



'Little by little we women have learned our rights'

The Macedonian government's failure to uphold the rights of Romani women and girls

Romani women and girls in Macedonia suffer from double discrimination, on the grounds of both their gender and their ethnicity. Such double discrimination is widespread, routine and pervasive. Overall, Romani people in Macedonia are denied access to the full range of rights guaranteed under both international standards and domestic law, and remain one of the poorest communities in the country.

This report provides evidence of discrimination against Romani women, the human rights violations to which Romani women and girls in Macedonia are exposed, and the obstacles they face in accessing basic rights, among them the right to education, the right to work and the right to health. Amnesty International's research shows that these rights are interdependent, in that the denial of one right very often leads to the denial of others.

Successive governments in Macedonia have consistently failed to take measures to respect, protect and fulfil the human rights of Romani people. In particular, they have failed to take measures to protect Romani women and girls from discrimination and gender-based violence. Amnesty International's report concludes with a set of comprehensive recommendations which – if implemented – the organization considers would greatly enhance the respect and protection of the rights of Romani women and girls in Macedonia.



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Macedonia

“Little by little we women have learned our rights”: The Macedonian government’s failure to uphold the rights of Romani women and girls

1. Introduction

In November 2006 a coalition of Romani women’s organizations in Macedonia¹ made public its *Platform for Joint Action for Promoting the Social Status of Romani Women (Romani Women’s Platform)*.² Explicitly adopting a human rights perspective, the *Platform* proposed a comprehensive agenda of measures which could be taken by the Macedonian government in order to guarantee the rights of Romani women.

These proposals were made in the absence of any progress by the Macedonian government to guarantee the political, economic and social rights of their Romani citizens, and where “projects” have taken the place of government responsibility. Such projects have sought to improve the situation of Roma; these have been funded by international donors or international non-governmental organizations (INGOs) and implemented largely by domestic non-governmental organizations (NGOs) and INGOs.

Frustrated by such short-term measures, some Romani individuals and NGOs have increasingly adopted a rights-based perspective. They are now calling on the Macedonian government to honour its obligations under international human rights treaties to which Macedonia is a party. These obligations require the Macedonian authorities to respect, protect and fulfil the civil, cultural, economic, political, and social rights of the Romani community, often with the aim of also improving the rights of other poor and marginalized communities in Macedonia. Amnesty International echoes their call.

¹ Macedonia obtained independence from the Federal Republic of Yugoslavia in 1991, and was admitted to membership of the United Nations (UN) in 1993 under the name of the Former Yugoslav Republic of Macedonia (FYROM) because of objections by some states to its unqualified use of the name “Macedonia”. Amnesty International takes no position on this issue, and no significance should be taken to the use of the shorter form; this is for convenience only.

² Roma Center of Skopje, *Platform for Joint Action, For promoting the social status of the Romany women in the Republic of Macedonia*, November 2006. The report was launched at a meeting of Romani political parties, government representatives and other Romani NGOs.

Double discrimination

This report documents the double discrimination suffered by Romani women in Macedonia, on the basis of both their ethnicity and their gender.³

"Discrimination against women shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."
(Article 1, Convention on the Elimination of All Forms of Discrimination against Women)

"...[R]acial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."
(Article 1, Convention on the Elimination of All Forms of Racial Discrimination)

Such double discrimination – by the state, by non-state actors and often by men within the Romani community – is widespread, routine and pervasive. For example, 39 per cent of Romani women in Macedonia have had no education, or an incomplete primary education, compared to 22 per cent of Romani men and 8 per cent of non-Roma; in employment, 83 per cent of Romani women and 65 per cent of Romani men had never been employed in the formal economy, compared to 50 per cent of non-Roma; in health, 31 per cent of Romani women compared to 27 per cent of Romani men suffered from chronic illness, compared with 23 per cent of non-Roma.⁴

Statistics consistently show how Romani women and girls experience intersecting and overlapping forms of discrimination. Poverty is both directly and indirectly instrumental in denying many Roma access to basic human rights. Poverty may deny them access to services because they are unable to afford the documentation

³ Described by the Council of Europe as "triple" discrimination: "These [Romani] women suffer from a triple discrimination, as Roma, as women and also as persons belonging to a socially disadvantaged group", Article 11, Recommendation 1557 (2002), *The legal situation of Roma in Europe*.

⁴ This survey compared the status of Romani women and men against a norm within communities of non-Roma persons of all ethnicities living in close proximity to Roma, and who face the same socio-economic challenges as Roma. Surveys were conducted in each member state participating in the Decade of Roma Inclusion 2005-2015: UNDP, *Faces of Poverty, Faces of Hope. Vulnerability Profiles for Decade of Roma Inclusion Countries*, Bratislava, 2005 (UNDP, *Faces of Poverty*).

which grants the right to citizenship or the right to access services. They may also be unable to afford the costs of access to justice when their rights have been violated.

Not only do Romani women face double discrimination in accessing rights, but Amnesty International's research also finds that these rights are often dependent on each other. Denied the right to education, for example, Romani women subsequently face discrimination in access to both the right to work and the right to health. Moreover, these rights are not available to two particular groups of women – those without citizenship and those without adequate documentation.

Macedonia's failure to honour its international obligations

While the Romani community in Macedonia is considered the most integrated in the Balkans, this has been attributed to a policy of benign neglect rather than to positive measures by the authorities.⁵ The failure of successive governments to guarantee the rights of Romani communities and individuals has been repeatedly documented by Roma and non-Roma NGOs within Macedonia, by INGOs, the Council of Europe and UN treaty bodies.

Macedonia is a state party to a number of international treaties which require the government to respect, protect and fulfil the rights of Romani women, including their rights to education, to work, to the highest attainable state of health and to be free from violence, and to enjoyment of these rights without discrimination. The treaties which prohibit the forms of discrimination covered in this report include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention) and the Convention on the Rights of the Child (Children's Convention). Macedonia is also a party to relevant regional instruments including the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); Protocol 12 to the ECHR (which ensures that all rights set out in law shall be secured without discrimination); the Framework Convention on the Protection of National Minorities (Framework Convention) and the 1961 European Social Charter.

Each of these treaties also includes a general prohibition on discrimination, and requires Macedonia, as a state party, to take measures to respect this prohibition and protect people from discrimination. The Committee on the Elimination of Racial

⁵ European Centre for Minority Issues (ECMI), *Towards Regional Guidelines for the Integration of Roms*, 2004; some Macedonian politicians have been publicly supportive of Romani rights, see for example, Branko Crvenovski, Prime Minister of Macedonia, "Roma in an Expanding Europe: Challenges for the Future", Hungarian Parliament, 1 July 2003.

Discrimination, in its General Comment No. 27 on Discrimination against Roma, has also recommended a series of specific measures for states to adopt in order to combat discrimination.⁶

The failure of the Macedonian authorities to meet the obligations set out in these and other treaties, and which oblige them *inter alia* to respect, protect and fulfil the rights of Romani women, has been highlighted in reports by three of the independent expert bodies (committees) which monitor states' compliance with their obligations under such treaties.⁷ Amnesty International shares the concerns expressed by these committees.

In 2006, the Committee for the Elimination of Discrimination against Women (CEDAW) and the Committee on Economic, Social and Cultural Rights (CESCR) concluded that Macedonia had failed to honour its obligations towards Romani men and women under the respective conventions.⁸ In May 2007, the Committee on the Elimination of Racial Discrimination (CERD) also found Macedonia in breach of its obligations to the Romani community in Macedonia.⁹ In their consideration of the state party reports, both CEDAW and CESCR were provided with reports by Romani NGOs in Macedonia working in conjunction with the European Roma Rights Centre (ERRC) and others.¹⁰ Observations and recommendations made by the CEDAW, the CESCR and

⁶ *General Recommendation No. 27: Discrimination against Roma*, (General Comments), Fifty-seventh session, adopted 16 August 2000.

⁷ Macedonia's second report to the Human Rights Committee on measures giving effect to rights under the ICCPR will be considered in March 2008; as of 1 November 2007, the Advisory Committee's Opinion on Macedonia's implementation of the Framework Convention, adopted on 23 February 2007, had not been made public.

⁸ *Concluding comments of the Committee on the Elimination of Discrimination against Women*: February 2006, (CEDAW/C/MKD/CO/3), (*CEDAW Concluding comments*); *Concluding Observations of the Committee on Economic, Social and Cultural Rights, the FYROM*, Thirty-seventh session, 6-24 November 2006, E/C.12/MKD/CO/1, 24 November 2006 (*CESCR Concluding comments*). The CESCR expressed "deep concern about reports that Roma face widespread discrimination in access to employment, social assistance, health care and education" and recommended that Macedonia "intensify its efforts to combat discrimination against Roma in all fields covered by the Covenant".

⁹ *Concluding observations of the Committee on the Elimination of Racial Discrimination*, Seventieth Session, 19 February – 9 March 2007, CERD/C/MKD/CO/7, 13 June 2007, (*CERD Concluding observations*).

¹⁰ European Roma Rights Centre (ERRC), OSI's Network Women's Program and the Roma Center of Skopje (RCS), *Shadow Report On the Situation of Romani Women in the Republic of Macedonia*, 2005, (hereinafter *Shadow Report to CEDAW*). Research for the report was conducted by the RCS and other young female Romani researchers, in partnership with UNIFEM; *Written Comments Of The European Roma Rights Centre And The National Roma Centrum Concerning The Former Yugoslav Republic Of Macedonia For Consideration By The United Nations Committee On Economic, Social And Cultural Rights At Its 37th Session, 19 September 2006 (ERRC/NRC Shadow Report to CESCR)*. <http://www.errc.org/db/01/97/m00000197.pdf>. CEDAW was also informed by the *Shadow Report on the Implementation of the Convention on the Elimination of Discrimination against Women*, Association for

the CERD, in their consideration of Macedonia's state party reports, are included in the relevant sections below.

The CEDAW, for example, reported widespread discrimination against women in Macedonia, irrespective of their ethnicity, and in violation of almost all of the rights set out in the Women's Convention. They observed that "rural women, as well as ethnic minority women, particularly Roma [emphasis added] and Albanian women, remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life." In a series of critical recommendations to the authorities, CEDAW recognized the interconnectedness of basic rights including to education, health and employment and the extent of discrimination against rural and ethnic minority women. The concluding comments, which called on the government to take "temporary special measures", reflected the degree of its concern about the situation of Romani and other minority women in Macedonia:

"The Committee urges the State party to implement effective measures to eliminate discrimination against rural women, as well as ethnic minority women, in particular Roma and Albanian women, and to enhance their enjoyment of human rights through all available means, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation No. 25 of the Committee.¹¹ It calls on the State party to implement measures to decrease dropout rates among Roma girls and girls living in rural areas and to reintegrate them into the educational system. The Committee requests the State party to provide, in its next report, a comprehensive picture of the *de facto* situation of rural women, as well as of ethnic minority women, in particular Roma women, in the areas of education, health, employment and participation in political and public life, and of the efforts of the Government to eliminate discrimination against these women. The Committee calls upon the State party to provide information, in its next report, on concrete projects directed at Roma women under the Decade of Roma Inclusion 2005-2015."

This report aims to contribute towards that "picture of the *de facto* situation", in relation to discrimination against Romani women, by further documenting human rights

Emancipation, Solidarity and Equality of Women in the Republic of Macedonia, 2000 (*ESE Shadow Report to CEDAW*).

¹¹ Article 4, para.1: "Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved". General recommendation No. 25, para.15: "The purpose of article 4, paragraph 1, is to accelerate the improvement of the position of women to achieve their de facto or substantive equality with men, and to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation. These measures are of a temporary nature."

violations to which Romani women and girls in Macedonia are subjected. In particular, the report provides evidence of discrimination against Romani women in accessing three basic human rights: the right to education, the right to work and the right to health, enshrined in the ICESCR. Under the ICESCR, states are required to progressively achieve the full realization of these rights according to the maximum of available resources ("progressive realization") through the introduction and implementation of legislative measures, social reforms, action plans and oversight mechanisms.¹² The report also addresses violence against women as a form of discrimination. The report includes recommendations which – if implemented – Amnesty International considers would enhance the respect and protection of the rights of Romani women and girls in Macedonia.

This is one of a series of Amnesty International reports on discrimination against Roma throughout Europe. It is based on interviews with Romani women, girls and men, with Romani women's NGOs and Romani NGOs, non-Roma NGOs, intergovernmental organizations and government representatives, and reports by international and domestic NGOs. Research was initially conducted in Macedonia in November 2006, and continued through 2007 with desk research and continued contact with Romani NGOs and others. In some cases the full names of people interviewed for this report have not been used, at their request. Amnesty International wishes to thank all those who assisted, inspired and informed the organization's delegates in their research.

The Roma in Macedonia

Romani people have been living in Macedonia since at least the 16th century, many converting to Islam during the Ottoman period.¹³ Following the creation of the Socialist Federal Republic of Yugoslavia (SFRY) in 1945 under the leadership of Josef Broz Tito, Roma were classified – along with Jews and Vlachs – as an ethnic group (*etnička grupa*), rather than as a nation (*narod*) or national minority (*narodnost*).¹⁴ The Roma were recognized as an ethnic group under the 1974 constitution in the SFRY and the Socialist Federal Republic of Macedonia (SFRM). In 1991 Macedonia declared independence from the SFRY.

In 2001, an internal conflict took place between the Macedonian state and armed opposition groups from the ethnic Albanian community. Ethnic Albanians made up between a quarter and a third of the country's population, and were subject to widespread and systematic discrimination. The Ohrid Framework Agreement (Ohrid

¹² CESCR, *The nature of States parties obligations, General Comment 3*, E/1991/23, 14 December 1990, para. 4.

¹³ In the 1994 census, some 91 per cent of Roma in Macedonia identified themselves as Muslim.

¹⁴ "Narod" included Serbs, Croats, Slovenes, Macedonians, Montenegrins, (and after 1972, Muslims). "Narodnost" included Albanians, Hungarians and Turks, perceived as having an external "homeland".

Agreement), signed on 13 August 2001, brought an end to the armed conflict, and resulted in the granting of increased rights to minority populations (primarily ethnic Albanians), and a new constitution which for the first time recognized Albanians, Roma and other ethnic groups in its preamble.¹⁵ This 2001 constitution included Roma as equal citizens with all other "nationalities".

According to the 2002 census, there were some 53,879 Roma in Macedonia, making up 2.66 per cent of the country's population of 2,022,547.¹⁶ However, unofficial estimates suggest there are actually between 80,000 to 135,000 Roma in Macedonia, between 3.95 and 6.67 per cent of the population.¹⁷

More than 90 per cent of Macedonian Roma live in urban communities, in or near large towns and cities in both ethnic Macedonian and Albanian areas. The largest communities are in the capital Skopje and the municipality of Shuto Orizari, a suburb of Skopje built to house those who lost their homes in the 1963 earthquake which destroyed most of Skopje's medieval Romani quarter. In 1996 Shuto Orizari, or "Shutka" as it is both affectionately and disparagingly known, became the world's first Romani-majority municipality. In Shuto Orizari the Roma language is afforded the status of a third official language, after Macedonian and Albanian.¹⁸

Romani people living in Macedonia include several different groups who speak different variants of the Romani language, practice various religions and enjoy differing social and economic status. The majority of Roma (some 80 per cent) speak Romanes (mainly Arlie), but almost all are bilingual, and also speak Macedonian, Albanian or Turkish as a second language.

Macedonian Roma appear to have access to a far wider range of rights than Romani people in other states of the former Yugoslavia. They were the first – in 1990 – to elect Romani representatives to parliament, where they are currently included in the government coalition. Roma are elected to municipal authorities, including in Shuto Orizari. Some Roma are employed in government and municipal authorities, although

¹⁵ Preamble to the 2001 Constitution, "The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosnian people and others...."

¹⁶ The 2002 Census included 1,297,981 Macedonians (64.18 per cent), 509,083 Albanians (25.17 per cent), 77,959 Turks (3.85 per cent), 9,695 Vlachs (0.48 per cent), 35,939 Serbs (1.78 per cent), 17,018 Bosniaks (0.84 per cent), and 20,993 others, http://www.president.gov.mk/fakti_e.asp.

¹⁷ Prof. Divna Lapinska, Zaklina Durmish, Azbija Memedov and Ljatif Demir, *Needs assessment for the Roma Education Fund, Macedonia*, World Bank, November 2004, p. 5.

¹⁸ The government estimates the population of Shuto Orizari at 20,800: 13,342 Roma, 5,516 Albanians, 1,391 Macedonians, 177 Bosniaks, 59 Serbs, 56 Turks, and 259 others, *Second Report Submitted by "The Former Yugoslav Republic Of Macedonia" Pursuant to Article 25, Paragraph 1 of The Framework Convention for The Protection Of National Minorities*, 16 June 2006, (ACFC/SR/II(2006)004), p. 35.

often in Roma-related posts.¹⁹ Roma also have the right to freedom of expression: there are Romani programmes on state television, two private Romani television stations, up to five licensed radio stations focusing on Romani issues, and five dedicated electronic media outlets.²⁰ In contrast to Roma living in other states of the former Yugoslavia, Roma in Macedonia have not to date been the target of organized racist violence by non-state actors. Nevertheless, Amnesty International and national human rights NGOs have documented repeated incidents in which Romani people have been disproportionately subjected to torture and ill-treatment by law enforcement officers.²¹

However, Romani people in Macedonia are denied access to the full range of rights guaranteed under both international standards and domestic law, and remain one of the poorest communities in the country. B.I., a 43-year-old widowed mother of eight children, four of whom remained living at home, told Amnesty International: "*Life is a catastrophe. Everything I own is here – look. We are all living here. Four children, one of them 16 years old, and all we have is one room. It is not a good life: I cook, I wash, I sleep and I work all in one room.*"

According to a report published in 2005 by the United Nations Development Program (UNDP), between 79 and 89 per cent of Roma in Macedonia were considered to be living in poverty (compared to 34 to 39 per cent of non-Roma), and around 22 per cent of Roma (compared to 4 per cent of non-Roma living in close proximity to Roma) were estimated to live in absolute poverty.²²

Poverty is understood not only to be a lack of income or inadequate access to resources and services but also the denial of all human rights in a manner which excludes and marginalizes people.²³ For Romani women such exclusion and marginalization is based on discrimination both on the basis of their gender and their ethnicity.

Poverty is both directly and indirectly instrumental in denying many Roma access to basic human rights. Poverty may deny them access to services because they are unable to afford the documentation which grants the right to citizenship or the right

¹⁹ Roma employed by national and local government tend to be drawn from Macedonia's "Roma elite", a group of university-educated Roma, who are also employed in Macedonia's Romani NGOs or as "experts" by international NGOs and donors wishing to fund "Roma projects."

²⁰ The state channel, *Macedonian TV*, broadcasts a Romani language programme *Beandipe* for three hours a week.

²¹ Amnesty International interview with Asmet Elezovski, National Romani Centrum (NRC), November 2006; see also, Amnesty International, *Former Yugoslav Republic of Macedonia: Police allegedly ill-treat members of ethnic minorities*, AI Index: EUR 65/001/2003.

²² UNDP, *Faces of Poverty*, Box 3.2.

²³ The CESCR has defined poverty as "a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights."

to access services. They may also be unable to afford the costs of access to justice when their rights have been violated. But rights are denied not only when they cannot be afforded, as for example, Romani girls may be excluded from education because their parents cannot afford school books or because free transport to school is not available. Romani girls may equally be excluded from education when teachers with stereotyped perceptions of them fail to encourage them to learn. Similarly, while Romani women may not be guaranteed the right to health because they cannot afford the "participation fee" imposed on almost all medical treatment and on basic medicines, in many cases they also may be denied access to health care on the basis of their ethnicity.

No protection against discrimination

Amnesty International is concerned that there is no effective protection in Macedonian law against any of the forms of discrimination documented in this report. Articles 8 and 54 of the Constitution of the Republic of Macedonia guarantee "the basic freedoms and rights of the individual and citizen, recognised in international law and set down in the Constitution", without discrimination on "grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status"; Article 9 guarantees equality under the law and the constitution, and Article 50 guarantees the right to an effective legal remedy in the protection of these rights and freedoms; however, no mechanism has been established in law to ensure that such remedies can be provided.

The Law on Equal Opportunities between Men and Women introduced on 29 May 2006 prohibits both direct and indirect discrimination "based on gender in the fields of employment and labour, education, social security, culture, sport ... both in the public and in the private sector". It provides for special measures to establish and promote equal opportunities, a National Action Plan for Equal Opportunities of Women and Men, and a Commission for Equal Opportunities of Women and Men. It also includes mechanisms through which persons whose rights have been violated may seek redress. The Equal Opportunities Unit within the Ministry of Labour and Social Policy is responsible for the implementation of the Law on Equal Opportunities, and for monitoring compliance.²⁴ However women's NGOs have expressed concerns at the lack of clarity about the implementation of the law, and that measures to give effect to the law are not in place.²⁵

²⁴ The Ministry was also entrusted with responsibility for a "Procedure for determining unequal treatment of women and men". The Ombudsman's Office (created in 1997, and empowered to monitor women's rights) was to be responsible for the "implementation of the principle of equal opportunities through legal protection of equal opportunities of women and men, when someone's rights have been taken away or have been limited by a body of state administration or by organizations with public authority."

