

LIST OF ISSUES

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING MACEDONIA

For Consideration by the Committee on the Elimination of Discrimination
Against Women at the Pre-Sessional Working Group of the 71 Session
(12 - 16 March 2018)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC)¹ hereby submits this list of issues concerning the Former Yugoslav Republic of Macedonia (FYROM) to the United Nations Committee on Elimination of Discrimination Against Women (hereinafter also referred to as “Committee”) for the consideration of the Committee on the 71 pre-session for the List of Issues. The submission focuses on the situation of Romani women and girls, in particular sexual abuse of Romani children in state care institutions, access to reproductive healthcare and citizenship rights.

FYROM has 2,022,547 inhabitants, of whom 53,879 (2.66%) have declared themselves Roma. However, the available unofficial estimate for Roma is 135,490 (6.77%). Roma live in 75 out of 85 municipalities across the country. According to official data, the majority of Roma live in the capital, Skopje (23,475), with 56% of Skopje’s Roma concentrated in the municipality of Šuto Orizari (13,342).²

SEXUAL VIOLENCE OF ROMANI GIRLS IN STATE CARE INSTITUTIONS

In its concluding observation the Committee recalling its General Recommendation No. 19 (1992) on violence against women, the Committee urged FYROM to: “Encourage women to report incidents of domestic and sexual violence by raising awareness about the criminal nature of such acts and to provide adequate assistance and protection to women victims of violence, including Roma women and women from other ethnic minorities”.³

During the 2017/2018 period the ERRC has documented cases of sexual abuse and potential trafficking of three Romani girls aged 12-16 while living in the childcare institution *Home for children with educational-social problems “25 May”*, Skopje.⁵ Currently there are at least two other potential cases of sexual violence linked to the same state care institution.⁶ According to ERRC data the total number of children in this facility is 32 with a majority of them (22) being Romani.⁷

THE CASE OF X.Y

In March 2017, the ERRC received information from X.Y’s father that his minor daughter had gone missing from the “25 May” state care institution. According to information received by the ERRC directly from X.Y’s parents, the institution did not report the matter in a timely fashion to either the police or the parents. In the testimony X.Y gave to the ERRC human rights monitor a few days after she was found by the police, the minor girl stated that she had been kidnapped by an older man who took her from the institution and drove her to his home. There he forced her into sexual acts and physical labour. She managed to escape after 30 days and catch a bus back to Skopje where the police found her in the Bitpazar market.

After being found and brought back to the state care facility during a regular visit by her mother, the girl explained how a year ago when she was taken to a children’s summer camp in Pretor (Struga), along with other children from the state care institution, an unknown older man had sexually abused her, before she was taken back to Skopje. She reported the abuse to the state care workers and to her guardian assigned by the Centre for Social Work but instead of receiving help she was accused of lying and inventing the story. Recently, X.Y was transferred to another state

1 The ERRC is a Roma-led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavored to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. More information is available at: www.errc.org.

2 See: <http://www.errc.org/cms/upload/file/macedonia-cerd-submission-10-july-2015.pdf>.

3 See: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MKD/CO/4-5&Lang=En.

4 Referred to as “25 May” state care institution.

5 See: <http://www.errc.org/article/exposing-sexual-abuse-of-romani-girls-in-macedonian-state-care/4629>.

6 See: <http://nezavisen.mk/mk/vesti/2018/02/27238/>.

7 See: <http://www.errc.org/article/exposing-sexual-abuse-of-romani-girls-in-macedonian-state-care/4629>.

care institution called Ranka Milanovik in Skopje, where she found out that she is pregnant as a result of the sexual violence she suffered. On 14 February 2018, with the consent of her legal guardian assigned by the Centre for social work, the girl underwent an abortion. X.Y's parents were not informed in a timely fashion, nor were they allowed to accompany their minor daughter during and after this traumatising event. Before the intervention of the ERRC in revealing the case to the media, none of the institutions responsible for child protection and care publicly acknowledged their failure to protect the minor from the abuses she suffered; furthermore these institutions have been very reluctant to provide any support for the Romani family to have their daughter returned to their care. Only on 17 February 2018 the Minister for Social Work and Labour Ms. Mila Carovska appeared on a TV talk show and declared that a special investigative commission into the sexual abuse of the minor X.Y will be formed.⁸ On 19 February 2018, the Director of the childcare institution "25 May", Skopje, Mr. Stevco Sokolovski resigned from his position for what he described as "moral reasons".⁹

The ERRC welcomed the news and the setting up of a special investigative commission but considers that this is not enough, and the ERRC has called on the authorities to take appropriate action against the victim's state-appointed guardian for the wilful neglect which exposed the child to such horrendous abuse.¹⁰ Both the director and the guardian should be held criminally responsible, and the perpetrators of this abuse must face justice. The ERRC also called on the authorities to return the child to her family, and for the state to meet its obligations to provide social housing and support to the parents. Poverty can never be the pretext for tearing families apart. It seems that when poverty intersects with being Romani, the presumption is that removing children from their families is permissible.

