been provided, in violation of international law. According to ERRC research, municipal authorities in Kocani forcibly evicted 18 Romani families from their unregistered homes on 12, 13 and 14 August 2009. At the time of writing this report, municipal authorities had not provided any of the evicted families with alternative accommodation. Municipal authorities justified the eviction by stating that the location on which the houses stand is a protected area and the affected families had been notified that if they build houses there they would be demolished. On that basis, the municipality declined to provide alternative accommodation although most of the families are socially vulnerable; most have had to move into already crowded conditions with relatives because they can not afford other housing.¹³

A segment of the Romani community in Macedonia has encountered the issue of multiple evictions. From 2003 until 2010, Mr Alus Eminov and his family were evicted several times by the authorities in the Municipality of Aerodrom - Skopje.¹⁴ The first time, the wooden shack Mr Eminov built without permission next to the house of his grandfather was demolished with prior notice; shortly thereafter, he rebuilt the shack. After some time the shack was demolished again by municipal authorities. In April 2007, authorities evicted Mr Eminov and his family from the house of his grandfather which was built after the Skopje earthquake in 1963, and demolished it. According to Mr Eminov, the authorities did not serve any notice about the eviction and demolition before it took place. At that time, Mr Eminov built a new shack on the location of the house where he and his family lived until April 2010 when municipal authorities again evicted his family and demolished their home, again without notice. In May 2010, Mr Eminov and his family attempted to rebuild their shack on the same location but, according to media reports, the police forced them to leave. During the police action Mr Eminov, his wife and grandfather were reportedly beaten by the police when they tried to prevent them from throwing their personal belongings in the garbage.¹⁵

¹³ ERRC field research in Kocani, September 2009.

¹⁴ ERRC field research in municipality of Aerodrom – Skopje, December 2009 and April 2010.

¹⁵ See: report of the A1 national television station: <http://a1.com.mk/vesti/default.aspx?VestID=122910>.