²⁵ Gabrijela Mihova, Macedonia National VAW Monitor, Law on Equal Opportunities between Women and Men, 29 May 2006, retrieved 15 May 2007 at <http://www.stopvaw.org/>

Article 417 of the Criminal Code (CC) prohibits racial discrimination or incitement to such discrimination, and Article 319 of the CC criminalizes the promotion of national, racial or religious hatred, discord or intolerance, but no overall comprehensive anti-discrimination legislation exists. A "Proposal For Adoption of a Law on Protection against Discrimination", drafted by NGOs in 2005, proposes to "incorporate international standards into domestic law, provide a comprehensive basis for a legal protection against discrimination on all grounds, including in employment, education and access to legal, administrative and public health services and to other services, goods and facilities". The current draft is applicable only to the public sector, defined as "all service businesses, organizations, associations, enterprises and institutions". However, the government has failed to consider any drafts, and NGOs have commented: "The failure of the Macedonian government to even consider these bills seriously calls into question the government's commitment to take action against racial discrimination."²⁶

Macedonia and the EU

In November 2005, the European Commission granted Macedonia the status of a candidate country for membership of the European Union (EU). Macedonia is awaiting a date for the start of negotiations with the EU. In the course of this process Macedonia will be required to meet standards set out in the *acquis communautaire*. Among other things, the authorities will be required to introduce legislation to bring Macedonian law in line with EU legislation, including the Race Directive.

The Race Directive "implementing the principle of equal treatment irrespective of racial and ethnic origin,"²⁷ among other things prohibits both direct and indirect discrimination. The Race Directive further states, "In implementing the principle of equal treatment irrespective of racial or ethnic origin, the Community should, in accordance with Article 3(2) of the EC Treaty, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination [emphasis added]."²⁸

The EU Charter of Fundamental Rights, which was adopted in December 2000, also includes a prohibition of "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political

²⁶ In the absence of a law on discrimination the NGO National Roma Centrum has pursued discrimination cases through the domestic courts, using the Ohrid Agreement, non-discrimination provisions within the Constitution, articles of the CC, and the provisions of the ECHR. Even in successful cases, no reparations have been awarded.

²⁷ Council Directive 2000/43/EC, of June 29 2000.

²⁸ Council Directive 2000/43/EC, Preamble 14.

or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”.

The Decade of Roma Inclusion, 2005-2015

Macedonia was among eight states – also including Bulgaria, Croatia, the Czech Republic, Hungary, Romania, Serbia and Montenegro, and Slovakia – which in January 2005 agreed to participate in the “Decade of Roma Inclusion, 2005-2010” (Decade).²⁹ The governments made “a political commitment ... to combat Roma poverty, exclusion, and discrimination within a regional framework”, aiming to “accelerate progress toward improving the welfare of Roma by including Roma in the decision-making process, and to review such progress in a transparent and quantifiable way”.³⁰ Governments were expected to “implement policy reforms and programmes designed to break the vicious cycle of poverty and exclusion”. Priorities were identified in education, employment, health and housing, with cross-cutting themes of poverty, discrimination and gender. By including gender, the Decade aimed to address the multiple discrimination experienced by Romani women and promote gender equality in all aspects of participating countries’ National Action Plans.

Governments were clearly warned that the Decade was not a “new pot of money”. According to the Open Society Institute (OSI), “Funding national action plans will need to include the re-allocation of existing resources in national budgets and aligning these plans with funding instruments of multinational, international and bilateral donors”,³¹ thereby bringing Romani issues into their policies, priorities and practices.

Macedonia’s goals and activities for the Decade were initially set out in the “Strategy for Roma in the Republic of Macedonia” (*Roma Strategy*), published in December 2004 by the Ministry of Labour and Social Policy.³² This comprehensive document, produced through working groups which included members of the Romani

²⁹ The Decade of Roma Inclusion grew out of the conference “Roma in an Expanding Europe: Challenges for the Future,” hosted by the Government of Hungary in June 2003, organized by the Open Society Institute, the World Bank, and the European Commission with support from UNDP, the Council of Europe Development Bank and the Governments of Finland and Sweden.

³⁰ <http://www.romadecade.org/itentcms/www/roma/index.php?content=1>

³¹ OSI, *Decade of Roma Inclusion Fact Sheet*, 2004, www.romadecade.org. The Decade was to be funded by the participating states, supported by matched funding from the OSI, the World Bank, the European Commission, UNDP, Organization for Security and Co-operation in Europe (OSCE), the Council of Europe, the Council of Europe Development Bank, and Romani organizations.

³² <http://www.ecmirom.org/download/Roma%20Strategy%20English.pdf>,

community, set out specific and detailed measures covering 10 areas of concern,³³ and proposed clear structures for implementation and financial management, and processes for monitoring, reporting and evaluation. These structures were never established, and the Macedonian Decade of Roma Action Plan, adopted in 2004,³⁴ remains a poor reflection of the *Roma Strategy*, providing only for a limited number of activities in the areas of education, health, employment and housing.

A recent OSI report on progress made in the nine³⁵ participating countries towards the objectives of the Decade ranked Macedonia in seventh place, noting that "Macedonia [...] lag[s] slightly behind mainly because of their reliance on donor-financed measures as opposed to the governments' own leadership in implementing the Decade".³⁶

Amnesty International is concerned that the Macedonian authorities have to date largely failed to implement the measures identified in the Decade of Roma Action Plan or identify the financial resources to put such measures into practice. Neither has the Macedonian government introduced any measures to address the specific human rights violations faced by Romani women.³⁷ Where action has been taken, it has not been taken by government, but rather by Romani NGOs and civil society, domestic NGOs and INGOs, and with international funding.

2. Indivisibility of Rights

In this section of the report, Amnesty International examines the obstacles faced by Romani women in accessing three human rights in Macedonia: the right to education, the right to work and the right to the highest attainable standard of health.

Specific obligations related to the rights to education and to the highest attainable state of health have been conceived in General Comments to the ICESCR according to essential criteria. This means that services, including education and health, must be *available* to all without discrimination, including on the basis of race or gender; *accessible* to all, especially including the most vulnerable groups, without discriminatory

³³ In addition to the Decade's priorities - education, employment, health care and housing - the *Roma Strategy* addressed social assistance and protection, human rights protection and discrimination, culture, media, the specific problems of Romani women and political participation.

³⁴ Government of Macedonia, *Decade Of Roma Inclusion – Republic Of Macedonia, Action Plans*, http://www.romadecade.com/index.php?option=com_docman&task=doc_download&gid=13

³⁵ Following Montenegro's independence from the state of Serbia and Montenegro in 2006.

³⁶ DecadeWatch, *Roma Activists Assess the Progress of the Decade of Roma Inclusion, 2005-2006*, (*DecadeWatch*), p.21.

³⁷ See Tatjana Perić, *A Failing Promise? Romani Women in The Decade of Roma Inclusion*, OSI - International Policy Fellow 2006/7.

barriers or limitations; *acceptable*, and delivered with respect and without coercion; and *adaptable*, in that they are culturally or otherwise appropriate, and of good quality.³⁸

The organization finds that not only do Romani women face double discrimination in accessing these rights, but also that these rights are often dependent on each other. Denied the right to education, for example, Romani women subsequently face discrimination in access to both the right to work and the right to health. Moreover, these rights are not available to two particular groups of women – those without citizenship and those without adequate documentation.

The right to citizenship

A significant number of Roma living in Macedonia remain without citizenship.³⁹ According to the 2002 census, Roma made up some 4.2 per cent of persons who remained without citizenship. Of these persons 500 (68 per cent) were women. However NGOs assisting persons applying for citizenship suggest that the census underestimated the number of persons affected, reporting that they had subsequently administered some 1,000 applications by Roma for citizenship, 500 of them by Romani women.⁴⁰

Under the Law on Citizenship introduced on independence in 1992, citizens of the SFRM were automatically eligible for citizenship in the new state. This in effect excluded a large number of Roma who had not held citizenship of the SFRM, including persons who had previously moved to the SFRM from other SFRY republics without registering their presence. In order to qualify for citizenship, applicants were required to have a regular income - thus excluding many Roma. They were required to have been a legal resident of Macedonia for 15 years and to be fluent in the Macedonian language; these requirements excluded many Roma who had returned to Macedonia from EU member states. The costs of an application – between 50 € to 250 € – also excluded many Roma. Finally, efforts were not made by the government to ensure that information on the law was accessible or available to Roma which deprived many, including Romani women, of the opportunity to apply for citizenship.⁴¹ Although

³⁸ CESCR, *General Comment 13*, para. 6; CESCR, *General Comment*; E/C.12/2002/7, page 2, para. 4, and *General Comment 14*.

³⁹ Roma and others are similarly affected in Slovenia (where they are known as “the erased”) and other former SFRY republics: see Amnesty International, *Slovenia, Amnesty International's Briefing to the UN Committee on Economic, Social and Cultural Rights, 35th Session, November 2005*, AI Index: EUR 68/002/2005.

⁴⁰ *Shadow Report to CEDAW*, pp.10-11; Amnesty International thanks the Roma Center of Skopje for making the results of research conducted with ERRC and RWI available to the organization.

⁴¹ ECMI, *ibid*.

Macedonia has since amended the law, in order to address some of these concerns, the costs remain prohibitive, and the numbers remaining stateless is a matter of concern.⁴²

Finally, despite concerns expressed in 2000 to the Macedonian authorities by the Committee on the Rights of the Child (CRC), the births of a significant number of Romani children continue not to be registered, thus denying children citizenship.⁴³ In 2005, an estimated 8.1 per cent of Romani children aged up to five years of age did not have birth certificates, while in 2006 up to 6.6 per cent of the adult Romani population may have been without such certificates.⁴⁴ These may include children born at home or outside Macedonia, those whose parents were unable to afford a birth certificate or were not aware of the requirement to register their child.

Access to documentation

Roma who do not have birth certificates or citizenship consequently lack the documentation, including identity cards, required by law to access basic services, including education and health care.⁴⁵ Adults without birth certificates cannot obtain an identity card. Others do not have identity cards because they are unable to afford the costs which, including the purchase of photographs and other supporting documents, amount to between 5 € and 10 €.

⁴² NGOs have alleged that despite such amendments, the law fails to conform with the provisions on citizenship in the context of state succession as set out in the European Convention on Nationality, *Shadow Report to CEDAW*, p.10, footnote 17.

⁴³ In 2000 the CRC stated, "(21) The Committee is concerned that, in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth and is further concerned at the fact that a large proportion of unregistered births are of Roma children. The Committee recalls that official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the State of birth or in another State, and to gaining access to social assistance, health, education and other services. (22). In the light of article 7 of the Convention, the Committee urges the State party to make every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation." *Concluding Observations of the Committee on the Rights of the Child: The Former Yugoslav Republic of Macedonia*, 23 February 2000.

⁴⁴ Compared with 7.6 per cent of Albanian children and 3.8 of Macedonians, *MCIS 2005*, quoted in UNICEF Regional Office for Central and Eastern Europe, Commonwealth of Independent states, *Romani Children in South East Europe. The challenge of overcoming centuries of distrust and discrimination*, March 2007, Figure 2, p.10; adult figures based on a survey of 2,497 Romani individuals in the Sredorek mahala in Kumanovo in 2006, *ERRC/NRC Shadow Report to CESCR*, p.3.

⁴⁵ Of 1,182 Romani individuals over the age of 18 surveyed by ERRC/RCS, 222 (18.8%) did not have official identity cards, *Shadow Report to CESCR*, p.3. A disproportionate number of Roma may have been disenfranchised from the 2005 elections because of a lack of documentation, OSCE/ODIHR, *Election Observation Mission, Final Report*, June 2005, pp. 19.

Access to the right to work and social benefits, including health-care and social insurance, continues to be predicated on the possession of a certificate of completion of elementary education.⁴⁶ In their 2005 report on Macedonia, the Council of Europe's Advisory Committee on the Framework Convention stated that: *"In theory, medical insurance is available to unemployed persons who have registered with the employment agency office. However, it appears in practice that there is a widespread practice of the employment offices to require that applicants prove that they finished eight years of education in order to register, a requirement that is not stated in the law and that many Roma are unable to meet. The Advisory Committee considers that these problems demand the full attention of the authorities, which should take appropriate steps to revise these practices"*.⁴⁷

Amnesty International shares the deep concern expressed by the CERD in March 2007 that Macedonia is in violation of Article 5 (e) of Convention on the Elimination of All Forms of Racial Discrimination. In the light of its General Recommendation No. 27, which at 4.1 calls on state parties "to ensure that legislation regarding citizenship and naturalization does not discriminate against members of Roma communities", the CERD urged Macedonia "to take immediate steps to remove all administrative obstacles that currently prevent Roma from obtaining personal documents that are necessary for the enjoyment of economic, social and cultural rights, such as employment, housing, health care, social security and education." In November 2006 the CESCR also recommended that the State party "urgently process pending citizenship claims from Roma, Albanian and other minority applicants, and take immediate steps, e.g. by removing administrative obstacles, to issue all Roma applicants with personal documents, with a view to ensuring their equal access to social insurance, health care and other benefits".

3. The right to education

"I want to be a teacher because I know all the suffering that I went through and I don't want others to suffer the same things. I want to keep progressing. I want to help other women."

(S., adult learner, who had not previously attended school, Kumanovo)

⁴⁶ In reply to questions from the CESCR, government officials stated "The requirement that persons must have completed elementary school in order to receive assistance had never existed", and that "all citizens, including Roma, could register with the Employment Bureau without having completed elementary education", E/C.12/2006/SR.43, *Consideration Of Reports: Reports Submitted By States Parties In Accordance With Articles 16 And 17 Of The Covenant (continued) Initial report of The former Yugoslav Republic of Macedonia (continued)* (E/C.12/MKD/1; E/C.12/MKD/Q/1 and Add.1; HRI/CORE/MKD/2006), 21 November 2006.

⁴⁷ Advisory Committee on the Framework Convention, ACFC/INF/OP/I(2005)001, para. 32.

Amnesty International is concerned that the Macedonian authorities have failed to guarantee the right to free and compulsory education to many Romani children in Macedonia, who experience the highest rate of exclusion from education in comparison to other ethnic groups. This discrimination affects both Romani girls and boys, while Romani girls face double discrimination – on the basis of their gender (see below). Such discrimination results in some children never attending school, others dropping out during their primary education, and few Romani children entering secondary or higher education. In 2005, UNDP found that 31 per cent of Roma in Macedonia, compared to 8 per cent of non-Roma, had received no education or an inadequate education. In 2007 UNICEF reported that in Macedonia an estimated 63 per cent of Romani children enter primary school; less than half of those complete it.⁴⁸

The Right to Education

"If we shift the focus from "Roma" to "education", then we will have more chance of seeing the education of Roma from the human rights perspective ... [to see]the right to education as a basic human right."⁴⁹

Macedonian legislation

In Macedonia, the right to education without discrimination is guaranteed under Article 44 of the Macedonian Constitution, which provides that "Everyone has a right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free." These rights are given effect in the amended Law on Elementary Education, (adopted 14 September 2004), Article 3 (2) of the 1995 Law on Secondary Education and Article 13 of the 2000 Law on Higher Education. Under these laws, discrimination based on "gender, race, skin colour, national and social origin, political and religious beliefs, property and social position", is not allowed.

In accordance with the principles of the Ohrid Agreement and under amendments to the Law on Elementary Education, certain government competencies for education have been transferred to municipal authorities, including from January 2007 complete responsibility for primary education and the payment of teaching staff. The Ministry of Education retains responsibility for the curriculum. However, a municipal officer told Amnesty International that "*The Ministry of Education has not given enough money [to the municipalities]. The EU also said this when they monitored and reported back on the first phase of decentralization. It is the state's responsibility to educate... but the*

⁴⁸ UNICEF, *Breaking the Cycle of Exclusion: Roma Children in South East Europe*, March 2007, p.9.

According to the 2003 State Statistical Office report, 7,868 Romani children started their education in 2002; less than 600 completed primary education in the same year.

⁴⁹ Azbija Memedova, "Shifting from Terminology to Substance", *Roma Rights Quarterly*, no. 4, 2006, pp. 15-18.

*problem with the government is that there is not enough money to support education in general.*⁵⁰

International bodies

The right to education is recognized in the 1948 Universal Declaration of Human Rights (UDHR) and is enshrined in the following provisions of treaties to which Macedonia is a party: Articles 13 and 14 of the ICESCR; Articles 28 and 29 of the Convention on the Rights of the Child; Article 5(e)(v) of the Convention on the Elimination of All Forms of Discrimination, Article 10 of the Women's Convention, and Protocol 1 (Article 2) to the ECHR. The right to education is also guaranteed in Articles 12 and 14 of the Framework Convention, and Articles 7(3), 10(1), 15(1) and 17 of the European Social Charter.

The right to free compulsory primary education

According to Article 13(2)(a) of the ICESCR, "primary education shall be compulsory and available free to all".⁵¹ The duty to realize the right to free and compulsory primary education until the minimum age for employment, and for all children without discrimination, is an obligation with immediate effect, and is also a component of the "minimum core obligations" of the Covenant.⁵²

Article 14 of the ICESCR clarifies that, where states parties have not been able to achieve this at the time of ratifying the Covenant, they should develop a detailed plan to do so within a reasonable number of years. Where this is not possible, given the state's available financial, technical and other resources, states should seek, and should receive, international assistance and cooperation to enable them to do so. In this case the CESCR has made it clear that "the international community has a clear obligation to assist".⁵³

The compulsory nature of primary education has been clarified by the CESCR in General Comment 11, as follows: "neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights." This makes clear that the compulsory nature of primary education includes an obligation on the state to ensure that education adapts to the child, including that it respect the rights of children belonging to minorities. The Children's Convention

⁵⁰ Amnesty International interview with decentralization officer, Gorce Petrov municipality

⁵¹ Article 28(1)(a) of the Children's Convention also recognizes this right.

⁵² CESCR, *General Comment 13*, paras. 51 and 57.

⁵³ CESCR, *General Comment 11* (1999), *Plans of action for primary education (art.14)*, UN Doc. E/C.12/1999/4, 10/05/9, para. 9; see also CRC, *General Comment No.5* (2003): "When States ratify the Convention, they take on obligations not only to implement it within their jurisdiction but to contribute, through international cooperation, to global implementation".

places further emphasis on the obligation of the state to ensure that education which is available adapts to the rights of the individual in order to encourage attendance (Article 28 (1)).

Discrimination against Romani children

Under the amended Law on Primary Education, primary education is compulsory and free, and should last for nine years, starting at the age of six with a recently introduced "zero" (preparation) year for five-year-olds, and continuing through eight grades until the age of 14. In this section of the report, Amnesty International identifies the different forms of discrimination which either exclude Romani children from school or cause them to drop out, denying them the right to free and compulsory primary education, and also identifies further forms of discrimination against Romani girls.

No education without documentation

A significant number of Romani children are denied the right to education because they have no documentation. In August 2006, an estimated 400 six-year-old Romani children in Skopje, Prilep and Kumanovo (out of a cohort of 2000 Roma children in those cities due to start school that year) were unable to register for their first year at school because they had no birth certificates.⁵⁴ No accurate statistics exist on the numbers of undocumented Romani children who have been and continue to be similarly denied the right to compulsory education.

The Roma Center of Skopje (RCS), for example, cites the case of a 15-year-old single mother from Skopje who had never attended school because she did not have any identity documents; she was consequently unable to register the birth of her own daughter, who will similarly be excluded from education. While the *Roma Strategy* clearly identifies measures to address exclusion from education because of a lack of documentation, such measures have not been included in the government's Decade of Roma Action Plan.

Children are also excluded from school by the education authorities who do not recognize educational credentials of children of the many Romani families who have previously lived abroad. F.S., a 20-year-old woman from Kumanovo, told the RCS: "*We were in Germany for five years. When we returned I was supposed to continue school in the eighth grade. The school I was to attend did not recognize my education from Germany and wanted me to instead enter the third grade because when I left*

⁵⁴ Ljubica Grozdanovska, "Enrollment of Roma children without documents", *Roma Virtual Network*, 31 August 2006.

Macedonia I had finished the second grade. I did not want to go into a class with children of eight [years of age] when I was 13.... I never went to school again."

Dropping out: (1) the costs of education

"I wanted to go to school but we needed to pay for food, for clothes. My mother did not have any education. My father died when he was very young. So I needed to take care of myself and there was no money for school." (Silvana, Kumanovo)

Many Romani children do not attend school or drop out from education because their parents cannot afford to send them to school. This exclusion is in violation of Macedonia's obligations under the ICESCR, which, according to the CESCR, must be "accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds".⁵⁵ The CESCR has further clarified that a free education should be free not only of fees, but of all direct and indirect charges, which act as obstacles to access the right to education.