THE CASE OF X.Z AND Y.Z

X.Z and Y.Z are sisters aged 16 and 13 respectively. In 2012, a court decision ordered that they be removed from their single mother W.Z because of her poverty. As a consequence her two daughters were placed in the state care institution "25 May". According to the mother, during the period the girls were in state care they were not being properly cared for, and they frequently went missing, and often sleeping on street. When she tried to visit her daughters, on several occasions the mother was told by the employees of the child care institution that they did not know where the girls were, but they never officially reported the fact that the girls were missing to the police.

Once in a conversation with their mother during a regular visit, the girls described how an older man took them from the state care home and sexually abused them under the old train station in Skopje. The old man presented himself as an employee of the Centre for Social Work. The mother immediately reported the case to the police and took her daughters to a gynaecologist who concluded that they had been sexually abused.

On 26 January 2017 with Decision VPP -361/16 the court granted the parental rights of the two girls X.Z and Y.Z placed in the state care institution "25 May" and one more Z.Z placed in foster family back to their mother, W.Z. Despite the court decision, the Inter-municipal Centre for Social Work, refused to return the girls to their mother. In Decision UP 3001-249 from 5 November 2017 the Centre for Social Work (CSW) explained that *"the mother still does not have the proper living conditions to take care of her daughters"*, and thus they cannot abide by the court decision. The ERRC appealed the CSW Decision before the Ministry of social work and labour, however to date, the Ministry has failed to provide a response.

The ERRC has recorded a number of incidents of serious wrongdoing and misconduct from the side of the childcare institution in the outlined cases. In the two cases, information concerning either the missing child or the possible abuse was not reported to the family or to the respective authorities. Psychological support was not offered to the victims, and it seems there were attempts to hide information from both the family and the responsible institutions, including the police. In the second case, the state care institution even refused to abide by a court decision to return the minor girls to their mother, despite her constant attempts to get in touch with them and the potential danger of them being repeatedly abused while in the state care home, as a result of their frequent disappearances. Currently the two cases are under investigation. The director of the state care institution has resigned.

The ERRC became aware of another two cases where it is highly likely Romani girls (one 15-year-old and one 17-year-old) to have been sexually abused. The 15-year-old girl has recently undergone an abortion with the

⁸ See: <https://www.youtube.com/watch?v=6M5vT2WQSw8&feature=share>.

⁹ See: <http://24vesti.com.mk/direktorot-na-%E2%80%9E25-maj%E2%80%9C-podnese-ostavka-po-zlostavuvanjeto-na-devojcheto>.

¹⁰ See: <http://novatv.mk/prehodniot-staratel-znael-no-ne-prijavil-deka-devojcheto-e-siluvano/>.

consent of her guardian. The 17-year-old girl is pregnant and has been returned to the biological family. The Ministry of Labour and Social Policy rejected the possible sexual abuse of those two girls.¹¹

Questions to the government:

- What investigative measures are taken to ensure the perpetrators, and those, who through dereliction of duty or complicity, permitted such egregious human rights abuses to occur, are identified and received appropriate punishment for the committing sexual abuse of minor children, or for being complicit in allowing such crime to take place?
- What measures are planned or have been taken to support the victims and the potential victims of sexual violence in state care institutions, in particular Romani girls in the above-mentioned cases?
- What concrete preventive measures are planned or have been taken in state care facilities throughout the country to ensure that no children, in particular Romani girls, suffer mistreatment, sexual abuse?
- What measures have been taken or are envisaged, such as provision of financial and psychological support for marginalised families and children, training for social workers, to limit the number of cases where Romani children are separated from their biological families for poverty-related reasons?

ACCESS TO SEXUAL AND REPRODUCTIVE HEALTHCARE FOR ROMANI WOMEN

Addressing the national authorities in its concluding observation, the Committee expressed concerns for *the financial, cultural and physical barriers to gynaecological services faced by Roma and rural women* and urged the national authorities to “expeditiously” allocate financial resources for implementation of the national plans and strategies to adequately address all forms of discrimination against Romani women.