Although under Macedonian law primary education is said to be free, in practice there are costs involved. While international standards require Macedonia to provide an education free of all charges, including for transport to school, in Macedonia only tuition is free of charge. Teachers' salaries are paid by the government, or, since 2007, by municipalities, and then only at a primary level. Secondary education, which is not compulsory, should be also free of charge.⁵⁶

Many Romani families are unable to afford the textbooks, reference literature, school materials and other equipment for which charges are levied, as well as the costs of transportation to school. Over 50 per cent of Romani women interviewed by the RSC reported that they had dropped out because of such charges or the costs of transportation to school.

In addition, families are often unable to afford clothes to wear to school: a woman from Shtip told Amnesty International, *"We have problems in sending the children to school; we have problems to find them clothes."* Another woman from Skopje, B.I., a mother of eight children said, *"No money. No money for school. No good clothes. The girls want to go to school and to look good. They want cosmetics and we can't provide for that. Look at you, look at how you are dressed and your make-up. You look good. Now look at me."*

For some families a child at school represents a loss of family income. While boys may be withdrawn from school to work outside the home, gendered roles within the family require girls to stay at home to look after younger children or to help with the

⁵⁵ CESCR General Comment 11, para.6.

⁵⁶ Katarina Tomasevski, *Global Report*, pp. 96-7.

housework, if mothers are out at work.⁵⁷ A Romani educationalist, Zaklina Durmish, told Amnesty International: *"The girls have an obligation to take care of the other children; [even a] girl in first grade knows how to make bread, look for food and keep the fire going"*. Other girls worked outside the home, some as cleaners, working alongside their mothers.

Some Romani children may temporarily be absent from school when their families take part in the seasonal harvest. Because of scarce employment opportunities, whole families relocate to other parts of the country to take part in seasonal harvests of fruit or tobacco, where they can generate enough income to support the family for a whole year. This leads to children being taken out of school in September and October at the start of the school year. Older children work while girls are often required to look after younger siblings.⁵⁸ The children then return to school in November where they find themselves behind their peers, but there are no measures in place to help them catch up.

Amnesty International notes that the obligation of "adaptability" under the right to education requires schools to, for example, adapt the timetable or school calendar to ensure that such children are enabled to attend. However, as Zaklina Durmish told Amnesty International: *"The kids have to miss school – [Romani people] need to work. NGOs speak with the principal of the school and explain why the students are missing school so that they do not get in trouble with the truancy office. There used to be a programme for the kids to help them catch up on their school work but it was NGO-initiated and the money is no longer there."*

Dropping out: (2) failure to adapt education

Romani children who attend school may also be denied the right to education because in their first years of school they experience language or cultural barriers. These make it difficult for them to learn, and result in low achievement levels, which in turn lead to low morale and motivation – yet another reason why children give up on school. Currently primary schools in Macedonia do not provide Romani children with assistance in their transition to learning in Macedonian, including through Romani or "Macedonian as a second language" classes.

Amnesty International has previously noted (above) that the obligation of "adaptability" under the right to education requires schools to ensure that education *adapts* to the child, including that it respects the rights of minority children, in this case respect the rights of children belonging to minorities. The Children's Convention places

⁵⁷ *Shadow Report to CEDAW*, p. 20

⁵⁸ Amnesty International interview with Spomenka Lazarevska, Director, Education and Youth Program, Foundation Open Society Institute – Macedonia (FOSIM).

further emphasis on the obligation of the state to ensure that education which is available adapts to the rights of the individual in order to encourage attendance.

International human rights law recognizes the right of persons belonging to minorities to education in or of their minority language. As a State Party to the Framework Convention, Macedonia is required to "endeavour to ensure" under certain conditions that Romani people as members of a national minority have "adequate opportunities for being taught the minority language or for receiving instruction [emphasis added] in this language"(Article14(2)). This should be realized, "without prejudice to the learning of the official language or the teaching in this language." As noted by the Advisory Committee on the Framework Convention "bilingual instruction may be one of the means of achieving the objective of this provision."⁵⁹

The Hague Recommendations on Education Rights and National Minorities, which have been explicitly endorsed as a framework for implementing binding obligations under the Framework Convention,⁶⁰ recommend a model of bilingual education where first language tuition is used in earlier years, and is gradually replaced by the official language, thus ensuring that the realization of linguistic rights in education does not result in segregated education.

The right of persons belonging to minorities to receive instruction in their own language is enshrined in Article 48 of the Macedonian Constitution. However, opinion among Roma on the merits of providing education in the Romani language is sharply divided. Discrimination has led to a lack of confidence in education in the Romani language by educationalists and parents alike, who fear that a Romani education would hamper rather than assist children's integration: "*The system is made for other children, not for "children under the line* [of achievement]."⁶¹

Others strongly advocate such teaching, although few resources for teaching the Romanes language exist and there is an absence of training and qualified teachers. However, Anife Demirovska, Director of the National Directorate for Development and Promotion of Education on the Languages of the Ethnic Communities, informed Amnesty International in 2007 that she wanted to speed up the government's implementation of its obligations on minority languages.

Dropping out: (3) discrimination and segregation at school

While there is no official policy of segregation in education, demographics more often determine that one ethnic group is predominant in a school, including an almost

⁵⁹ *Explanatory Report to the Framework Convention for the Protection of National Minorities*, para.77. <http://conventions.coe.int/treaty/en/Reports/Html/157.htm>

⁶⁰ *Commentary on Education*, p. 27.

⁶¹ Amnesty International interview with Zaklina Durmish, Dendovas, November 2006.

exclusively Roma elementary school in Shuto Orizari. As a result, particularly following the Ohrid Agreement, there exists a *de facto* segregation of ethnic Macedonian and ethnic Albanian children, each educated in their own language, while Romani children may be educated with either group.⁶² At Topankso Polje school in Skopje, for example, where 90 per cent of the students are Albanian, the language of instruction is Albanian. Ethnic Macedonian and Romani children are segregated into two mixed classes in each grade and taught in Macedonian.

However, Romani parents told Amnesty International that at Topansko Polje school, ethnic Macedonian parents were increasingly transferring their children to another school, where the Macedonian classes are described as "ethnically clean".⁶³ Such discrimination by parents appears to be widespread. In 2007 parents of children at the Jordan Hadji-Konstantinov Djnot Elementary School in Veles reportedly refused to let their children attend classes with Romani pupils; at the beginning of the school year, the school introduced separate shifts for Macedonian and Romani pupils. Similarly at the Braka Miladinovci Elementary School in Kumanovo, nine mothers of ethnic Macedonian children requested that their daughters be signed out of the school because there were seven Romani children in their class. Amnesty International has also received reports that Romani children were placed in segregated classes in schools in Kumanovo, Shtip and Delcevo. The National Roma Centre in Kumanovo also reported that stereotyping of Romani children by both parents and teachers has resulted in several schools preventing Romani children from enrolling or taking classes with other pupils. Romani children also report being segregated within classes, by being told to sit at the back of the class.

According to Macedonian law, parents have the right to choose their children's school. However, such an apparently neutral policy appears to be having a significant discriminatory impact in contributing to the segregation in education. Under international and regional human rights law and standards, states should ensure "free choice of education without interference from the State or third parties, subject to conformity with 'minimum education standards'".⁶⁴ However, states should also ensure that such decisions are taken in the best interests of the child, and should monitor the impact of laws and policies to ensure that they do not result in indirect discrimination.⁶⁵

Direct discrimination also occurs: in 2007, the principal of Avram Pisevski Elementary School in Skopje reportedly told Romani parents that their children "lack

⁶² Ljubica Grozdanovska, "Macedonia: Class Struggle", *Transitions Online*, October 2007.

⁶³ The term "clean" was used by Romani persons to describe mono-ethnic education.

⁶⁴ CESCR, *General Comment 13*, para.57.

⁶⁵ Convention on the Elimination of Discrimination, Article 2 (1) (c), "each State Party should take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination where it exists."

basic cultural standards, cause trouble, and have very low grades". The principal reportedly asked the parents to sign an agreement that if in the next three months their children did not improve their grades and behaviour, they would be expelled; parents who refused to sign such an agreement were threatened that their children would be kept in the same grade for another year. The Ministry of Education is reportedly investigating this case.⁶⁶

Such attitudes are prevalent: in a survey conducted in 2000 of 260 primary and secondary school teachers, Roma children were described as lazy, ignorant, secretive, destructive and dishonest; only 8 per cent described Romani children as clever.

Romani children also suffer discrimination at school in the form of racist abuse, ostracism, bullying or physical attacks by other children. One Romani mother, a refugee from Kosovo, told Amnesty International how her nine-year old son was repeatedly pushed off his bicycle by ethnic Albanian children, and told to go back to Kosovo. He no longer goes to school.

Dropping out: (4) Denial of access to secondary education

"[The students] reach secondary school and have ten different teachers; there are no mechanisms to help the children; they just cannot catch up." (Spomenka Lazarevska, Director, Education and Youth Programme, FOSIM)

According to the Law on Secondary Education, secondary education lasts four years. It is not compulsory. Although by law secondary education is free, charges are levied for almost everything apart from tuition. According to government statistics, some 85 per cent of all children who have completed their primary education enrol in secondary schools, including high schools (gymnasias) which provide an academic education, and vocational schools, which provide practical training for skilled work. According to UNDP, only 19 per cent of Romani children in Macedonia were enrolled in secondary education in 2005. However, according to the OSI, and based on unofficial population estimates, the number of Romani children who enrol in secondary school may be as little as 12.3 per cent of the Romani population.⁶⁷

Girls again face double discrimination, as compared to both Romani boys and Macedonian girls, making up only around 37 per cent of Romani students enrolling in secondary education (2002 statistics).⁶⁸

⁶⁶ Slavica Curcinska, National Roma Center.

⁶⁷ Figures for 2002 from UNDP, *At Risk*, p. 31; *Monitoring Education for Roma. A Statistical Baseline for Central, Eastern, and South Eastern Europe*, OSI, Education Support Program, 2006, Table 2, p.15.

⁶⁸ *Macedonia report to CEDAW* p. 77; similarly, Turkish girls make up 37 per cent and Albanian girls 41 per cent of students from these ethnic groups.

The failure of the Macedonian authorities to guarantee the right to free and compulsory primary education

The ICESCR places an immediate obligation on states to ensure that the right to education is accessible to all without discrimination. Article 28(1)(e) of the Children's Convention requires states to "take measures to encourage attendance at schools and [reduce] drop-out rates".

Amnesty International is concerned at the lack of effective governmental special measures or systematic national initiatives in order to fulfil the government's obligations under international law (to encourage school attendance). Few measures have been taken address the drop-out rate, which Macedonia, in its 2006 report to the CERD, attributed to "[Romani] tradition, lifestyle, religion and customs".⁶⁹ Further, adequate information is not available on the drop-out rate. While data disaggregated by ethnicity and gender is available on the composition of secondary schools, this is not available at primary school level, although Macedonia has been requested to gather this information by bodies monitoring implementation of international human rights treaties ratified by Macedonia. The collection of adequate data, disaggregated by ethnicity and gender, is crucial to ensuring that laws and policies are contributing to the elimination (and not the perpetuation) of discrimination, as required under the Convention.

Drop-out rates are addressed by a school inspectorate with the power to prosecute parents for not sending their children to school. However, as the educationalist Zaklina Durmish told Amnesty International: "Parents are sent letters requesting they attend a meeting with the teacher regarding the pupil's attendance. If, after three letters, they do not respond or attend a meeting at the school, then the Inspectorate can take the parents to court, but they rarely do."

Amnesty International notes that the NGO Dendo-vas has taken measures to address the drop-out rate by employing a Romani outreach officer to work with parents whose children do not attend school. Acting as mediators between families and schools in cases of non-attendance, outreach workers in Gorce Petrov municipality have enabled students to stay at school when financial and other pressures discourage continuing education. Similarly, the National Roma Centrum's 2006 campaign, "The Key is in your Hands", produced a promotional, award-winning DVD and conducted visits to over 1,000 Romani families to persuade parents to support and encourage their children's participation in education.⁷⁰

⁶⁹ Macedonia State Party Report to the CERD, 13 January 2006, CERD/C/MKD/7, paras. 184 and 185. The state party's report noted a programme conducted in conjunction with UNICEF in 2005 which had aimed to address the drop-out rate.

⁷⁰ www.nationalromacentrum.org/en/enrolment-and-continuity-in-the-education-process/#more-62

Most Romani children drop out after the fifth grade of primary school, at 11 or 12 years of age, when students are placed in classes to prepare them for secondary education. Spomenka Lazarevska (Education and Youth Program Director at the Foundation Open Society Institute Macedonia, FOSIM) has suggested that Romani children drop out at this stage because they are unable to “catch up” – the Law on Primary Education does not allow children to repeat the fifth year.⁷¹

In 2006 the CESCR urged Macedonia “to ensure free primary education for all children and gradually reduce the costs of secondary education, e.g. through subsidies for textbooks, school kits and aids, and increased scholarships, in particular for disadvantaged and marginalized children, in accordance with the Committee’s general comment no. 13 (1999)”.⁷² In the same year the CERD also expressed concern about the low attendance and high drop-out rate of Romani children. The CERD urged the Macedonian authorities to “intensify its efforts to increase the levels of education of members of Roma communities”, including through providing financial assistance to assist poorer families in covering the costs associated with education.

The CERD also recommended a further series of measures, which Amnesty International considers would address many of the forms of discrimination identified above. These included the elimination of negative prejudices and stereotypes regarding Romani; ensuring “adequate opportunities” for Roma children to receive instruction in their own language and access to Macedonian language classes to prepare them for school. They also urged the authorities to ensure the provision of training for teachers in the culture and traditions of the Roma, and to facilitate the recruitment of Romani teachers.

Double discrimination against Romani girls

*“In 13 years state institutions have neither proposed nor implemented any specific measures towards the inclusion of Romani women and girls at any level of education”.*⁷³

All the forms of discrimination described above affect both sexes, but girls face further discrimination on the basis of their gender. While this double discrimination has not been

⁷¹ “There is a tracking system based on grades which starts at 5th class. The law allows for the repetition of classes from 1st to 4th grades, but the parents have to give their permission; nobody has really explained this to the parents”, Amnesty International interview with Zaklina Durmish.

⁷² CESCR, *Concluding Observations*, para. 47. The Committee also urged Macedonia to “promote universal school attendance through intensified awareness raising campaigns for parents on the importance of education and their obligation to send their children, including girls, to school and catch-up classes and other special programmes to address the specific needs of less performing pupils; and conduct literacy campaigns for adults”.

⁷³ *Shadow Report to CEDAW*, p. 19.

adequately documented, the Macedonian authorities are aware of their intersecting effect. However, they have failed to take measures to address the problem. Neither is double discrimination addressed in the Decade of Roma Action Plan, despite specific recommendations in 2006 from the CEDAW and other treaty bodies (see above) to address the drop-out rate of Romani girls and girls living in rural areas in particular.

Gender discrimination has resulted in fewer girls attending school and a higher drop-out rate for girls. For older women, like Nona, aged 75, education was impossible: "*Romani girls and boys are divided from when they are very little. If you are a girl, you don't go to school, you stay in the house. If you are a boy, then you go to school to make you a man. Even when a girl goes to school, she has to get home in time to look after her brothers and sisters.*"⁷⁴

Current education levels among adult Roma betray the results of such historical discrimination and the marginalization of girls. The UNDP in 2005 found a significant gendered disparity in access to education: while 22 per cent of Romani men and boys had received no education or a partial education, 39 per cent of Romani women and girls had been denied education. Further while 94 per cent of Roma aged between 15 and 24 were literate, only 79 per cent of Romani women aged between 25 and 44 were literate, and only 69 per cent of women over 45 could read and write (compared with the literacy of the general population at 95.8 per cent).⁷⁵

In their survey of 237 Romani women in 2005, the RCS found that just under 30 per cent (71) had never been to school, while just over 30 per cent (73) had left school before they had completed their primary education.⁷⁶ Only 24 had progressed to secondary school, and three to university. A survey in 2004 of over 900 women by the Romani Women's NGO Daja (Mothers), similarly found that more than half of the women interviewed, aged between 25 and 45, had not completed primary education. Although government statistics suggest that the percentage of Romani girls attending school has now increased,⁷⁷ the historically disproportionate denial of the right to education to Romani women has had life-long consequences, including in denying them access to the right to work and the right to health, as documented later in this report.

⁷⁴ Amnesty International interview with Nona, member of Esma, November 2006; she later received an education, as an adult, and assisted other women to read and write.

⁷⁵ UNDP, *At Risk*, pp. 32 & 47; 45 per cent of Romani women and 19 per cent of men were identified as illiterate in 2000, *UNICEF/World Bank*, 2000.

⁷⁶ 48 left between the first and fourth grades; 25 dropped out between the fifth and eight grades; 63 had completed primary education; two had completed vocational school. Two university students were still enrolled, *Shadow Report to CEDAW*, p.21.

⁷⁷ A 1997 study found that 41 per cent of Romani women over 18 had never attended school.

Gender discrimination

The female drop-out rate from education has been repeatedly attributed to Romani parents who fail to value girls' education and to early marriage. Yet in interviews with Romani women and girls, educationalists and NGOs, the organization found that although this may have been true in the past, such dated stereotyped attitudes were rapidly changing. Amnesty International is therefore concerned that such stereotyped perceptions of Romani girls continue to construct low expectations amongst teaching staff which contribute to their dropping out of school. Some 90 per cent of women interviewed by the RCS reported discrimination by teachers including being told to sit at the back of the class on their first day.⁷⁸

The common stereotype that Romani parents see no value in girls' education was, however, undermined by the UNDP 2005 survey which found that while 5 per cent of Romani females were prevented from continuing their education by their parents, some 15 per cent of non-Romani females were so prevented. Indeed Amnesty International found that the mothers they interviewed – especially those whose education had been truncated by family responsibilities or marriage – were emphatic in their desire to see their daughters educated and had actively encouraged their daughters' education. B., a member of Esmā, the oldest Romani women's NGO, told Amnesty International: *"You see the same thing in school, in health, in housing, in work... They think because you are a gypsy you don't even want to be educated. But we do want to be educated. I have three daughters and they have all finished secondary school. When the oldest daughter graduated the professor who had told her that she would not finish school, apologized to her, he said sorry."*

The stereotype is compounded by the belief that all Romani girls will leave school to marry young, and a number still do. A municipal education officer told Amnesty International, *"I was a mentor in the textile high school. There was one girl who was an excellent student, one of the best students in the class. She excelled in all her subjects. She finished two years of [secondary] school. She came to me one day and said she was going to transfer to another secondary school, one specializing in hairdressing. I asked her why and she said she wanted to. OK, it was her choice. One year later she came back and she said she got married and her husband and father-in-law told her she had to stop going to school. She did return to school two years later. It was OK, but she missed two years of school."*⁷⁹

However, although the age at marriage has reportedly increased over the past decade, this perception continues; a 15-year-old girl from Skopje told the RCS, *"When I was in the 4th grade my teacher Neda used to tell me 'You Romani girls are used to*

⁷⁸ *Shadow Report to CEDAW*, p.18.

⁷⁹ Amnesty International interview with Tanja Bajraktarova municipal primary school coordinator, Gorce Petrov municipality, November 2006.

getting married very early and that's why you are not interested in learning." She dropped out in the fifth grade.⁸⁰ Another girl, I., aged 10, told Amnesty International: *"I want to get married yes, but not when I am young. Maybe when I am 20 or 22. I don't want to have 11 or 12 people in the house."*

Again, it was mothers who, having themselves married young, strongly expressed a desire to see their daughters educated. B.I. told Amnesty International: *"I was 16 years old when I got married. My mother had died when I was young. My father made me get married. I did not know my husband beforehand; I had never even seen him. But, in the end, thanks to God, we had a normal life - without any physical violence. My three daughters who are married all knew their husbands beforehand. One was married at 18, one 19, one 20 years old. They all went to school till 4th grade. I did not want them to get married too young. I did not want them to get married at 15 or 16."*

UNDP found that while 8 per cent of the cohort of Romani girls interviewed for their survey had left school in order to marry, 5 per cent of all girls of the same age also left for the same reasons, suggesting that the margin of difference between Roma and the rest of the population in relation to early marriage has been exaggerated. This continued stereotype is being addressed by Romani NGOs through their work with parents and teachers, who have shown positive results when measures are taken.

There has been no attempt by the government to calculate the numbers of girls who drop out from education, let alone assess fully the reasons why. Spomenka Lazarevska told Amnesty International that although FOSIM believed that there was a higher drop-out rate for girls, they had been able to address this through their four-year mentoring programme. As a result only two or three students in their programme had dropped out to get married. Others may still drop out for other reasons; as Denis Durmish, who supervises and monitors FOSIM's mentoring programme, told Amnesty International, *"girls do leave to get married, but they also leave for other reasons, they just get fed up or they want to work"*. As Spomenka Lazarevska stated, *"The stereotype is not true any more, but [we have found that] primary teachers retain these stereotypes, even though there is no evidence. Educationalists advise how crucial it is to avoid stereotyping. The state should provide teachers with anti-bias or social justice training."*

Institutionalized discrimination results in few girls reaching secondary school. In the absence of their peers, even high achievers may drop out. M.H., aged 26, told Amnesty International that she had left because she was one of only three Roma at her academic secondary school: *"I enjoyed primary school [in Shuto Orizari], my friends were great and we are all still friends. There weren't any other nationalities, so there was no discrimination at school. Then I went to secondary school in Skopje – the Svetan Dimio gymnasium in Topansko Polje – one bus stop away. Secondary school was very different, they were nearly all gadje [non-Roma]; there was one Roma boy, but I didn't*

⁸⁰ *Shadow Report to CEDAW*, p.19.

know he was Roma – he was light skinned – and there was one other Roma girl in the French class. I was there for a week. I talked to my friends and I decided that I would transfer to another school because I was embarrassed [at being one of so few Roma in the school], and so I took a break for one year. The second time I chose a school where the standards were high. My parents told me I had to stay at school, but I had got used to freedom. I made a mistake. I was the only one of three sisters to achieve the grades to get to secondary school. Maybe if I had gone to [secondary] school with my friends, I would have stayed.”

However, other gendered factors also influence drop-out rates including the degree of parental control exercised by some parents who, fearing their daughters' vulnerability to violence or sexual assault, place limits on their freedom of movement. None of Mirsada's three teenaged girls attend school, although each finished elementary school; neither do they have a job. Mirsada and her family live in Shuto Orizari, where there is currently no secondary school. At first Mirsada told Amnesty International that she could not afford to send her three teenaged daughters to school, "We don't have enough money to pay for the bus [from Shuto Orizari] to take them to school in Skopje." Then she told delegates, "*They want more freedom; they will have more freedom, but I don't want [them] to go to school in the city; it's not safe for them to go to school in the city; I'm worried that it would not be safe, someone would kidnap them and take /their virginity.*"⁸¹

Higher Education

Only in higher education have the authorities adopted special measures, as envisaged by the ICESCR and the Children's Convention to redress the historical discrimination faced by Roma which has impeded their lack of realization of the right to education. Since 1996, one such measure has been the introduction of "quotas" designed to ensure that student enrolment reflects the ethnic composition of the population. However, while Albanian students have benefited from increased access to the established universities of Skopje and Bitola, at the Albanian-language Tetovo University and the privately-run South East-Europe University, Romani students have not benefited to the same extent. According to the Macedonian authorities, less than 0.4 per cent of university students are Roma, (2001-2, 126; 2005, 184) as compared to 2.66 per cent of the overall population. Romani girls make up 54 per cent of Romani students, consistent with the 55 per cent of female students attending university.⁸²

⁸¹ The Decade of Roma Education Action Plan envisages a secondary school in Shuto Orizari by 2009-2010.

⁸² Macedonian government report on measures taken to implement the Framework Convention, ACFC/INF/OP/I (2005)001, para. 81; 2001-2: 44,575 students (24,626 female), State Institute of Statistics, *Macedonia State Party Report to CEDAW*, p. 79; OSI, *Monitoring Education for Roma*, Table 3, Higher Education.

Education and the Decade of Roma Inclusion

Many of the perceptive insights, aims and concrete proposals set out in the *Roma Strategy* failed to see the light in the government's Decade of Roma Education Action Plan. The plan sets out four broad goals: "(1) the greater inclusion of Roma population in all levels of the educational system; (2) reduced drop-out rate of Roma children on all levels of the education system; (3) strengthening the capacity of teaching staff and school management to identify and manage conflict situations provoked by lack of understanding of culture-sensitive differences; (4) increased number of appropriately educated Roma teachers." To achieve these goals the Action Plan identifies a number of broadly drawn recommendations on "short-term goals/activities" to be delivered between 2005 and 2015. The measures *inter alia* include the implementation of legal provisions on compulsory education; the promotion of education at all levels, including adult education; the establishment of a secondary school in the predominantly Romani municipality of Shuto Orizari; and measures to educate and train Romani teachers, including to provide education in the Romani language.⁸³

However, the Action Plan fails to identify clear and detailed timeframes and deadlines for each of the actions and activities it envisages, or the financial and other resources needed to implement the plan. For example, at primary level, there are no specific measures identified to remove obstacles to the realization of free and compulsory primary education. Such measures might include free textbooks, meals, transportation to school and other services to Romani children; the creation of catch-up classes for children who had never attended school; the inclusion of Romani children in pre-school programmes; and the elimination of barriers to enrolment due to lack of documents/registration. Furthermore, no measures are identified to address gender discrimination in access to education.

Although Roma educationalists were involved in the elaboration of the *Roma Strategy*, the government has subsequently failed to work with Roma in the

⁸³ The Action Plan provides at elementary level for: increasing the numbers of children attending elementary school; teaching in the Romani language, and teaching Roma history and culture; and: "Improving the conditions for students (material and financial) as a problem to be resolved at the primary schools". At secondary level, the numbers of children are to be increased, including by means of scholarships, the introduction of mentors, and the "Opening of a secondary school in a municipality with a majority Roma Population". At university level, the plan foresees increased students and scholarships; Roma language section in pedagogical faculties; the establishment of departments for Roma studies. Finally, with respect to Adult Education, the plan sets out to: certify primary schools to carry out instruction for adults; register students with incomplete primary and secondary education; train Roma teachers on the use of Roma language in the instruction process.

implementation of the Action Plan.⁸⁴ Responsibility for assessing and monitoring access to education by Roma and the effectiveness of educational policies targeting Romani communities lies with one designated officer in the Department of Social Work and Policy, and a ministerial coordinator. In 2006, the Ministry of Education and Science decided to establish a Committee to implement activities envisaged in the education action plan.⁸⁵

Making a difference

"Within the Roma community there is a question: Why [NGO] projects? Why not government money?" (Zaklina Durmish)

"Currently most of the obligations under international treaties are carried out by NGOs." (Anife Demirovska, Director of the National Directorate for Development and Promotion of Education on the Languages of the Ethnic Communities)

Many Roma educationalists⁸⁶ and parents, with whom Amnesty International spoke, were keen to emphasize a number of positive changes, although they noted that, while discrimination persisted, it was less overt. *"Things have changed from the past and especially for girls. There has been an absolute increase in minority children in the education system, particularly because of various projects and the Ohrid Agreement. Parents are more aware of the importance of education, and this has been fostered by Roma NGOs."*⁸⁷

Only at the level of secondary education has the government taken measures to support Roma students to remain in education, through a joint scholarship programme run by the Ministry of Education and FOSIM, supported by the Roma Education Fund and international donors. As a result, since 2002 a total of approximately 950 Romani secondary school students have received scholarships on enrolling in the first year of secondary school, covering the basic costs of education.⁸⁸ However, this has not been accompanied by other measures to encourage participation: there is no subsidized

⁸⁴ According to a Roma educationalist involved in the Working Group on Education responsible for the *Roma Strategy*, the Working Group had advocated the establishment of a secretariat to monitor implementation of the plan. In a private meeting President Crvenovski had informed her that the plan should not be coordinated by Roma because "They [Roma] did not have the right people", Amnesty International interview, November 2006.

⁸⁵ *State Party report to the Framework Convention*, p.36.

⁸⁶ The term pedagogues is used in Macedonia.

⁸⁷ Amnesty International interview with Spomenka Lazarevska.

⁸⁸ CESCR, Summary Record of the 43rd meeting, 14 November 2006, Consideration of reports, E/C.12/2006/SR.43, para.39.

transportation and there are no free school lunches, Roma teaching assistants or school mediators.

In the absence of comprehensive measures by the government, NGOs have taken measures to encourage Romani children's education through a range of programmes at all levels of education. These have in general been funded by international donors, including since 2005 by the Roma Education Fund (REF).⁸⁹

Models of good practice have been developed, for example, by the Dendo-vas Centre for Educational Support, a comprehensive educational programme supported by the REF. It offers tutoring to Romani children from kindergarten to 12th grade, and operates a kindergarten and pre-school programme, supplementary education for primary school children and family education (focusing on the mothers of children involved in the programme). Located in the Gorce Petrov suburb of Skopje, Dendo-vas is part of the Roma Education Network programme, which, with other programmes based in Kumanovo and Prilep, is developing a strategy for education centres. Their work aims to produce examples of good practice, and resources including tool-kits and guidelines, to demonstrate how methodologies to ensure the inclusion of Romani children in education can be mainstreamed into the state education system and teaching materials, within the framework of local government and national law.

"When children get to school, they have come from our culture, our rules, our priorities and our language. They don't know about things like lakes, mountains, the sea, the ocean – we talk about rivers; they have mountains, we have hills. We don't have a culture of pencils and colouring books; the children don't know what to do with them. The child lives with grown up people, often with three or more generations. Teachers say that Roma children do not have concentration; but they do not usually sit still for 45 minutes – this is not their normal experience. At Dendo-vas children learn about [for example] colours in both Romani and Macedonian [languages], about animals, about mountains. The mothers have to follow this up at home, for example she should supervise colouring-in and talking in Romanes, about for example, clothes. The mothers want to work with the children but they don't know how; they want to do this, but many of them have never learned cutting-out [shapes, for example] with scissors."(Zaklina Durmish).

Another REF project aims to get children over the drop-out hurdle at the end of elementary education, and into secondary education. Some 350 students a year in Prilep, Gostivar and Skopje have been encouraged to stay on at school through the payment of stipends to their parents over the crucial three-year period, providing them with income so that they do not pressure their children to leave school and find work;

⁸⁹ In December 2004, at a donors' conference in Paris, 34 million Euros (US\$43m) for the period 2005-2015 were pledged to the REF. www.romaeducationfund.org, accessed on 26 May 2006.

students are also mentored and tutored on a one-to-one basis.⁹⁰ A similar mentoring and tutoring project operates at secondary level, where such support ensures the progress of students on to university. This programme has reportedly resulted in a lower drop-out rate for girls than for boys.

In higher education, the Romaversitas programme (implemented in cooperation with OSI) aims to ensure "the creation of Roma professionals who will contribute to the efforts to enhance Roma participation in the mainstream activities of society". Romani students who enrol at university are supported through activities and training organized by Romaversitas, including in computer skills; essay writing; career planning; civic education; leadership, advocacy and lobbying; project management; and research methods. Through this programme Romaversitas has helped to produce a generation of well-educated Roma, including 183 women.⁹¹

Adult education

"I went to school, just elementary school, but I had no chance. My father and mother were [dead] and we were cared for by my uncle. My grades were OK but there was no accommodation, no books. So I finished fourth grade, and then went to work, but a teacher came in for two hours during the working day and taught us during the break. In one year I passed two years of school, and so I got the certificate for elementary school. [Under Tito] they encouraged people to finish elementary school." (M.S.)

Amnesty International is concerned that the legacy of discrimination against girls in education has left perhaps over 50 per cent of adult Romani women without a basic education, and without the vital qualification of completion of elementary education by which they may access other rights. Similar concerns have been expressed by the CESCR which has urged the Macedonian government "to conduct literacy campaigns for adults".

In the SFRY, education and further training was state funded and provided to adult learners by institutions including the Worker University (see below). Provisions in law now allow such education to be privately funded. In the absence of a state programme, NGOs are helping some Romani women who have been failed by the education system to receive an elementary education. The Romani NGO Daja , in conjunction with a local elementary school, provides tuition, books and materials free of

⁹⁰ Funded by OSI, the Hungarian Embassy and OSCE, the project employs some 250 teachers as tutors and mentors, and monitors the progress of both students and teachers, Amnesty International interview with Denis Durmish, project coordinator, FOSIM, November 2006.

⁹¹ Romaversitas also facilitates debates and discussions, advocacy and lobbying campaigns, and social and cultural activities, see www.romaversitas.edu.mk

charge up to the eighth grade. On completion of their studies, they may take an examination and be awarded a certificate of completion of elementary school.

Silvana is 29 years old; she had never attended school: her father had died and her mother could not afford to send her to school. She told Amnesty International how embarrassed she had been when she got married, as she had been unable to sign her own name at the registry office. She attends classes for two or three hours a day while her three children are at school, and had in four months learned to read and write.

Amnesty International: What are your goals?

"I want to be employed and contribute to the family and to the family income. I want to be a teacher because I know all the suffering that I went through and I don't want others to suffer the same things. I want to keep progressing. I want to help other women."

Amnesty International, "Do you think that you would be able to be a teacher after you have completed the needed schooling?"

Silvana: "Yes. With the qualifications, yes."

Amnesty International: "Why now and not before?"

Silvana: "Because little by little we women have learned our rights and how to use them."

4. The right to work and freedom from discrimination in access to employment

"I'm not the sort of girl who gets up late. I like to be busy, but I get up late - I don't have anything to do, I sit around and watch stupid TV programmes all day. I don't want to work as a cleaner, I know I deserve better than that." (l., former NGO employee, Kumanovo).

Amnesty International is concerned that Romani women are denied the right to work on the basis of their gender and their ethnicity, including because of obstacles related to their lack of documentation, including through the denial of their right to education. In addition, Romani women face both direct and indirect discrimination, from both state and private actors, when they attempt to enter the labour market.

A number of treaties to which Macedonia is a party require the authorities to respect the right to be free from discrimination in the enjoyment of the right to work, and freedom from discrimination in access to employment including Article 6 (1) of the

ICESCR,⁹² which guarantees, “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”. In addition, Article 2(2) of the ICESCR stipulates that state parties must guarantee that the rights set out in the Covenant will be exercised without discrimination of any kind.

The CESCR, in its General Comment 18 on Article 6 of the ICESCR, has clarified that states parties’ “core obligations” under Article 6 include ensuring “the right of access to employment, especially for disadvantaged and marginalized individuals and groups, permitting them to live a life in dignity”; and states should avoid “any measure which results in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalized individuals and groups or in weakening mechanisms for the protection of such individuals and groups”. The CESCR also observed that “even in times of severe resource constraints, disadvantaged and marginalized individuals and groups must be protected by the adoption of relatively low-cost targeted programmes”.⁹³ As a party to the Convention on the Elimination of Racial Discrimination, Macedonia is obligated (under Article 5) to prevent, prohibit and eliminate discrimination, including in respect of “[t]he rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration”. Furthermore, Article 11 of the Women’s Convention requires States Parties to “take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights”, including the rights to training, equal remuneration and to social security and other benefits. Furthermore, where persons are unable to work, Article 9 of the ICESCR “recognize[s] the right of everyone to social security, including social insurance”.

In 2006, the CESCR in its Concluding observations expressed particular concern about the lack of employment opportunities for Romani women. Like the CEDAW, it recommended that Macedonia adopt temporary special measures, “to ensure that women, in particular Roma and other minority women as well as women living in rural areas, have the same access to the regular labour market as men, including to senior positions, and that the principle of equal remuneration for work of equal value is implemented in practice”. In 2007 the CERD also urged Macedonia to “ensure the equal effective enjoyment for all, including women, Roma and members of other ethnic minorities” through the adoption of measures to combat discrimination in the workplace, and called on Macedonia to submit detailed information of the measures adopted to give effect to the new “Law on Labour Relations”.

⁹² See also, International Labour Organization (ILO) Convention No. 111 and Protocol No. 12 to the ECHR which prohibits discrimination in the enjoyment of any right set out in law; the Framework Convention prohibits any discrimination based on belonging to a national minority.

⁹³ CESCR, *The Right to Work. Article 6 ICESCR. General Comment 18*, UN Doc. E/C. 12/2005/24 November 2005.

The right to work, and rights within employment, are guaranteed under Article 32 of the Macedonian Constitution: "Everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment. Every job is open to all under equal conditions. Every employee has a right to appropriate remuneration. Every employee has the right to paid daily, weekly and annual leave. Employees cannot waive this right." Article 34 provides citizens with the right to social security and social insurance, while Article 35 provides for the social protection and social security "in accordance with the principles of social justice", including assistance for those who are "infirm or unfit for work".

The Ohrid Agreement provided for the introduction into law of measures to end discrimination, including through positive discrimination, aimed at ensuring non-discrimination and equitable representation in all public bodies, such as the active recruitment of under-represented communities in public employment, including the police force. While the 2006 Law on Equal Opportunities between Men and Women prohibits both direct and indirect discrimination in employment in both in the public and private sector, and provisions for the protection of women in employment are elaborated in the 2006 Law on Labour Relations, these laws remains ineffective without mechanisms to implement them; as already noted, legislation prohibiting ethnic discrimination in employment is not in force..

Restricting the right to work

Amnesty International is concerned that many Romani women (and men) suffer discrimination in access to work as a result of the Macedonian authorities' failure to guarantee them the right to education, while at the same time excluding persons who have not completed their elementary education from state employment and registering for employment.

Without an elementary education, more than half of Romani women are excluded from employment in state institutions which require this basic qualification. They are also rendered ineligible to register with state employment offices without a certificate of completion of elementary education.

Amnesty International considers that while this requirement may have been drawn up to encourage participation in education, it is too widely drawn, and has a discriminatory impact. The organization also notes that it was conceived in a time of relatively full employment in the SFRY, and that measures have been taken to amend the law. However, while this practice continues the organization believes that the policy contravenes the "core obligations" required by states under Article 6 of the ICESCR.

Amnesty International considers that the educational requirement not only has an indirect discriminatory impact on Roma, who have the highest drop-out rates from education, but also is a restriction on the right to work of the most marginalized (who by definition face the most barriers to completing primary education). Any restriction on a human right should be reasonable, objectively justified, proportionate and necessary. It seems to be none of those things. Furthermore, Amnesty International considers that such persons should benefit from increased support, including through special measures to ensure their ability to realize the right to work.

“Lost in transition”: the economy and Roma employment

“Things were much better for us under Tito; there was more equality; it was easier to get work”. (N.N, Shtip.)

“My husband worked for a public company - Slavija (food import and export) - and it collapsed 15 years ago when the war came in Bosnia and Herzegovina. When the company was privatized, the management [all non-Roma] were able to use the cars and the offices for their own good [but] the Roma were the first to be thrown out. [My husband] had worked there for 25 years...He gets no pension from that job”. (Mirsada, sole earner in a family of six, Shuto Orizari)

As elsewhere in central and south-eastern Europe, Romani people in Macedonia were disproportionately affected by the economic restructuring of the late 1980s and early 1990s, and the difficult transition to a market economy.⁹⁴ This was compounded by the wars of 1991 to 1995 (with sanctions on Serbia which had formed 60 per cent of Macedonia's market); the 1998 to 1999 war in Kosovo which saw the arrival in Macedonia of around a million refugees and in 2001 by Macedonia's own internal conflict. In addition, the Greek embargo, from April 1994 to September 1995, denied Macedonia access to the port of Thessaloniki and prevented the new state from joining international organizations or gaining access to credit and assistance from the World Bank.

Macedonia's failing economy lags behind the majority of other countries of the former Yugoslavia, with the lowest annual growth rate, at 3.5 per cent in 2006.⁹⁵ Macedonia has also failed to attract foreign investment (in 2005, equivalent to 1.7 per cent of GDP). The failure to make an economic recovery has resulted in high unemployment, estimated at 37 per cent in 2006, throughout Macedonia.⁹⁶

⁹⁴ ERRC, *The Glass Box*, 2007.

⁹⁵ UNIFEM, *Women and Employment in Central and Eastern Europe and the Western Commonwealth of Independent States*, 2006, Table 1.1, Table 1.2, p. 14.

⁹⁶ National Employment Agency (NEA), April 2006.

Levels of unemployment were also exacerbated by the privatization or restructuring of former state-owned companies, which has resulted in a huge increase in the available labour force. Romani men were particularly disadvantaged by the privatization of the state sector where both unskilled and skilled Roma were reportedly the first to be dismissed from labour-intensive public companies. The majority of Roma – unskilled and with only a basic education – were unable to compete in an increased labour market.⁹⁷ According to Enise Demirova, Chair of the NGO Čarenja: *“Roma were not prepared for privatization. They did not know how to adapt. The Roma were lost in the transition; [the government] should have informed people about what was happening and why; and predicted who would lose the most.”*

It is further argued that following the Ohrid Agreement the Roma – who had previously been employed by Macedonians in preference to ethnic Albanians – experienced further marginalization, as measures to end discrimination against the ethnic Albanian community came into force. By 2004, according to a report by the Macedonian Helsinki Committee, the employment of ethnic minorities had increased by some 80 per cent such that the number of Albanians in state employment by the state matched more closely their numbers in the population; the position of other ethnic groups had not changed.⁹⁸

In 2000, according to the National Statistical Office, Romani unemployment was at 83.4 per cent, twice the national average of 38.1 per cent. Roma were disproportionately represented among the unemployed making up 4.3 per cent of unemployed persons, as against 2.66 per cent of the population.⁹⁹ In 2003 the Roma unemployment rate had reportedly dropped to 78.5 per cent, but according to figures issued in 2006 by the National Employment Authority unemployment among the Romani population continued to remain higher than 70 per cent, with some registered 16,034 unemployed Roma. Because not all Roma are eligible to register as unemployed, the actual figures are estimated to be higher.¹⁰⁰

Double discrimination

⁹⁷ In almost every interview conducted with Romani families by Amnesty International, where the husband was unemployed he had previously worked in a state industry.