Access to primary reproductive care remain a worrisome tendency as only 46% of the women in reproductive age have a registered gynaecologist.¹² Rural areas and areas with predominantly Romani populations remain high risk in terms of lack of provision of reproductive care; at least 40 villages and small towns remain without a gynaecologist.¹³ The uneven distribution of specialists in the country (linked to privatization of healthcare) and the lack of specialists (as the current number of gynaecologists remains at only 50 % of the country’s requirements) are the main reasons for the failure to cover the needs of the women in the country. Access to reproductive healthcare for the Romani women is further blocked by racist stereotyping, discriminatory treatment and abusive language across all levels of the healthcare system by medical workers and specialists, and the pervasive practices of demanding illegal payments for free services etc.¹⁴

The situation of the Romani women in the municipality of Šuto Orizari is particularly worrisome, as 8000 women were left without a primary gynaecologist for the last eight years. The nearest gynaecologist remained 10 km away from the municipality, which created obstacles as transportation costs impose a heavy financial burden. Finally in 2017, the Minister of labour and social policy appointed a gynaecologist.¹⁵ This, however has still not ensured adequate access to reproductive care for women in this municipality. A number of Romani women have reported limited access and barriers, as the availability of gynaecologist is limited to several days a month; the communication with the doctor was through translation (as the gynaecologist spoke neither Romanes nor Macedonian)¹⁶, and Romani women have reported requests for paying for services that are covered by the national healthcare institution.¹⁷ According to

11 See: <http://24vesti.mk/mtsp-nema-zlostavuvanje-vo-dvata-novi-sluchaja-na-bremenost-kaj-maloletnichkite-tie-bile-vo-vraska-so>.

12 See: file:///D:/Downloads/Senada_Sali_WHRTI_Assignment.pdf.

13 *Ibid*, p.3.

14 *Ibid*, p.4.

15 *Ibid*, p.19; See also: <http://novatv.mk/zhenite-od-shuto-orizari-dobija-maticen-ginekolog/>.

16 See: <http://fokus.mk/noviot-ginekolog-vo-shutka-go-uchi-makedonskiot-jazik-vo-meguvreme-preveduvach-ke-i-bide-meditsinskata-sestra/> and <http://www.alfa.mk/News.aspx?ID=123495#.Wo1mQ6inHcs>.

17 See: <http://novatv.mk/trudnitsi-noviot-ginekolog-od-shuto-orizari-naplaka-nezakonski/>.

media reports, the gynaecologist, due to her religious convictions, has also exercised influence on Romani women's decisions vis-à-vis their right to abortion.¹⁸

ACCESS TO CITIZENSHIP

Research conducted in 2017 by the ERRC, Institute on Statelessness and Inclusion (ISI) and European Network on Statelessness (ENS) has shown that data regarding the lack of identity documents and other statelessness related issues among Roma remains extremely scarce.¹⁹ Between 2008 and 2011, 6,514 individuals facing documentation problems, including 775 people who had never been registered in the birth registry books were identified. More recently, the Macedonian Young Lawyers Association estimated there to be 664 persons at risk of statelessness in the country, with approximately 70% of these being Roma. Without healthcare, many undocumented women cannot access maternity care or give birth in hospitals, and as discussed above, the barriers to birth registration are greater for those born outside of hospitals. Hence, the lack of access to healthcare can be both a cause and consequence of statelessness or lack of documentation. In Macedonia among other countries this was identified as a particularly important issue.²⁰

A number of respondents described gender as a factor contributing to their marginalisation and exclusion. This exclusion includes blocked access to healthcare for women, gender gaps in education and labour market participation, and violence against women and girls. Discrimination against women is perceived as both cause and consequence of statelessness among the Roma. Romani women face even a higher risk of exploitation and abuse if they lack personal documents, and are much more likely to become victim of trafficking and violence.²¹ Several Romani interviewees reported women giving birth at home rather than in a healthcare setting, which posed a significant barrier to registration due to the additional documentation required.²²

Questions to the government:

- What measures are taken in regards to collection of desegregated quantitative and/or qualitative data to ensure access to birth registration, the right to nationality, and statelessness among Roma, in particular Romani women?
- What measures are taken or planned to ensure the existing mechanism to provide access to healthcare, housing, and employment and social protection reaches stateless Romani people, in particular women and girls?

ACCESS TO ADEQUATE HOUSING

On 1 August 2016, the informal settlement “Poligon” located near the River Vardar (under the kale fortress) in Skopje was evicted with bulldozers and the entire Roma settlement was destroyed.²³ The 31 families (135 people, including 78 children and six pregnant women) lived there for about ten years prior being evicted. The evictees were left on the street during flooding, without access to clean water and sanitation, or electricity because the authorities failed to provide adequate alternative accommodation. The majority, including to the 6 pregnant women, no suitable accommodation was offered. 1 October 2016 following an ERRC communication on behalf of the two pregnant minors made homeless, CEDAW told the Macedonian government to provide suitable emergency accommodation, nutrition, clean water and immediate access to health care services, includ-

18 See: <http://fokus.mk/ginekologot-vo-shuto-orizari-gi-ubeduvala-bremenite-zheni-da-ne-abortiraat-zatoa-shto-toa-se-kosi-so-nejzinite-religiozni-ubeduvana/>.