⁹⁸ European Committee against Racism and Intolerance (ECRI), *Third report on “The Former Yugoslav Republic of Macedonia”*, 15 February 2005; according to ECRI, Turks, Serbs and Roma had expressed concerns that “they will not be adequately taken into account and included in the range of measures being undertaken in order to implement the provisions of this Agreement, such as in equitable representation....”, para 127.

⁹⁹ Lapinska et al, *Needs Assessment*, 2004.

¹⁰⁰ Eben Friedman, ECMI, Jan 2007, pp. 93-103.

Female unemployment in Macedonia is higher than in other countries in central and eastern Europe. In 2005, 32 per cent of all women of working age were registered unemployed. They were also most likely to be included in the long-term unemployed at 30 per cent as opposed to 25 per cent for men.¹⁰¹

While unemployed Romani women who have not completed their elementary education are not eligible to register with the National Employment Authority, those who are eligible make up 43.7 per cent of the registered Roma. In 2006 some 80 per cent (3,868 of 4,821) of those registered with the authority were not in employment, twice the rate for non-Roma women, but less than the rate for Romani men (76 per cent; 9,776 of 13,364).¹⁰² Surveys by several NGOs suggest that in reality more than 66 per cent of Romani women are unemployed, confirming that official figures under-represent the scale of the problem.¹⁰³

Romani women who register for work with the National Employment Agency (NEA) reportedly do not receive any help in finding employment: one unemployed Romani woman, T., from Shtip, told Amnesty International: *"Every two months, everyone has to register at the employment office. I've done this since I was 15 and now I am 42 and still they cannot find me work. My daughter is 19 and she is unemployed. When will she be employed? When she is 40? We are considered to be a social case and we are not. We do not want to be dependent on the social system."* Another woman, W.P., reported: *"They [the labour office] just don't do it. What we are good for is low-skilled jobs and not any other kind of job. If they saw us living in tents they would not be surprised ... They say I don't have enough qualifications or education. Here in Shtip there are many employment opportunities for non-Roma. If they find a factory that needs people, but the people need skills, then the employment office should provide the training for those skills. They [the employment office] should find us work - that is their job."*

Such discrimination is reportedly due to the persistence of cultural stereotypes considering Roma as work-shy, which results in the failure of agency staff to inform Roma about available work or training schemes, and direct discrimination by employers recruiting via the employment agency. Instead of taking temporary special measures as

¹⁰¹ Macedonian National Statistical Office, 20 April 2006; *State Party Report to CEDAW*, pp. 86-7; According to UNIFEM in 2000 women made up almost 40 per cent of the Macedonian labour force compared to between 45 and 49 per cent of labour forces elsewhere in the region, UNIFEM, *Women and Employment in Central and Easter Europe and the Western Commonwealth of Independent States*, 2006, pp. 25 and 34.

¹⁰² *State Party Report to CEDAW*, pp. 86-87.

¹⁰³ *Shadow Report to CEDAW*; of 202 women interviewed, 51 per cent (98) were unemployed. Another survey by the NGO Daja of 960 women found that some 75 per cent were unemployed, Daja, unpublished survey. This survey was conducted by face-to-face questionnaires with 960 women from Kumanovo, Skopje, Bitola, Gostivar, Kocani and Prilep. Amnesty International is grateful to Daja for making their statistical data and analysis available to the organization, prior to its publication.

set out in CESCR General Comment 18, "To ensure the right of access to employment, especially for disadvantaged and marginalized individuals and groups", the government has failed to offer Romani women any retraining or other measures established by the NEA and the Ministry of Labour and Social Policy.¹⁰⁴

Social assistance

Amnesty International is concerned that the majority of Roma who register with the National Employment Authority are unlikely to be found work, and will continue to remain dependent on social assistance. Furthermore, the organization is concerned that restrictions on the right to social assistance result in both indirect and direct discrimination against Roma, and in particular against Romani women.

The right to social assistance without discrimination is guaranteed under Article 34 of the EU Charter of Fundamental Rights and Article 12 of the European Social Charter. Under Article 20 of the Law on Social Protection, social assistance is provided to persons living on less than 3,000 MKD (€50€) a month.¹⁰⁵ Such assistance is currently only available to those who have completed elementary education or who are otherwise eligible to register with the unemployment office, including those who have previously been in employment, or members of their family.¹⁰⁶

The current restriction on eligibility means that many Roma are not eligible for social assistance. Moreover, women are therefore often ineligible for social assistance in their own right.¹⁰⁷ Others find that if they apply for social assistance, it would lower their income. For example, B.I, a mother of eight, who received 60€ widow's pension a month

¹⁰⁴ In 2004 the MSLP and NEA initiated a programme of Active Employment Measures, which included programmes for the development of entrepreneurship, as well as education, training and information, including on the legal framework for employment and the services provided by employment centres. Only 8 per cent of Roma surveyed were aware of such programmes, which were generally directed only at persons with secondary or higher education, Eben Friedman, *Roms on Integration II: Analyses and Recommendations*, ECMI, January 2007, pp. 93-103.

¹⁰⁵ Payments range from 1,700 MKD for a single person to 4,200 MKD for a household of five or more persons. The NGO Daja found that just over a third of families they surveyed lived on under 3,000 MKD a month (50€) and were dependant on social assistance; another 16 per cent were dependent on a combination of social assistance and income from work in the informal sector, *Daja survey, op. cit.* The average salary in Macedonia is reportedly 370€ per month although within the state sector the average salary of a secondary school graduate is 200€ per month.

¹⁰⁶ The amended Law on Primary Education includes provisions to amend the Law on Social Assistance, so that those who had not finished primary school will be eligible for social assistance.

¹⁰⁷ The Law on Social Protection also provides for temporary and permanent social assistance, including means-tested child allowances for employed parents, maternity benefits for previously employed mothers, pensions, sickness benefits, and benefits for the elderly and disabled persons.

(based on her deceased husband's eligibility), told Amnesty International that if she registered as unemployed and received social assistance, she would lose the pension.

Further, Roma in receipt of social assistance allege that they are subject to discrimination by social welfare workers, who have discontinued payments following home visits to persons who possessed "signs of wealth", such as television sets. A single mother from Shtip, T., informed Amnesty International that she had not received social assistance for two years after a social worker had reportedly decided that because she had two rooms, she had too much money; the woman complained to the police, but that had made matters worse.¹⁰⁸

Romani women who work in the informal sector are not eligible for social assistance or pensions in later life. The *Romani Women's Platform* has proposed that measures should be taken by the government to amend policies on social insurance and pensions, so that women in informal employment might be eligible – including through the payment of taxes – for social insurance.

Work undertaken by Romani women

"I work to put bread on the table. I sell clothes in the bazaar. I sell second-hand clothes and the municipality are asking for taxes. I live in two rooms, there are eight of us, like dogs, on the floor." (B.T. Esma member)

The majority of Romani women who work outside the home work on the "grey market", selling goods in markets and other stalls and on the "green market", selling fruit and vegetables. Few are employed in the public sector, except as cleaners or in other manual work. Even fewer Romani women are employed in the private sector.

According to NGO surveys, an estimated 66 per cent of Romani women working outside the home are thought to work in the informal economy; another 15 per cent are employed by state institutions, the majority as cleaners; some are employed in state-owned textile factories, while around 10 per cent are employed in private companies, also including in the textile industry. A few Romani women are employed in the private sector, including in small businesses established by Roma, but the numbers registered as self-employed, and thus eligible for social benefits, are relatively small (7.6 per cent).¹⁰⁹

¹⁰⁸ *ERRC/RCS Shadow report to CESCR*, para. 3.3.6.

¹⁰⁹ Based on surveys of 104 women by RCS; according to Daja, of 217 women in employment, 31 per cent (68) worked in the state sector, 23 per cent (52) worked on market or street stalls (the "green" or agricultural market) 17 per cent (39) cleaning houses whilst 26 per cent (58) had a "private job", Daja, op. cit.

Sabrina was a cleaner, but was in a better position than most. She had worked for six years for an ambassador – cleaning his house and the embassy – and was paid above-average wages. Her daughter, M.H., had completed primary school. She did not want to be a cleaner like her mother, but was hoping to get an office job. However, a few years previously, when her mother was ill, she had temporarily taken over her mother's cleaning job. Now she cannot find alternative employment, and continues to clean houses: *"There is no other chance to work elsewhere. I have applied for other jobs, I've done voluntary work at an NGO, completed a secretarial course, which I passed with the highest grade, and passed a course at day school. They promised me help with work, but I didn't get work there."*

Even in the informal economy, work is not regularly available. Some women, for example, work only in September and October, when families migrate for seasonal employment picking grapes, cherries, tobacco and other produce. Living in tents, the women face a double burden: Cukulia from Shtip told Amnesty International, "We have to look after the small children when we are working; we just carry them with us. We get 100 € to 150 € a month for the whole family, not per person, but for all the family."

Women working in the informal economy are not protected by labour or health and safety laws, nor are they eligible for social insurance. Although measures for the "Transformation of the grey economy in Romas [sic] into a legal form of working" are listed in the Decade of Roma Action Plan on Employment, including programmes and grants to encourage Roma to become self-employed, and which aim to eliminate gender discrimination, as far as Amnesty International is aware no such measures have as yet been implemented

The Ohrid Agreement provided for positive measures to increase the representation in employment of minority communities in the state sector, yet scant few Romani women work in public administration, where the completion of elementary education remains a basic requirement for employment.¹¹⁰ Only a small percentage of university-educated Romani women are able to find employment in professional or managerial posts in the state sector. Indeed, the majority of such women work in the NGO sector, funded by external donors. Within the state sector, the majority of Romani women are still employed in unskilled work, earning low wages (although as state employees, they are eligible for social benefits).¹¹¹

¹¹⁰ In 2005 some 71,018 persons were employed in public administration of whom 31,069 were women; of these 183 (0.6 per cent) were Roma.

¹¹¹ Letter from the Ministry of Finance to the RCS dated 1 July 2005, quoted in *Shadow Report to CEDAW*, para. 7.3.12.

Mirsada is 48 years old and has worked in the state medical clinic since 1971 when she was 14 or 15. She now works in the special baby unit. She has been a cleaner for 30 years. She earns 5,000 MKD a month, on which she supports her unemployed husband (who used to work for a state-owned factory) and three daughters; she cannot afford to send their daughters to secondary school, nor can her daughters find work. She told Amnesty international, "*Four years ago when the government changed, all the cleaners in the health service went on strike, but there was no new money, it's always the same.*"

The government has taken measures to increase minority employment in the state sector, and a number of Romani people are employed, although generally in areas of "Roma concern". This continued in 2007, when the government reportedly "adopted a strategy to promote the equitable representation of members of ethnic communities, allocating more than three times as many funds for that purpose as in previous years. That should lead to the hiring of 250 new civil servants from non-majority communities by March 2007." At that time Roma made up 0.64 per cent of Ministry of the Interior staff; the results of the strategy are not yet public.¹¹²

Direct discrimination

Amnesty International is concerned at IGO and NGO reports that Romani people face direct discrimination on the basis of their ethnicity when applying for jobs, and when they are in employment. In 2000, a needs assessment published by the World Bank reported that the name, surname and perceived ethnicity of persons applying for jobs significantly affected employers' decisions on recruitment. It also reported that employers also discriminated on the basis of Romani women's physical appearance and manner of dress.¹¹³

*"Lots of Romani women were applying for work in a textile factory.... I was among them. The manager told us: 'We don't employ Romani women because our employees do not want to work with Roma.'"*¹¹⁴

According to ERRC/RCS, 4 per cent of women surveyed were reportedly refused employment by business owners who considered that Roma were "not appropriate for the job".¹¹⁵ In Shtip, for example, new investment in the textile industry had reportedly seen a general increase in women's employment following the establishment of some 70 small textile enterprises. However, according to a local NGO and a Romani municipal official, no jobs had been offered to Romani women.

¹¹² State Party Report to the CERD, *op cit*.

¹¹³ Lapinska et al, *Needs assessment*, p. 20.

¹¹⁴ J.A., 30 years old, *Shadow Report to CEDAW*, p. 23.

¹¹⁵ *Shadow Report to CEDAW*, p. 23.

Furthermore, neither the government nor the municipality had made efforts to ensure that information about grants to set up such small businesses was provided to Roma.

Lejla, a young Romani woman, told Amnesty International that in October 2006, she and her husband had applied for work in the new textile enterprises in Shtip. Her husband had reportedly been promised a job starting the next day, but had received a phone call later in the day telling him the job was taken. Similarly, the factory manager had taken Lejla's name, but when she went back to the factory, the job had been given to an ethnic Macedonian woman. According to other women present when Lejla spoke to Amnesty International, this was not an isolated incident, "They say they will call and they don't call."

In the absence of legislation prohibiting discrimination in employment on the basis of ethnicity or measures to increase minority employment outside the state sector, private companies, including small, family-run businesses, are able to discriminate on ethnic grounds with impunity. Romani women face particular discrimination in the service sector, especially in jobs where they are required to come into contact with the public, including offices, restaurants and hotels where other women are generally employed.¹¹⁶ The NGO Daja knew of only one Roma woman working in a private company in Kumanovo and told Amnesty International, "[Romani] women just don't apply for jobs in shops, because they know what will happen. They [employers] just give excuses. Most private enterprises give jobs to their relatives."

Reports by Romani NGOs and individuals suggest that when Romani women do gain employment, they are subjected to further discrimination, including verbal abuse and harassment from their employers. They report that women are subjected in many cases to worse working conditions, longer hours and lower pay than non-Romani women.¹¹⁷ Women also allege that they are often transferred to positions with lower salaries, or do not receive promotions or any other form of career advancement.¹¹⁸ A woman from Prilep told the RCS, "*I was working as a mechanical worker in a tobacco factory for 10 years ... My boss did not like Gypsies and he placed all us Roma in another department with much more and harder work and with lower salaries... I complained but without any success. I had to work and couldn't resign.*"¹¹⁹

¹¹⁶ For widespread discrimination in employment in occupations involving contact with the public or with food, see *The Glass Box*, pp. 24 & 32

¹¹⁷ For discrimination against women, regardless of ethnicity, see, Anife Demirovska and Aferdita Haxhijaha Ymeri, *Exposing exploitation of female textile workers included in the state's job training and retraining programme in Delcevo and Kamenica, Macedonia*, Clean Clothes Campaign, 2003.

¹¹⁸ *Shadow Report to CEDAW*, p.23.

¹¹⁹ B.M., Prilep, *Shadow Report to CESCR*, p. 6.

Ending discrimination in access to employment

In its Concluding Observations on Macedonia's report on its implementation of the ICESCR, the CESCR urged "the State party to increase its efforts to combat unemployment through specifically targeted measures, including programmes aimed at reducing unemployment among women and disadvantaged and marginalized groups, and to gradually regularize the situation of persons working in the informal sector. It requests the State party to include, in its next periodic report, updated statistical data on unemployment, disaggregated by gender, age, ethnic group, disability or other status and urban/rural population, as well as on the concrete measures taken to create employment, and their effectiveness."

The Macedonian government has, to date, failed to adopt a comprehensive anti-discrimination framework that is a core obligation under international human rights instruments to which the country is party, and is a crucial step to ensuring the realization of Romani women's right to work free from discrimination.

Although the Macedonian government in its state party report to CEDAW identified that "poverty affects women much worse than men", it admits that no action plan to address female unemployment exists – across the whole population – let alone for Roma. Although the 2006 Law on Employment addresses gender discrimination, mechanisms to enforce the law have not been implemented; neither does the law address discrimination on the basis of ethnicity.

While the *Roma Strategy* acknowledges the continuing high unemployment levels in Macedonia and the comparatively poor employment prospects of Romani women, it notes that "a large proportion of Roma" do not have the necessary levels of education to compete on the labour market and advocates that measures be taken for the reintegration of Roma into the labour force, based on the principles set out in the National Action Plan on Employment. To date, as far as Amnesty International is aware, the government has not proposed specific measures to address Romani women's right to employment.

NGOs – trying to make a difference

Songjul Shaban, researcher at the RSC, told Amnesty International about the discrimination she had faced when attending a consultative meeting of the Gender Equality Commission, attended by government officials and representatives of women's NGOs: "They were surprised that a Roma woman had come to the meeting and that I was presenting a Roma women's policy. At first, they did not realize that I am a Roma

woman, because I am not dark and because I am educated and speak Macedonian well. I wasn't surprised, I expected this, it always happens."

The Gender Equality Commission (set up in 1998 to address women's rights in Macedonia) in 2006 initiated a series of meetings with women's NGOs to consult on the drafting of an updated Action Plan on Gender Equality.¹²⁰ Songjul Shaban attended the Economy group, and presented the recommendations made in the Romani Women's Platform. These called for an accurate analysis of the number of unemployed women by ethnicity; specific measures for reduction of the unemployment of Romani women by 5 per cent by 2010, including through: training and retraining, with priority for single mothers or mothers of street-children, affirmative action for the employment of 100 Romani women with secondary school education in state institutions, the employment of all Romani women with university level education, and micro-credit lines for Romani women entrepreneurs. In July 2007, the RSC reported that none of the proposals set out in the Romani Women's Platform had been included in the Action Plan on Gender Equality.¹²¹

Vocational training

Both obligations under the right to work (Article 6) and the right to education (Article 13) in the ICESCR include the progressive availability, accessibility, acceptability and adaptability of vocational education and training. These should be targeted and prioritize the most vulnerable and marginalized.

Again, in the absence of government initiatives, Romani NGOs have taken advantage of the Worker University programme which aims to increase access to skilled employment. Previously state-run, this private enterprise provides workplace training for those of 14 to 15 years of age and upwards.

The NGO Daja in conjunction with NOVIB (Norwegian Oxfam) has funded young Romani women and men to attend training courses – including a period of practical "on the job" training at relevant work-places. In the year to May 2003, some 70 women and men obtained certificates in occupations including in the clothing industry, hospital work, accountancy, and as beauticians at the "Professor Mijalkovic" Worker University. By 2005, of the 48 young women and girls provided with training between 2000 and 2003,

¹²⁰ The previous National Action Plan for Gender Equality Promotion, adopted in 1999, failed to provide any concrete measures to address the needs of minority women, although low levels of education for Albanian and Romani girls were mentioned as a concern.

¹²¹ Amnesty International telephone interview with Azbija Memedova, RCS, July 2007.

only half had found employment, including two women who had opened their own hairdressing businesses.¹²²

Daja reported no discrimination in access to such fee-paying courses. However, Romani participants had been subject to discrimination during the placements. Girls sent to a beauty salon were only allowed to do the cleaning and were given no training, while boys sent to a restaurant were not allowed to cook, “*but only to look*”.¹²³ The young people were reluctant to complain, and without any apparent monitoring of the placements by the Worker University, the NGO felt unable to address such discrimination.

5. The right to health

Amnesty International considers that Romani women in Macedonia suffer from multiple discrimination in access to health care, on the basis of their ethnicity, their gender, and poverty. In this section of the report Amnesty International documents how the Macedonian government has failed to guarantee this right, and identifies obstacles which prevent women from gaining access to the right to health.

The right to health is recognized in Article 12 (1) of the ICESCR which recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.¹²⁴ This means that states parties must ensure that “... health facilities, goods and services are accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination.”¹²⁵ The CESCR has also stated in its General Comment 14 that, “the right to health, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to fulfil contains obligations to facilitate, provide and promote [that right.]”

¹²² Daja, *Annual Report*, 2000-5, p. 25; p.8. Daja also run training courses in conjunction with NOVIB, including in hairdressing, tailoring, computing and the English language.

¹²³ Amnesty International interview with Dilbera Kamberovska, President of Daja, Kumanovo.

¹²⁴ *CESCR, General comment no 14 (2000), The right to the highest attainable standard of health*, UN doc. E/C.12/2000/4: “the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.” The right to health is also set out in other standards such as Article 24 of the Children’s Convention and the Statute of the World Health Organization (WHO).

¹²⁵ Article 5(e)(iv) of the Convention on the Elimination of All Forms of Racial Discrimination also obliges states to guarantee the right to health without discrimination.

With specific reference to women's health, the CESCR in its General Comment 14 has stated: "To eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women's right to health throughout their life span. Such a strategy should include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide access to a full range of high quality and affordable health care, including sexual and reproductive services. A major goal should be reducing women's health risks, particularly lowering rates of maternal mortality and protecting women from domestic violence. The realization of women's right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights." Furthermore Article 12 of the Women's Convention states: "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care" and includes further measures in relation to reproductive rights (see below).

Romani women are disproportionately excluded from access to health care because of a number of obstacles to enjoyment of this right. Some women are not eligible or lack the necessary documentation. Charges for health care, without adequate exceptions, result in many Roma being unable to afford basic medicines or treatment in a public health service which demands the payment of a "participation fee". This is contrary to ICESCR Article 12 and General Comment 14, which state that governments must ensure that no-one is denied access to health care due to their inability to pay. Romani women also face racial discrimination by health workers, including through being refused access to treatment. Amongst other issues, Amnesty International has also documented discrimination faced by Romani women in realizing their reproductive rights and accessing maternal health care.

Underlying causes of poor health of Roma

According to the Ministry for Labour and Social Policy, life expectancy of the Roma population in Macedonia is significantly lower than of the general population; only 3.7 per cent of Roma are aged 65 or above, as compared to 10.4 per cent of the overall population.¹²⁶

According to the ERRC, "Disparities in health status between Roma and non-Roma are frequently explained in terms of economic inequalities such as overrepresentation of

¹²⁶ Life expectancy amongst the general population in 2005 was 70.68 (m) and 75.21 (f), Ministry of Health, 1999-2001, WHO, *World Health Statistics, 2007*, <http://www.who.int/countries/mkd/en/>. CEDAW *State Party Report*, p. 101.

Roma in the lowest economic strata of the societies in which Roma live; overrepresentation of Roma in the categories of the uneducated or poorly-educated; and higher exposure to health-related risk factors such as poor living conditions. Stigmatising views explaining the generally poor health status of Roma as resulting from behavioural problems such as drinking, smoking and poor diet, are also widespread. Health status is a complex phenomenon, influenced by numerous factors, and these reasons for the poor health of Roma cannot be ignored.

Policies to improve Romani health would be ineffective, however, were they to fail to take into account the prevalence of racism and discrimination against Roma in health care systems in Europe. [emphasis added]¹²⁷

Widely denied the right to work, the low incomes of many Romani families affect both the quality of their nutrition and their access to medical treatment and basic medicines. The failure of the authorities to guarantee the right to education denies some children access to the free immunization programme¹²⁸ and health education provided to pre-school and school age children; low adult literacy levels may also impede access to written information about health education and disease prevention. Discrimination in education renders some Roma unable to register for employment, and consequently ineligible to access health care insurance.

The poor health of the Roma is linked to denial of other rights including the right to adequate housing and rights to water and sanitation. According to the *Roma Strategy*, around half of Roma in Macedonia live in informal, overcrowded or inadequate housing, and are denied the right to security of tenure. The lack of legal recognition of these settlements acts as an obstacle to accessing health care as a registered address is a prerequisite for accessing services. In 2000 more than half of the Romani families in Shuto Orizari shared accommodation with another Romani family, more than half did not have bathing facilities, and as many as 15 per cent used improvised toilets. Some Roma neighbourhoods lack public utilities, including electricity, clean running water, sewage and services for rubbish removal. Many rural settlements are far from medical services; in towns and cities there is inadequate primary health care and hospital provision for the population size, and few Romani staff are employed. These factors result in the prevalence of infectious diseases in children, and in higher levels of chronic illness – including cardio-vascular disease, diabetes, respiratory disease and stress-related

¹²⁷ European Roma Rights Centre, *Ambulance Not On The Way: The Disgrace of Health Care for Roma in Europe*, p. 11.

¹²⁸ According to the law, the immunization of preschool and school age children is free of charge regardless of insurance status. However, according to the WHO, in 2005, “in the most disadvantaged Roma areas, immunization coverage is unofficially estimated to be as low as 50%”.

http://www.euro.who.int/features/2005/featureeiw/20051012_2.

illnesses – than in the majority community, and in higher levels of illness in women than in men.¹²⁹

The right to adequate housing is guaranteed in, among other provisions, Article 11(1) of the ICESCR. According to the CESCR, "the right to housing should be ensured to all persons irrespective of income or access to economic resources". According to General Comment 4 of the CESCR, the right to adequate housing includes legal security of tenure and protection from forced eviction and other harassment and threats; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; adequate location; and cultural adequacy. Further, adequate housing must be "in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities."

In 2006, CESCR called on Macedonia to legalize and improve the infrastructure and amenities of existing Roma settlements or through social housing programmes, so that "all Roma have access to adequate and affordable housing, security of tenure, electricity, adequate drinking water, sanitation and other essential services". In March 2007, the CERD also expressed concern about the housing situation of Roma in Macedonia, emphasizing their lack of security of tenure and access to basic infrastructure. They recommended Macedonia adopt the "Law on Legalization" and ensure the provision of appropriate funds for the development and implementation of urban plans for the provision of adequate housing for the Romani community, and in particular those living in informal settlements.

Access to health care blocked

"There is a huge gap in social protection. Before, health care was free with easy access. Now you have to pay. My husband has heart problems, and the doctor refused to see him because we could not pay. We have a social insurance card but we still have to pay the participation fee, and pay for the medicines. When we explained that we are dependent on social assistance we had to leave our identity cards with the doctor. Even if it is urgent they won't let you into the hospital without money; you have to leave your identity card and you can only get it back after you pay, and until then we can't access any other services." (C., unemployed woman, Shtip).

The right to health of all citizens is guaranteed in Article 39 of the Macedonian Constitution and given effect in the 1997 Law on Health Care, the 2001 Health Protection Law (HPL) and its subsequent amendments. Access to the state health insurance scheme is guaranteed under the Law on Health Insurance, an employment-based scheme. Under Article 11 of the HPL compulsory health insurance is available to

¹²⁹ 29 per cent of Roma (27 per cent of Romani men and 31 per cent of Romani women) suffer from chronic illness, as compared to 23 per cent of non-Roma, UNDP, *Faces of Poverty*.

six categories of persons: employed, self-employed, pensioners, social assistance beneficiaries, temporarily unemployed persons and farmers. Under Article 5 women outside of these categories are entitled to insurance as a dependant (wife or daughter) of the insurance holder. All insurance holders are required to pay compulsory contributions. Persons may be denied access to medical care if they are unable to keep their medical insurance booklets updated through regular procurement of relevant stamps, (see below).¹³⁰

For those without insurance, a Ministry of Health health-protection programme covers children from one to 18 years of age and those over 65 years of age, but only for certain illnesses, and excludes all uninsured adults between 18 and 65. Another programme provides for free treatment for uninsured mothers and babies, including treatment during pregnancy, childbirth and subsequent family planning.

Discrimination in access to health insurance

According to the NGO DecadeWatch, "*Health remains Macedonia's weakest spot in the Decade implementation, and the health section of the Decade Action Plan remains the least developed part of the document. The overall problems of Macedonian health system in terms of quality of service and access have had an impact on the implementation of the Decade. There are no governmental programs specifically targeting Roma health, but some of the mainstream programs developed by the Ministry of Health have reached out to Roma beneficiaries, including, for instance ... vaccination campaigns [which] have also included Roma communities... But by far the biggest obstacles Roma face have to do with registering for health insurance, due to missing legal residence and employment status.*"¹³¹

Amnesty International is concerned that the provisions in the Law on Health exclude many Roma from access to health care. In its General Comment 14, paragraph 9, the CESCR has stated that, "With respect to the right to health, equality of access to health care and health services has to be emphasized. States have a special obligation to provide those who do not have sufficient means with the necessary health insurance [emphasis added] and health-care facilities."

¹³⁰ Amnesty International interview, Asmet Elezovski, National Roma Centrum, November 2006.

¹³¹ *DecadeWatch*, p. 39.

The health protection programme has the effect of excluding adults between 18 and 65 who do not receive social assistance, as well as Roma without official documents, from the right to access healthcare.¹³²

Those without a certificate of completion of education are unable to register with the National Employment Agency, through which the state-sponsored health insurance is administered. Although this last provision is not enshrined in law, NGOs report that in practice those who had not completed their elementary education are still being excluded from health insurance. A Romani woman told Amnesty International: "... it says on my documents that I am uneducated. Everyone thinks that this prohibits me from accessing health insurance". The National Roma Centrum explained this by saying, "The clerks in the office do not know that there has been a change in the law, or they just don't care, and don't bother to explain to people – many of whom cannot read what they need [to access health insurance]".

Due to various criteria imposed by law, and a lack of training of government officials, Romani women rarely hold health insurance in their own right. Gendered patterns of employment result in this employment-related insurance being provided to men rather than women who are seldom employed in the formal economy, especially in jobs providing social benefits. Women and girls are thus more likely to be entitled to insurance as a dependant. Furthermore, in the event of their separation or divorce, women may be denied access to this insurance, and in cases of domestic violence, men have reportedly denied women access to health insurance documents (see below).¹³³

People with insurance may also be denied health care if they fail to keep their medical insurance booklets up to date through regular contributions. For example, R.P., a 25-year-old Romani woman, from Shuto Orizari, was diagnosed in December 2004 with tuberculosis. Two of her five children had also been similarly diagnosed. By April 2005 she had not received any treatment, and it was unclear whether she could be admitted to Skopje's tuberculosis treatment facility because her medical insurance booklet had not been updated since autumn 2004.¹³⁴

Surveys by different organizations have estimated that in 2005 between 11 and 39 per cent of Romani women did not have access to health insurance; the variation in these statistics emphasizes the need for the government to centralize the collection of such data.¹³⁵

¹³² 11.1 per cent of Romani women and 10.7 per cent of Romani men were denied medical service due to a lack of documentation, compared to 4.5 per cent (female) and 4.4 per cent (male) non-Roma, UNDP, *Faces of Poverty*, op.cit.

¹³³ Amnesty International interview with Luludi NGO, November 2006; *Decade Watch*, p.10.

¹³⁴ *ERRC/NRC Shadow Report to CESCR*, p 10.

¹³⁵ Figures based on interviews with 1,836 Romani and 1,399 non-Romani respondents in 2005, UNDP, *Faces of Poverty* 2005; and interviews with 1,000 Romani families by the NGO Luludi, which found that

The CESCR in its General Comment 14 has stated that discriminatory barriers must be removed. While the *Roma Strategy* outlines measures to ensure the provision of a health card to those who would otherwise be uninsured, no such measures are included in the government's Decade of Roma Action Plan on Healthcare. Amnesty International notes that the *Romani Women's Platform* also calls on the government to make "special legislative provisions, to enable equal access to minimum guaranteed health protection for Roma families without documentation, social cases and women who have not resolved their housing issues". Such provisions should, for example, enable women employed in the informal economy to make contributory payments towards health insurance and pension schemes, as specifically suggested by CEDAW.

Macedonia's failure to discharge its immediate obligations under the right to health

Amnesty International considers that the Macedonian authorities have failed to honour their "immediate obligations" with respect to the right to health. These immediate obligations include: the removal of economic barriers to access; access to essential medicines; the provision of health care without discrimination; and access to reproductive health care. Governments should also take immediate steps to prioritize the most vulnerable.¹³⁶

Economic barriers to access

Until 2002 primary health care was provided free of charge. Since then, all persons, including all insurance holders and their dependants (including persons receiving social assistance), have been required to pay a "participation fee" amounting to 20 per cent of the costs of primary care and of medicines. For some medical conditions, however, patients are required to pay the full cost of medicines at the state-subsidized pharmacy. With exceptions for chronic illnesses (including cancer), pregnancy, childbirth, maternity and family planning, insurance holders are also required to pay a participation fee for hospital treatment, and in some cases the total costs of some specialist hospital treatments.

Those in employment and earning a reasonable wage reportedly find the participation fee expensive, and rampant corruption within the health service often adds

some 39.42 per cent of women did not have health insurance, including because of: a lack of documentation (34.15 per cent), citizenship status (12.2 per cent), incomplete elementary education (19.51 per cent), unemployment (12.2 per cent) and refugee status (7.31 per cent), Oneworld.net, 29 June 2005, in *ERRC/NRC Shadow Report to CESCR*.

¹³⁶ CESCR, General comment 3, *The nature of state parties' obligations*, UN Doc. E/1991/23.

to the cost, in the payment of "additional" fees.¹³⁷ Even those with health insurance face difficult choices as a woman from Shtip told Amnesty International, "*Should we pay first for the health or first for the rent? I need to go to the dentist; it is 500 MKD [eight Euros] for a tooth extraction. My husband also needs to go to the dentist because his tooth hurts so much he can't eat proper food and now he has stomach problems – now what? We don't pay for the doctor but we pay for the medicines and the dentists are private for everyone.*" Silvana, a Romani woman with a chronic breast condition, told Amnesty International that although she qualified for health insurance through her husband, it did not cover the more complicated procedures she needed. She was required to pay 10 € to 15 € for every injection administered, as well as the costs of travel to the hospital in Skopje. Another woman reported to the RCS, "*I always have difficulties buying the medication doctors prescribe me because they are not covered by social insurance. I buy medicine only when my children are sick. I also had to have an abortion and for that I had to borrow money which I am still repaying.*"¹³⁸

For those living on social assistance, the 20 per cent participation fee and the costs of medicines are always problematic and often prohibitive. Another woman, whose husband had been made redundant some 10 years previously, and whose family of five received 2000 MKD [40 €] social assistance each month, told Amnesty International that medicine for her four-month old daughter - suffering from bronchitis - cost 300 MKD [5 €], an eighth of her monthly income.¹³⁹

A Romani woman from Shuto Orizari told Amnesty International, "If you don't have the money you cannot go to the doctor. If you have social insurance then it is not expensive, the state pays the majority of the price, but if you do not have insurance then you are on your own." Those who are unable to pay often seek assistance from Romani NGOs, as staff at the National Roma Centrum told Amnesty International, "Yesterday a family came to the office with a child who had bronchial-pneumonia: they had to find to find 30 € for the treatment. They also had to pay a fee of 50 €, in order to get a bed in the hospital. In the end [we bought] the medicines for the child and talked to another NGO about the possibility of providing the family with assistance, but they were not able to help."

Access to essential medicines

¹³⁷ *DecadeWatch*, p.100; see for example, "Resen's Healthcare Authorities Accused of Embezzling 100,000 Euros" *MaxFax*, 22 May 2007. <http://macedoniadaily.blogspot.com/2007/05/resens-healthcare-authorities-accused.html>.

¹³⁸ Abortions are only free under certain conditions, *Macedonia State Party Report to CEDAW*, p. 97; an abortion may cost up to 4,500 MKD (74 €), *ESE Shadow Report to CEDAW*, p.66.

¹³⁹ Amnesty International interviews with N., Shtip, Silvana, Kumanovo; Z.A, Gorce Petrov, Skopje, November 2006; RCS interview with M.Z., Kratovo, *Shadow Report to CEDAW*, p. 28.

A state's immediate obligations under the right to health include ensuring access to essential medicines. In Macedonia, up to 79 per cent of Roma are estimated not to have access to essential medicines. This may be because they are unable to afford the medicines, or because they are not available. One woman told Amnesty International, *"Even if you have the blue card [health insurance card] and go to the state clinic, they say they don't have the medicines. They hide them for their relatives and their friends."*¹⁴⁰

Many others are simply unable to afford medicine. B.I., a 43-year-old widowed mother of eight, with four children still living with her (in a one-room house), told Amnesty International that she had taken her 11-year-old daughter to the doctor because she was vomiting: *"She went to the doctor OK, no problem. We have the medical card so we paid the 20 per cent. But then the doctor wrote a prescription and when we went to the state pharmacy they did not have the medicine. So then we had to go to the private pharmacy and pay the full price. It was 10 €!"* Like many other women, B.I. could not afford to care for her own health: *"I had an operation on my leg and then there were complications; it hurts and I can't go to the doctor because it is a complication and I will need to pay, and I don't have the money."* Another woman, M.I. from Skopje, interviewed by RCS stated, *"I have high blood pressure and meningitis. I don't go to a doctor because I don't have money to pay for medication. My insurance does not cover all the expenses."*¹⁴¹

Discrimination by health professionals

According to Wendy Kusama of UNIFEM, *"There are serious differences in access to health ... including physical access to rooms and care. It is so prevalent as to be systematic; [UNIFEM] can confirm harassment by medical authorities, for example pre-natal women receiving abuse - go away, you do not belong here - and being told to leave the building."*¹⁴²

Amnesty International is concerned that when Romani women try to access health care, many face discriminatory treatment by health professionals, although this was not a universal experience: some Romani women told Amnesty International that they had not experienced such discrimination, provided they could afford to pay: *"The doctor treats me well, but I am also paying the full amount."* (Silvana) *"The state pays for 80 per cent and you pay the 20 per cent. If you pay then you are treated the same no matter what – money is money."*(M.A.)

¹⁴⁰ 49 per cent of non-Roma living in close proximity to Roma did not have access to essential drugs while the national average was only 21 per cent, UNDP, *Faces of Poverty*, p. 48.

¹⁴¹ Daja found that only 21.6 per cent of women regularly visited their doctor, *Daja survey* op.cit.

¹⁴² Amnesty International interview with Wendy Kusama, UNIFEM, November 2006.

However, the RCS reported in 2006, *"Of 113 [Romani women] who reported having experienced discrimination in access to health care, 65 described mistreatment and insults from doctors, while 48 described such treatment by other medical personnel, including nurses and cleaners. ... Racial discrimination in access to health care and other failures of the medical system to provide basic care with dignity were documented extensively [by the RCS] in Kumanovo, Bitola, Shtip and Prilep, where Roma comprise the largest ethnic minority."*

Fifteen-year-old M.T., from Shtip told RCS, *"When I gave birth to my (only) child, the medical personnel insulted me the entire time, saying 'You Gypsies have too many children and your breath smells from hunger'",* while 40-year-old S.S., also from Shtip reported, *"I had a high fever and low blood pressure. I went to a doctor and he told me, 'You Gypsies are very strong and resistant to illnesses. How could you come here just with a high temperature?'"* Another 27-year-old woman from Kumanovo alleged, *"I was the only Romani person in the hospital room. The medical personnel regularly changed the sheets of the others but not mine. When I complained, they told me that I don't have clean sheets at home and I sleep on the floor. Therefore, I'm not allowed to ask for more than I deserve."* Such discriminatory treatment was also experienced by women in childbirth, sometimes with fatal results. A 30-year-old woman from Kumanovo told RCS: *"Four years ago I had a very difficult pregnancy. One night I had severe pains and went to the hospital where I was admitted. That night the pain was severe but no one came to help me. I asked the nurse to give me some medicine to ease my pain but she said that I complained too much. That night I miscarried."*¹⁴³

Similar discrimination by health officials was reported by the ERRC/NRC in their 2006 submission to the CESCR on Macedonia's implementation of the ICESCR. In one case, such discrimination amounted to malpractice: *"On 19 November 2005, without the proper license, Dr S.S. conducted an abortion procedure on E.R., an 18-year-old Romani woman and mother of one, in the private gynaecological clinic 'Medicus AS' in Prilep. Following the abortion, E.R. began experiencing extreme pain in her abdomen and choking. She and her family asked Dr S.S. for help. Rather than treating her, Dr S.S. sent E.R. to the state hospital where she stayed for two days without any concrete medical intervention or information about her health condition. After two days, Ms E.R.'s health condition worsened markedly and she was urgently sent to the State Gynaecological Clinic in Skopje. Ms E.R. arrived at the clinic in critical condition. During an emergency examination, doctors found injuries to her uterus as a result of the abortion and, in order to save her life, immediately conducted an emergency operation."* In November 2006 a criminal complaint was sent to the prosecutor's office in Skopje by the NRC, acting on behalf of E.R., in proceedings against the gynaecologist, Dr S.S..

¹⁴³ For similar cases, see ERRC, *A Pleasant Fiction: The Human Rights Situation of Roma in Macedonia*, Budapest, 1998, <http://www.errc.org/db/00/11/m00000011.pdf>.

Amnesty International notes that in interviews conducted by the organization and other NGOs, the majority of cases of discriminatory treatment in hospitals cited by Roma relate to childbirth, reflecting when Romani women are most likely to use the health service. As 29-year-old S.Z. from Skopje told RCS researchers, *"I don't trust doctors. They do not like poor people and I don't go no matter how sick I am. I have only been in a hospital to give birth to my child."*

Access to Reproductive Health Care: maternity and childbirth

Amnesty International is also concerned that the Macedonian government has failed in its immediate obligations to provide access to reproductive health care. Article 12.2 (a) of the CESCR states that the full realization of the right to health requires: "[T]he provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child", which the CESCR in its General Comment 14 has stated "may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information." Further, Article 12 (2) of the Women's Convention specifically states that parties to the convention "shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation".

Although the law exempts payments for maternity care and the Ministry of Health's health care programme provides for free maternity care for those without social insurance, in practice they are reportedly often required to pay for anything more than a simple birth. According to the women's NGO ESE, few women (including amongst the overall population) are aware of this exemption, which only requires a certificate of approval from the woman's doctor in order to receive free treatment.¹⁴⁴ Consequently women may leave hospital too early or are sent to find money while their baby remains in the hospital.¹⁴⁵ In 2004, a premature baby born in the seventh month of pregnancy died two days later, a few hours after his mother, 18-year-old B.K. from Shtip, had been discharged from hospital. The baby had required two months care in an incubator, but because she was unable to pay, doctors had ordered B.K. to take her baby home.¹⁴⁶ In another case, a 17-year-old Romani girl reportedly delivered her baby at the hospital reception desk without medical assistance, because the hospital administrator reportedly refused to admit her to the hospital or call a doctor because she did not have health insurance or any money.¹⁴⁷

¹⁴⁴ The delivery of a baby may cost as much as 300 €, Amnesty International interview, ESE, November 2006.