19 Roma Belong. Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine. October 2017, p.18; available at <http://www.errc.org/cms/upload/file/roma-belong.pdf>.

20 *Ibid*, p.45.

21 *Ibid*, p.48.

22 *Ibid*,48.

23 See: <http://www.errc.org/article/european-court-to-take-macedonia-to-task-in-urgent-forced-eviction-case/4521>; Erdjan Bekir and others v. FYR Macedonia (Application no.46889/16) - ECtHR, <http://hudoc.echr.coe.int/eng?i=001-167970>; <http://www.errc.org/article/bekir-and-others-v-macedonia-pending/4531>.

ing to maternal health care services.²⁴ In December 2016, the ERRC again contacted the Committee throughout an individual communication, this time on behalf the additional four minor pregnant Roma women. CEDAW again urged the Macedonian government to provide the already mentioned rights and services to the women (29 December 2016). However, none of the requested immediate measures were undertaken in a timely or appropriate manner, and as a consequence, most the evictees were left pregnant and unprotected in the harsh winter conditions. All of the women and their babies which case was presented before CEDAW suffer from a lack of proper nutrition, inability to maintain regular hygiene and they have experienced severe health complications because of poor access to clean water and sanitation. Today, all the CEDAW applicants gave a birth to their babies and together with all their children remain homeless and unprotected. To this day, the CEDAW applicants, their infants and other children remain homeless and unprotected. In December 2017, the ERRC was informed about an additional two cases of Roma girls pregnant and homeless at the “Poligon” side. *“We have no water, no electricity, no heating. I cannot even have a bath since it is so cold. I have gone a whole month without a bath, and we are exposed to so many diseases because of these living conditions,”* explained one of the pregnant minor Roma woman.²⁵

Questions to the government:

- Are there any measures taken or planned to provide adequate housing and healthcare for the evicted Roma, in particular Romani women with small children from “ Poligon” settlement? Are there any envisaged measures for integration of the affected families, including for schooling of the children?
- What measures are taken or planned to ensure the safeguards of the international standards are fully reflected in regards to eviction of informal settlement to ensure the provision of adequate alternative housing in a timely manner and access to healthcare, in particular for Romani women and girls is provided?

ROMANI WOMEN IN DETENTION SYSTEM

In 2017 the ERRC recorded four cases of deaths in custody of Romani persons. One of those who died was a woman. In all four cases the ERRC found evidence that deaths occurred due to mistreatment from the side of the guards, or as a result of lack of provision of adequate medical support in a timely manner.²⁶ The Romani woman was one of three who died in KPU Izdirovo prison under suspicious circumstances linked to mistreatment and physical abuse.²⁷ In all four cases the ERRC has submitted a private criminal complaint to the public prosecutor. In each of these cases, the Ministry of Justice and the prison authorities deny mistreatment of the deceased. Currently the ERRC is preparing a collective complaint for discrimination to the Macedonian Civil court.

On 2 June 2017 S.M., an inmate in KPU Idrizovo prison, Skopje was found dead in her prison cell. Investigation of the case has shown that the prisoner has suffered a chronic disease that could be treated but she did not received emergency treatment on time. The negligence from the side of the medical team and the prison authorities led to the death of the 46-year old woman, a mother of four children.

One of the main gaps in the work of Macedonian Prisons is their understaffed medical teams. For example, in KPU Idrizovo prison the ambulance has only two doctors (one general practitioner and a psychiatrist) and two nurses responsible for over 1800 prisoners, which is absolutely inadequate and leads to tragic events such of the above. The inadequate number of medical personnel and provision of unsatisfactory health care services has been already acknowledged by the Office of the Ombudsman.²⁸ In addition to that, according to recent CPT Report,²⁹ there is an existing filtering system giving access to medical services only to limited number of individuals.

²⁴ See: <http://www.errc.org/article/un-steps-in-requests-macedonia-rehouse-evicted-romani-women/4530>.

²⁵ See: <http://www.errc.org/article/second-un-emergency-order-macedonia-must-rehouse-pregnant-romani-women-made-homeless-by-authorities/4542>.

²⁶ See: <http://www.errc.org/article/fourth-romani-prisoner-dies-in-macedonian-prisons/4620>.

²⁷ *Ibid.*

²⁸ See: <http://ombudsman.mk/upload/Posebni%20izvestai/2016/Istrazuvanje-Zeni%20vo%20KPU-01.12.2016-Ang.pdf>.

²⁹ See: <https://rm.coe.int/pdf/1680763066>.

Questions to the government:

- What measures are planned or taken to ensure access to adequate medical care, including reproductive care to inmates, in particular Romani women, and pregnant women?
- What measures are taken or planned to investigate and prosecute, the alleged mistreatment of inmates, in particular Romani women in the prison system, in particular KPU Izdirovo?