¹⁴⁵ ECRI, *Third Report on "the former Yugoslav Republic of Macedonia"*, para.109.

¹⁴⁶ RCS interview with B. K., *Shadow Report to CEDAW*, p. 28

¹⁴⁷ Lapinska et al, *Needs assessment*, p. 25; quoted in *Shadow Report to CEDAW*, p. 27.

There is no direct evidence to associate such discriminatory treatment with maternal mortality.¹⁴⁸ However, Amnesty International is concerned that such discriminatory treatment may – in part – account for a reported rise in infant mortality, including in the Romani community. Government statistics on infant mortality relate to both neo-natal mortality and the deaths of children under the age of six. In the first case, while the overall rate has declined, peri-natal mortality rates at 1.8 per 1,000 live births remains of concern. In 2003, there were 232 stillbirths and 181 deaths among those under six days old. Still births averaged at 8.6 per cent, but Romani women experienced a slightly higher rate at 9.5 per cent.¹⁴⁹

In relation to infant deaths, the government reported with some concern a 1.1 per cent rise in 2003 in the overall infant mortality rate, rising to 11.3 per cent in 2003, the first reported rise in 10 years. Quoting research by the Institute for Health Care of Mothers and Children, they reported a high level of negative correlation between infant mortality rate and the mothers' level of education, with 39.3 per cent of cases occurring in women who had not completed their elementary education. The infant mortality rate was reportedly highest among Roma at 13.9 per cent.¹⁵⁰

Amnesty International is very concerned at these reports, and urges the government to both conduct further research into the causes of infant mortality, and to take immediate measures to address the causes.

The majority of Romani women (at least 90 per cent, depending on the area in which they live), and almost all women under 30, choose to give birth in hospital.¹⁵¹ Home births continue in a very small number of cases, if women are unable to get to a hospital, especially in rural communities in the winter months, or if they are denied access due to a lack of documentation. Women may also give birth to their second or third child at home if they have suffered discrimination during their first birth, discouraging them from returning to hospital.¹⁵² Neither can this higher rate of infant mortality be ascribed to a failure to attend pre-natal appointments: around 95 per cent of

¹⁴⁸ According to government figures, the maternal mortality rate amongst the general population rose from 7.3/1000 births in 1999 to 14.7 in 2001; two women's deaths as a result of childbirth were registered in 2003, and that of three women in 2002; *State Party Report to CESCR*, para. 559.

¹⁴⁹ *Ibid*, paras. 560-1

¹⁵⁰ *State Party Report to CESCR*, paras 581-588; *Answers to the Questionnaire for the Preparation of the European Commission's Opinion on the Application of the Republic of Macedonia for Membership of the European Union, Political criteria -- Minorities rights and protection of minorities*, p. 402. The NGO ESE has questioned the reported decline in the rate of infant mortality in the population as a whole, *ESE Shadow Report to CEDAW*.

¹⁵¹ Daja survey, *op. cit.*;

¹⁵² Daja survey, *op. cit.*

women regularly attend such appointments, despite reports, experiences and perceptions that they will suffer discriminatory treatment.¹⁵³

The CESCR in its General Comment 14 has stated that "Equality in *acceptability* [of health-care services] requires that health-care providers, facilities, goods and services be respectful and appropriately sensitive to women's health needs." Access to good quality health care during pregnancy and at birth should be the right of all women. For Romani women, it is the exception, and only available to those who can afford it:

"I registered with a private clinic to have my baby; you can use your health insurance and have to pay a certain amount. But you have to pay around 20 per cent for the public service, so the private health insurance works out at about the same. I paid 200 MKD (3.30 €) for an appointment. You pay for the medicines and the injections, but it's not too much if you are working. We don't have much faith in the public health system, and I think that if you go to the private health service then it's much safer. My husband works for the government, and he will stay working for the government so we have enough money." (M., Shuto Orizari).

Access to reproductive health education

Amnesty International is also concerned that Romani women are denied access to health education, including information on contraception and family planning. Furthermore, social attitudes have in the past prevented women from accessing information about their reproductive rights, including education on reproductive health, access to contraception, pregnancy care and treatment of gynaecological problems, and constructed a taboo around virginity (see below).

According to one source only a third of women use contraception, and although international and domestic NGOs have provided contraceptive education, the government has taken no measures towards enabling Romani women to exercise their reproductive rights; indeed only 3 per cent of all fertile women in Macedonia have received counselling and advice on contraception from government agencies.¹⁵⁴

The average birth rate within the Romani community is reportedly higher than the national average, although no disaggregated figures exist to substantiate this.¹⁵⁵ Indeed NGOs and younger women suggested that two or three children was becoming the norm, (a national rate of 2.5 live births) and almost all women interviewed by Amnesty International reported an increase amongst younger Roma in planning their families.

¹⁵³ *Shadow Report to CEDAW*, p. 27.

¹⁵⁴ Around 66 per cent of women surveyed by Daja did not use contraception, although this varied between communities, Daja survey, *op.cit.*; *State Party Report to CESCR*, para. 535.

¹⁵⁵ *State Party report to CESCR*, para. 538. In 2003, a total of 6,690 abortions were registered, or 24.8 abortions per 100 deliveries.

This marks a significant change from the use of abortion as a form of contraception, as was once prevalent in Macedonia and other eastern European countries. However, the government has reported that amongst women of all ethnicities "abortion has a significant place in regulating births."¹⁵⁶ Reportedly up to a third of Romani women have had between one and three abortions with smaller numbers reporting more than five abortions, the overwhelming majority in hospital.¹⁵⁷

Despite the upward trend in age at marriage, Romani girls and women still disproportionately have their first child at a young age. According to Daja's 2005 survey, approximately one-quarter of girls between the ages of 15 and 19 in Shuto Orizari give birth (compared with approximately 10 per cent of girls in the general population).¹⁵⁸ Early pregnancies are also reportedly a cause of major health problems for both mother and child.

Amnesty International echoes the CESCR's 2006 concluding recommendation that Macedonia "intensify its efforts to educate children and adolescents on sexual and reproductive health and to enhance the accessibility of sexual and reproductive health services, including gynaecological and counselling services, in particular in rural areas and in communities where Roma and other disadvantaged and marginalized individuals or groups live". However, it may be that the Roma community will take these measures themselves. While M. told Amnesty International, "*My mother-in-law tells me that she did not plan, or think about education, or think ahead about the future*", Songjul Shaban of the RCS stated: "*Now there is a new generation and it is very different from 10 years ago. My brother and his generation say that men are obliged to care for the children, although sometimes it's all on the mother, they do see some changes; men never used to feel obliged to care for babies and now it is different, there is more balance; we plan our families together. We have new models in our community; we start to plan for the future.*"

Improving access to health care

The *Roma Strategy* calls for a multi-sectoral approach to health care, the implementation of health policies and preventative health care programmes,¹⁵⁹ coordinated by both national and local government. It advocates the

¹⁵⁶ Reported abortions: 2001:315.55 per 1,000 live births; (EU average, 225.71), *Health Systems in Transition*, p. 8. *Macedonia State Party Report to CEDAW*, *ibid*.

¹⁵⁷ Daja survey, *op.cit*.

¹⁵⁸ According to the *Annual Report of the Special Rapporteur on the Right to Education*, 2004, between 10 and 50 births per 1,000 live births were delivered by girls in Macedonia between the ages of 15 and 19, <http://www.right-to-education.org/content/unreports/unreport12prt2.html>

¹⁵⁹ Programmes exist *inter alia* for: the prevention of AIDS, tuberculosis, systematic medical check ups in schools, blood donation, health protection of mothers and children, protection of persons without health

creation of health development strategies at a local level, ensuring that within the programme to legalize Roma settlements, provision is made for an adequate health care infrastructure and special health centres dedicated to prevention and health education. Further measures to guarantee the right to health of Romani women set out in the strategy include ensuring: regular and free gynaecological treatment; funding for family planning; affordable abortion for social assistance beneficiaries; visits to newborn babies and mothers as well as information on reproduction and social health, gender equality, freedom to choose the number of children, information about risks to health of early motherhood, and health care and education for women about family violence.

Amnesty International is concerned that not one of these gender specific measures listed in the *Roma Strategy* is included in the government's Decade of Roma Healthcare Action Plan, which merely advocates "the organization of regular annual check-ups of Roma women in 20 Roma populated towns".¹⁶⁰

NGOs – Making a Difference

Amnesty International again found that where the Macedonian government had failed to take measures towards guaranteeing Romani women their right to health, international and domestic NGOs have sought to fill the gap through externally funded projects.

Health Education

An 80-year-old member of the NGO Esma told Amnesty International: "*I had eight children, but I had no idea where they came from. I thought they came from God. I had sex, but I never made the connection: I didn't even know where my womb was.*"

Margita, a member of the Romani women's NGO Esma, based in Shuto Orizari, told Amnesty International that she was one of six women who had received training in reproductive health, contraception and sexually transmitted diseases, and how to talk to women about such topics which had not previously been open to discussion. She admitted that despite the fact that she was married and had children, she herself had been unaware of these subjects before she had been trained, as part of an International Rescue Committee programme to increase Romani women's access to health. She was then able to provide Romani women in Shuto Orizari with basic health education and encourage them to have free health examinations in a clinic which employed a Romani doctor. In another project funded by the Swedish NGO Kvinna til Kvinna, 15 members of Esma went house-to-house inviting married women to discussions about health issues

insurance, protection of persons with emotional disorders, and diseases of addiction, Official Gazette No 11, 2001, Articles 5 and 617.

¹⁶⁰ Government of Macedonia, *Decade of Roma Inclusion Action Plan*, 2004, p.9.

and medical examinations. Some 6,000 women, including those without documentation, received such examinations; those diagnosed with sexually-transmitted diseases or other infections were provided with free medical treatment.

Documentation

*"Recently a 17-year-old Roma woman came to our office. She was pregnant; she was with her mother and not one of the four children in the family or the mother had been registered. None of them had an identification card. The mother was born in Macedonia, but she had not been registered; all four children had been born at home, and they had not been registered."*¹⁶¹

Since 2003 the Macedonian women's NGO ESE has assisted Romani women to access health insurance, including through opening an information centre in Shuto Orizari to provide women with information about access to health care. Some 3,000 to 4,000 persons in receipt of pensions and social assistance have been subsequently assisted in registering for health insurance. They have also trained health professionals and medical students in gender, health and discrimination, and in the promotion of health insurance to Romani persons. ESE had similarly trained Romani NGOs to assist women's access to health centres. At the same time ESE has analyzed the main barriers to documentation and drawn up a model national plan for ensuring access to documentation and registration for health insurance, including for those working in the informal sector (which is applicable although not specific to Roma). The programme continues in 2007, with the aim of producing a cost-benefit analysis of the provision of preventative health care.

The Virginity Project

The Women's Convention recognizes that many abuses of women's rights emanate from society and culture, and in Article 5 (a) compels governments to take appropriate measures to correct these abuses, including to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Furthermore the CESCR, in its General Comment 14 on the Right to Health, has stated that parties must make efforts to eliminate stereotypes and customary norms that contribute to the continuation of discriminatory "traditional cultural practices ... that deny them their full reproductive rights."¹⁶² In Macedonia, such efforts have been made by Romani women.

¹⁶¹ Amnesty International interview with Isisdora Kasarska-Fodeevska, ESE, November 2006.

¹⁶² At the UN International Conference on Population and Development held in October 1994 in Cairo, Egypt, and the UN Fourth World Conference on Women held in September 1995 in Beijing, China,

As in many cultures throughout the world, including in the Balkans, a bride is deemed "worthy" only if she is a virgin. Often times her virginity needs to be "proved" to ensure the "validity" of the marriage, and such a public presentation of virginity is still quite common in Romani communities in Macedonia, often called "sweet rakija". In this public ordeal, the couple are escorted to the marriage bed by their guests; a close relative waits outside the bedroom for the presentation of the blood-stained sheet which will confirm the bride's virginity and allow the wedding to continue after the groom's family are informed that she is a worthy bride. As demeaning as this is for girls who do bleed (and there are many times when force is used to ensure the rupture of the hymen), for those who do not, the consequences are drastic: the marriage may be annulled, the girl disowned or returned to her parents; she may find it impossible to marry again.

In 2002 13 young Romani women calling themselves the Romki Lederki (Young Roma Leaders) initiated a project which sought to challenge the norms and values which restrict women's right to sexual autonomy. Their project (which has subsequently been adopted by the OSI Network Women's Programme in six countries in south-eastern Europe)¹⁶³ set out to address the humiliating ritual of "testing" a woman's virginity on the day of her marriage.

In addressing this practice the Romki Lederki focussed not on virginity, but on the public ordeal women were required to undergo. In a survey of 660 individuals, mainly in rural communities, they found that nearly half of the parents interviewed said that they would not follow tradition and would accept a daughter-in-law if she did not bleed, while 70 per cent felt that their sons would not accept her. Yet 75 per cent of sons interviewed stated that they would have no problem if their bride did not undergo the ordeal, although 70 per cent thought their parents would not accept her. Publication of the research was followed by forums in 10 different communities, which included community elders, religious leaders and the Romki Lederki. These meetings enabled the opening up of a discussion on the issue, and began to challenge traditional and discriminatory practices within their own culture. Amnesty International supports this and other initiatives where members of the community have themselves challenged practices which discriminate against women and girls.¹⁶⁴

governments explicitly endorsed women's sexual autonomy. In the 1994 Cairo Programme of Action on Population and Development, delegates from governments around the world pledged to eliminate all practices that discriminate against women and to assist women to "establish and realize their rights, including those that relate to reproductive and sexual health." In the 1995 Beijing Declaration and Platform for Action, delegates from governments around the world recognized that women's human rights include their right to have control over and decide freely and responsibly on matters related to their sexuality free of coercion, discrimination and violence. UN, Programme of Action of the United Nations International Conference on Population and Development, A/CONF.171/13, 18 October 1994, para. 4.4(c); UN, Beijing Declaration and Platform for Action, A/CONF.177/20, 17 October 1995, para. 223.

¹⁶³ <http://www.romawomensinitiatives.org/YoungRomaWomen.asp?kategorija=2&podkategorija=1>

¹⁶⁴ www.romawomen.org/young_leaders.

6. Violence against women

Amnesty International considers that the Macedonian authorities have failed to take sufficient measures to respect, protect and fulfil women's right to be free from violence in the family. Such gender-based violence has been recognized as a form of discrimination which gravely affects women's enjoyment of their human rights by the CEDAW in their General Recommendation 19. While family violence affects women across all communities, Amnesty International is concerned that women from ethnic minorities, including Romani women, again suffer from double discrimination

Violence against women is an abuse of the human rights of women and girls, including their rights to physical and mental integrity, to liberty and security of person, to freedom of expression and their right to choice in marriage. It may constitute treatment amounting to torture or cruel, inhuman and degrading treatment and in extreme cases may violate the right to life. Violence against women prevents their enjoyment of other rights, including to health, employment and social assistance.

As a state party to the Convention on the Elimination of All Forms of Discrimination against Women, the Macedonian authorities have the duty to protect women from violence committed not only by agents of the state but also by private individuals and groups. In accordance with this treaty and others, the authorities of Macedonia are required to exercise due diligence to secure women's rights to equality, life, liberty and security, and freedom from discrimination, torture and cruel, inhuman and degrading treatment. They must have policies and plans and take measures to fulfil these rights, to protect people from abuses of these rights, to prosecute perpetrators and to provide redress and reparation when rights have been violated. The state may be held accountable under international law if they fail to do so.

Violence in the family

Violence against women in the family (domestic or intimate partner violence) occurs in all communities in Macedonia and across all social groups: an estimated 60 per cent of women have reported verbal and psychological abuse; 24 per cent of women report being beaten, while 6 per cent report sexual violence.¹⁶⁵

In an amendment to the Law on the Family in 2004 domestic violence was recognised as a separate crime. In addition, domestic violence is considered to be an

¹⁶⁵ ESE, *Domestic Violence*, 2000; based on a survey of 850 respondents, including 93 Romani women, in 14 towns and 21 villages in Macedonia.

aggravating factor under provisions of the Criminal Code prohibiting murder, involuntary manslaughter, serious injury and other forms of physical injury, resulting in the (almost) doubling of sentences for these offences.

Protection from such violence was introduced in the amended 2004 Law on the Family, which provides that a social worker may apply for protective measures, including temporary protection orders and civil restraint orders, on behalf of a victim of family violence for protective measures; victims of violence are unable to make such applications independently. The breaking of such orders is not a criminal offence. Further provisions of the Law on the Family remain to be implemented including health-care measures for the victims of gender-based violence (including those without social insurance), and the provision of medical documentation required to initiate a prosecution.

A national SOS hotline run by ESE is linked to six shelters administered by the Department of Labour and Social Welfare, and funded largely by international donors. ESE and several other NGOs, including ethnic Albanian and one Romani NGO, provide women with legal and other advice. The National Action Plan¹⁶⁶ includes protocols and operational procedures according to which government agencies and NGOs might implement protection and assistance measures. However, according to ESE, although laws, policies and operational documents are in place, "The action is missing; state capacity is very low; it has no mechanisms to implement the policy."¹⁶⁷

In 2006, the CEDAW welcomed legislative measures taken to combat violence against women, including the amendment to the Law on the Family. However, the CEDAW was "concerned about the high prevalence of violence against women, including domestic violence", and urged Macedonia, in accordance with its General Recommendation No. 19, "to give priority to putting in place comprehensive measures to address all forms of violence against women, including domestic violence; ... to further elaborate and effectively implement legislation on violence against women, so as to ensure that perpetrators are effectively prosecuted and punished, and that victims receive adequate protection and assistance. to provide shelters for women victims of violence [and to] implement educational and awareness-raising measures that highlight the unacceptability of all forms of violence against women and that it aim such efforts at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public.."

The CESCR also urged the authorities to "enact a specific law criminalizing domestic violence" (i.e. a criminal law implementing the 2004 amendment to the Law on the Family); provide mandatory training for police, social workers, prosecutors and

¹⁶⁶ Set out in the 2000 National Action Plan on Gender Equality.

¹⁶⁷ *ESE Shadow Report to CEDAW*; Amnesty International interviews, ESE, November 2006.

judges on the provisions of the law relating to civil restraint orders, and encourage the reporting of domestic violence through enhanced victim assistance.¹⁶⁸

Violence against Romani women

Romani women's NGOs in Macedonia have reported a high level of domestic violence within their community. Because Romani women generally move into their husband's parental home on marriage, in addition to violence from their husbands, many also face violence from members of their husband's family; some others face violence from their own parents.

In interviews conducted by the Roma Centre of Skopje with 237 Romani women, 166 women (70 per cent) identified themselves as victims of domestic violence. In 120 cases, the perpetrator was reported to be the husband; in 40, a member of the husband's family (father-in-law, mother-in-law, his sisters or brothers); and in 16 cases, the woman's parents. Another survey of 292 Romani women, conducted in 2004 on behalf of the Romani women's NGO Luludi, reported that one third of women interviewed reported physical violence, just under half reported verbal abuse and psychological violence; around 5 per cent reported rape or other sexual violence.¹⁶⁹

Romani women have been reluctant to report such violence outside of their community, and have often resorted to a traditional mechanism for resolving disputes between families. In cases of domestic violence, the parents bring the couple together to try to resolve the conflict. However, where family members encouraged women who had fled violent marriages to return to their marital home, in many cases the violence continued.

A young Romani woman, N.N., told Amnesty International: *"My sister, who was married with two children, returned home after being so badly beaten and bruised that she had to spend a week in bed. When she came back my family initially urged her to leave her husband, but after a week my father told her that it was her fault, and that she should not be so critical or rude to her husband. He said that her husband has the right to beat her. She stayed with us for four months, but then she went back; she didn't want to be dependent on our family, and her eldest child had stayed with the father while the*

¹⁶⁸ CESCR *Concluding observations*, 2006, para. 39. The CESCR also called for "sensitization of health and other professionals working with victims of domestic violence ... broaden the definition of violence against children and establish a system for identifying, recording and referring cases; and provide updated data on the number and nature of reported cases of domestic violence, convictions and the type of sanctions imposed."

¹⁶⁹ *Shadow Report to CEDAW*, pp.5 &; Roma Women and Youth Association Luludi, *Traditions and Customs do not excuse violence*, 2004.

younger girl stayed with her. Many women [have to] leave their children with the father. They go back for love, children, and some sort of economic stability."

The majority of women leaving violent husbands initially return to their parental home, but many are forced to return to their husband given the lack of viable economic or housing alternatives. The cultural presumption that children should remain with their father also drives women back to their spouse.¹⁷⁰ Although many Romani women (especially younger women) reportedly seek divorce, others told Amnesty International that they were reluctant to divorce, as they feared that if they were unable to survive on their own, their children might be taken into care by the authorities.

Women seeking divorce remain at risk of violence. The NGO Luludi informed Amnesty International about a woman who had been married for 15 years, and had suffered domestic violence for the past seven at the hands of her husband, who was unemployed and an alcoholic. She had fled with her daughter to her brother's house, and filed a complaint for divorce and also seeking to retain possession of the family home, as provided under the Law on the Family. During the three-month period of counselling, mandated by law in all cases of divorce, which aims to either reconcile the couple or settle financial and custody arrangements, she remained without any protection from his continued violence. Following her divorce, she was no longer eligible for social insurance and health care, which had been registered in her husband's name.¹⁷¹

"Older women used to accept beating, but younger educated women don't, although those who stay at home do. Older women have also been beaten by other members of their family; now women of 30 to 35 will not accept that other members of their family may beat them."(Songjul Shaban, RCS).

Members of Esma, the oldest Romani women's NGO, with several members in their 60s, 70s and 80s, told Amnesty International that they had grown up in a "hard traditional society", where domestic violence was never discussed. One woman said she had never spoken to anyone about the violence she suffered until she had joined Esma, and had discovered other women in a similar situation. Another reported that she had only found the courage to leave her marriage after talking to other women in the group.

Romani women, particularly those over 30, reported that their freedom of movement was restricted by their spouses: a member of Esma told Amnesty International, *"My husband is very jealous; he blames me even when I go out to earn*

¹⁷⁰ Elisaveta Bejkova, *You Should Say No: Stop the Gender Based Violence*, 11 January 2005, <http://see.oneworld.net/article/view/101181/1/>

¹⁷¹ Amnesty International interview with Luludi, November 2006. Others have reported that men who have beaten their wives causing serious injury have withheld their medical card so that she may not seek medical assistance or receive a medical certificate from a forensic doctor.

bread in the bazaar [selling clothes]. He thinks that I am going out with some other man." Just over half of the women interviewed by Daja said that their husbands disapproved of their going out without permission, while just less than a third were prohibited from working outside the home. More than a third, especially those over 30 who had received no education, believed that their husbands had the right to beat them.¹⁷²

Many Romani women and women's NGOs have spoken out against violence in the family. Some have attempted to provide support services, but can do little without adequate resources, and in the face of systemic neglect by the authorities. Further, services provided by the state and NGOs are conceived with the majority population in mind and fail to show cultural sensitivity in assuring protection and support for women from ethnic minority groups.

Discrimination by law enforcement officers

"Generally women do not call the police and if they call them they do not come. Even if the Law on the Family has changed local people say it is not my business and do not ring the police. Most women say it is my mistake, and it's OK for your husband to beat you." (Songjul Shaban, RCS)

The majority of Romani women who have been subjected to violence in their family do not report domestic violence to the police. Their reasons include the fear of retribution from their husband or his family, or a belief that in making such violence public they will be considered to have brought shame on their family. A Romani researcher on domestic violence told Amnesty International: *"If you go to the police, you have gone public; you are saying that you want to end the marriage. If a policeman comes to the house it is considered a shame: everyone thinks that you have broken the law - that you have stolen something; it is very shameful, you cannot go back to your husband's house."* But another woman, B.I., told Amnesty International, *"You wouldn't go to an institution [police or social worker], you would go to your family. Yes, you could call the police if it is a big problem, if he hits you over the head or something. Of course there is shame, but if you want to live you have to swallow your shame, and do what you need to do."*

Women may also be criticized for involving the police, because if arrested their husbands might be subjected to ill-treatment by law enforcement officers. Women may also fear further abuse from their husband's family, with whom they are living, if their husband was to be arrested. Nevertheless, some 20 per cent of Romani women who

¹⁷² Daja, unpublished survey, op.cit.

had previously experienced domestic violence told RCS that they had contacted the police, a figure consistent with overall reporting rates.¹⁷³

However, according to research by RCS, the police failed to respond appropriately when Romani women reported such violence. One woman told RCS, *"The police do not take domestic violence seriously. If we report the crime, they just write a report and then leave."* In RCS's 2005 research, police took appropriate action against the perpetrator in only five of the 34 cases when such reports were made. According to Romani women when the police do respond, they fail to take appropriate measures, reportedly only issuing a warning to the perpetrator or detaining them in custody for one night in the police station. A 52-year-old woman who informed the police that her husband had beaten her for many years was told, *"He is your husband. You will resolve the problems soon and everything will be fine."* A mother, who informed the police that her son-in-law had repeatedly beaten her daughter, was told to "stay out of their marriage"; her son-in-law received a warning.¹⁷⁴

Romani women also report being subjected to various forms of humiliating or degrading treatment when they call the police, most often racist insults.¹⁷⁵ When 43-year-old D.D. from Shtip sought assistance after having been beaten by a member of her family, a police officer reportedly stated, *"You gypsies fight amongst yourselves all the time. You have to solve your problems among yourselves."*¹⁷⁶ According to the NGO Luludi, a pregnant woman living in Shuto Orizari had in 2005 fled to her mother's house, after having been kicked in the stomach. She reported the assault to the police, who then assisted her in rescuing her children from her marital home. She later returned to her husband. In 2006, when the beatings began again, she called the police, who refused to assist her because she had returned to her husband.¹⁷⁷

Kjmet Amet, president of Romani women's NGO Luludi stated, *"The police don't protect women. They believe that family violence is a private problem and let the married couples solve it themselves. In several cases where women called the police, all the police did was write a report. The police claim they have no authority to intervene in*

¹⁷³ ESE in 2000 recorded a reporting rate of 20.8 per cent; they also reported that more than half of women surveyed reported dissatisfaction with the police, stating that they were uninterested or took too long to come to their aid; see ESE, *Domestic violence*, p. 41. However in 2006, ESE subsequently suggested that the reporting rate might be as low as 10 per cent, *Women's rights in the FYROM, Briefing for the Human Rights Committee from the Association for Emancipation, Solidarity and Equality of Women of the Republic of Macedonia (ESE) in partnership with the World Organization Against Torture (OMCT)*, July 2007. p.3

¹⁷⁴ *Shadow Report to CEDAW*, p. 17; RCS interviews with 25-year-old A.F., Prilep; 52-year-old I.A., Bitola; 52-year-old, D.T., Skopje.

¹⁷⁵ There are reportedly less than 30 Romani police in Skopje, and one Romani woman police officer. There are no dedicated domestic violence units.

¹⁷⁶ Reported in 20 out of 34 cases documented by RCS, *Shadow Report to CEDAW*, p.5

¹⁷⁷ Amnesty International interview with Kjmet Amet, November 2007.

such cases, or they just treat the case as a domestic disturbance. The Law on the Prevention of Domestic Violence is not implemented."

Access to assistance

"A domestic violence programme should be appropriate to the education and social status of their clients; there needs to be an appropriate cultural and linguistic response."(Azbija Memedova, RCS)

Macedonian women suffering domestic violence may seek assistance from a number of NGOs or from government Social Welfare Departments. However, the numbers of Romani women who seek such assistance are reportedly low. Reasons for this include because they fear discrimination or do not believe that the authorities will respond to their needs. Some Romani women have alleged that non-Roma social workers have treated them in a discriminatory or racist manner, or have failed to provide culturally appropriate assistance and support. Others allege direct discrimination on the basis of their Romani name, for example, when telephoning for assistance, or in gaining access to shelters.¹⁷⁸

Romani NGOs providing legal advice and assistance report taking women and children into their temporary care in their own offices in order to give them time to seek alternative accommodation.¹⁷⁹ Only one Romani NGO, Luludi, provides direct support and assistance to women within the Romani community. Based in Shuto Orizari, the organization is supported by OSCE, and runs a counselling and advice service, although it struggles to provide an adequate service in the absence of adequate financial and professional resources.

Appropriate services, especially for younger Romani women with children, are not available. Esma, a 16-year-old Romani girl, was reportedly refused access to a shelter on the grounds that she was under 18; she was advised to go to a children's home, although she herself was the mother of two children. The NGO ESE agreed that this might be a case of discrimination, although they also noted that girls under 18 years of age were not admitted to shelters, nor were older boy children.

¹⁷⁸ Amnesty International interviews with Azbija Memedova and Songjul Shaban, RCS, and staff at ESE, November 2006. Following several allegations of discrimination by shelters, the RSC requested statistics on the ethnicity of women accepted at such shelters. In the absence of such figures, they plan to conduct surveys relating to shelter admission. Similar discrimination, reported by Romani women in Serbia, was taken up by the CEDAW, see *Concluding comments of the CEDAW: Serbia*, CEDAW/C/SCG/CO/1, 11 June 2005, paras 23-24, "The Committee requests the State party to review and monitor the application of admission criteria used by safe houses for victims of domestic violence in order to ensure that these do not exclude Roma women".

¹⁷⁹ Amnesty International interviews with Daja and RCS, November 2006.

Neither the Ministry of the Interior nor the Ministry of Justice collect statistics on the incidence of domestic violence reports, the numbers of prosecutions, or the granting of protection orders.¹⁸⁰ Published NGO statistics cover only the period before the amendment of the Law on the Family in 2004, and indicate that 30 per cent of women of all ethnicities who had reported violence to the police had initiated proceedings against their spouse; however, these were civil proceedings for divorce. Since 2004, criminal proceedings for domestic violence (except marital rape)¹⁸¹ may be initiated *ex officio*. However, in the absence of a specific criminal offence, and as published figures were not disaggregated by gender or ethnicity, it is was not possible to identify which proceedings for murder, assault or injury relate to domestic violence, although the authorities reported that in 2004, four women (ethnicity unknown) were murdered by their husbands. In 2006 the CESCR called on Macedonia to take measures for the “*sensitization of health and other professionals working with victims of domestic violence ... and provide updated data on the number and nature of reported cases of domestic violence, convictions and the type of sanctions imposed.*”

Amnesty International urges both the Ministry of the Interior and the Ministry of Justice to compile statistics, disaggregated by gender and ethnicity, of reports of domestic violence, and subsequent action, including prosecutions and applications for protection orders, so that the scale of this violation against women may be adequately recorded. The organization also urges the Department of Labour and Social Welfare to ensure that appropriate measures are taken to establish culturally sensitive responses and services which aim to protect women of all ethnicities, including Romani women, from violence in the family and provide them with appropriate support without discrimination.

Trafficking in women and girls

Despite provisions in Macedonian law to combat trafficking, improvements in bringing to justice those suspected of cross-border trafficking and the establishment of structures, including a National Referral Mechanism, to provide protection and assistance to trafficked persons, Amnesty International is concerned that the authorities in Macedonia have failed to respond adequately to the growth of internal trafficking, including of

¹⁸⁰ “[T]he problem of domestic violence is not treated separately, and therefore is not monitored at the MIA [Ministry of Interior], or in other governmental institutions, but it can be analyzed as required in the context of criminal offences committed, which on the other hand does not provide a picture of the general situation, or the necessary statistics of the phenomenon's incidence in Macedonia.” *Macedonia State Party report to CEDAW*, p.17.

¹⁸¹ Rape within marriage was introduced as an offence in the CC in 1996, but in cases of marital rape, as opposed to other cases of rape which may be prosecuted *ex officio*, proceedings may only be initiated on the basis of a private complaint.

Romani women and girls, primarily for the purposes of forced prostitution. This failure may have resulted in the violation of the rights of young women and girls, including from the Romani community.

The scale and incidence of internal trafficking in Macedonia can only be estimated. Between January 2005 and December 2006 some 61 prosecutions were brought against defendants charged with trafficking in persons (Article 418-a, CC), the smuggling of migrants (Article 418-b, CC) or mediation in prostitution (Article 191 CC), three of which concerned internal trafficking.¹⁸² However, NGOs report that since 2003 there has been a decline in cross-border trafficking while internal trafficking has increased. This is consistent with reports from elsewhere in the Balkan region.

Trafficking in human beings was criminalized in 2002 under Article 418 (a) CC, although the definition did not fully accord with that set out in the Palermo Protocol.¹⁸³ A National Programme for Combating Trafficking was established in 2002, and a National Action Plan and Strategy for Combating Trafficking in Human Beings (and Illegal Migration) was adopted by the government in early 2006. The National Action Plan, which has not yet been fully implemented, makes provision for the prevention of trafficking including through awareness raising; the adoption of protective measures for the whole period of legal proceedings; protection from criminal prosecution in respect to other crimes; and additional support and accommodation at a state shelter including psychosocial support for trafficked persons.

In 2005 a National Referral Mechanism (NRM) was established within the Gender Equality section of the Ministry of Labour and Social Policy (with the assistance

¹⁸² Coalition for All Fair Trials, *Criminal Justice Responses to Organized Crime*, Skopje, February 2007. Questions remain about the ability of the authorities to invoke provisions of the Law on the Protection of Witnesses before, during and after trials, or whether mechanisms to guarantee the rights of trafficked persons as witnesses are adequately followed in criminal proceedings.

¹⁸³ Article 418 (a): "(1) A person who by force, serious threats, deception or other forms of coercion, by kidnapping, by deceit and abuse of his/her own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or, by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, recruits, transports, transfers, buys and sells persons, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship it or illicit transplantation of human organs, shall be punished with imprisonment of at least four years". (2) A person who buys, sells, keeps and takes children or minors in purpose of exploitation shall be punished with imprisonment of at least eight years." Further provisions provide for four years' imprisonment for a person who "takes away or destroys the ID, passport or other identification document in order to commit the crime from paragraphs (1) and (2)", and for a prison sentence of between six months and five years for a person "who use[s] or makes it] available for another to use sexual services from persons, with the knowledge that they are victims of human trafficking".

Macedonia ratified the Protocol for the Prevention and Suppression and Sanctioning Trafficking in Human Beings, in Particular Women and children (Palermo Protocol) on 28 September 2004.

of OSCE, the International Organization for Migration (IOM) and UNICEF). The NRM consists of a central referral point for 58 social workers, based in 27 municipal Centres for Social Work, and trained in the identification of trafficked persons and in the assessment of needs for assistance and support. Social workers may refer trafficked persons to NGO shelters or a transit centre run by the Ministry of Interior and IOM. The police are required to notify social workers of persons they suspect have been trafficked.

In 2006 the CESCR recommended "that the State party intensify its efforts to combat trafficking in persons, especially women and girls, by allocating sufficient funds for assisting and rehabilitating victims, as well as for witness protection programmes, providing mandatory training on trafficking for police, prosecutors and judges, and by effectively implementing the National Strategy and Action Plan on Human Trafficking and the proposed National Trafficking in Children Action Plan".

On 17 November 2005 Macedonia signed the Council of Europe Convention on Action against Trafficking in Human Beings, which provides *inter alia* for the introduction into legislation and practice of a comprehensive series of measures to protect the rights of trafficked persons, including for their identification, protection and assistance. At the time of writing Macedonia had not ratified the convention, although much of the necessary legislation is already in place, and the government has taken measures to ensure that protocols and other measures to bring the convention into effect are in place. The authorities are reportedly examining the harmonization of law and practice with a view to ratification.¹⁸⁴

The trafficking of Romani women and girls

Amnesty International acknowledges that the authorities have in the past year taken measures which may assist in the identification of internally trafficked persons, especially children.¹⁸⁵ However, the organization remains concerned that in the absence of protocols on the identification of internally trafficked persons, Romani women and girls and other internally trafficked persons will be denied the protection, services and support afforded to trafficked persons. They may be subject to prosecution for other offences related to their situation as a trafficked person, including prostitution, while perpetrators will not be punished

¹⁸⁴ Measures to address the root causes of trafficking and provide protection for trafficked persons in accordance with the Convention were proposed by the MLSP and the National Commission for Combating Trafficking in Human Beings in 2004.

¹⁸⁵ In February 2007, for example, a Memorandum of Understanding (MoU) was signed between the Ministry of Interior and the Ministry of Labour and Social Policy, establishing protocols for the protection of trafficked children, including the presence of social workers during police raids. The Interior Ministry also signed a MoU on cooperation with an NGO providing shelter for an increasing number of internally trafficked persons,

The numbers of internally trafficked persons is unknown, but according to a survey conducted by the Romani NGO PHURT, on behalf of the ODIHR/OSCE Roma and Sinti Focal Point, women and girls from poorer regions and communities in Macedonia, including Roma, Albanians and Macedonians, have been identified as being internally trafficked.¹⁸⁶ While the scale of trafficking of Romani women and girls is not known, Open Gate, an affiliate of the La Strada network, informed Amnesty International that they had received at their shelter an almost equal number of Macedonia, Albanian and Romani women and girls trafficked into forced prostitution. This suggests that a disproportionate number of Roma are vulnerable to trafficking.

According to PHURT, Romani girls are reportedly trafficked from poorer areas to the western part of Macedonia to work in bars and restaurants or for prostitution. They are generally recruited "by older kids, their neighbours, friends, or maybe relatives or elders who live in their communities (but also from persons from other ethnic communities)". NGOs report that although some Romani girls may have entered prostitution voluntarily, in the majority of cases, they had been forced into prostitution.

According to Open Gate, the police have failed to adapt swiftly to the growth in internal trafficking, resulting in failure to identify persons, including Romani women and girls, who have been so trafficked. Moreover, the NRM has been coordinating meetings on establishing protocols on the identification of internally trafficked persons and has established some criteria, including restrictions of a person's movement and severe physical abuse.

These women and girls may also be subject to other violations of their rights to physical and mental integrity by law enforcement officers. According to NGO reports, women working as prostitutes on the streets, irrespective of whether they have been trafficked, are regularly subject to beatings by the police. In one case, where a complaint was lodged against the police by the Macedonian Helsinki Committee (MHC) on behalf of a woman whose arm and nose had allegedly been broken by police in the Gazav area of Skopje, the police refused to accept the complaint reportedly stating, "because she is a criminal".¹⁸⁷ Although prostitution is not a criminal offence, women may often be arbitrarily arrested and detained, on a number of different grounds, although according to the MHC they are rarely charged with any offence; this is a missed opportunity for identifying trafficked women.

Within the Romani community the issue of trafficking has become heavily politicized, as a result of by a confusion within the majority community between arranged

¹⁸⁶ CPRSI *Research Trip to Macedonia on Trafficking in Children and Roma Communities*, 2004.

¹⁸⁷ Amnesty International interview with Mirjana Najcevska, November 2006, based on information received from the NGO Healthy Options Project Skopje (HOPS), which works with intravenous drug users, sex workers and trafficked persons.

and forced marriages (see below) and trafficking. Romani women and girls are often perceived by the majority community and international organizations as having been trafficked when they enter an arranged marriage. As arranged marriages may involve a financial transaction between the parties, non-Roma have described Roma as "selling" their daughters. This confusion between marriage custom and a criminal offence has caused substantial discord between non-Romani women's NGOs and Romani organizations, who have expressed concerns that arranged marriages have been misinterpreted, attacked and criminalized. Amnesty International considers that while the arranged marriages of persons under 18 may not be in accordance with the provisions of the Law on the Family,¹⁸⁸ they do not constitute trafficking, and regrets that such confusion may result in a failure to correctly identify Romani women and girls who have been trafficked.

Open Gate described to Amnesty International several cases in which they believed Romani girls may have been trafficked, but through an arranged marriage. In one case, which illustrates how confusion may arise, the girl's parents had received 5000 € from their son-in-law as part of the marriage contract. The marriage had initially been genuine one, and relatively happy; however, the girl's husband had subsequently trafficked her abroad into forced prostitution. In the absence of Romani anti-trafficking NGOs such misconceptions will continue.¹⁸⁹

In October 2004 an initiative by the ODIHR/OSCE Roma and Sinti Focal Point brought together non-Roma and Roma NGOs across the region to address trafficking within the Roma community, initially commissioning Romani NGOs to research the extent of trafficking in Romani persons their own country, and subsequently funding partnership projects between Roma and non-Roma NGOs. In September 2006 Macedonian organizations were twinned with Albanian and Italian NGOs to draft a common project focussing on the trafficking of street children.¹⁹⁰ Through such projects Romani women will be able to develop their capacity to set up their own organizations to address violations of the rights of trafficked Romani women and girls.

Custom law (arranged) and forced marriages

Amnesty International is concerned that customary practices, combined with economic pressure, may result in some young women being forced into marriage against their will.

¹⁸⁸ Under the Macedonian Law on the Family the age of marriage is 18 (or 16 in exceptional cases).

¹⁸⁹ Albanian women have established their own anti-trafficking NGOs in Tetovo, Struga and Kicevo.

¹⁹⁰ OSCE/ODIHR, *Report on Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings and Especially Children*, March 2005; OSCE Presence in Albania, *Building the capacity of Roma communities to prevent trafficking in human beings. Roundtable Report, 18-20 September 2006*.

Macedonian representatives included Enisa Eminova, Roma Women's Initiative, Anife Demirovska, and Open Gate (La Strada).

Here, Amnesty International distinguishes between forced marriages and arranged marriages, in which a young woman freely consents to enter a marriage which has been arranged by her parents.

However, concerns remain that some arranged marriages of Romani girls under the age of 18 may constitute forced marriage. Under international human rights law, persons aged under 18 years are defined as children; child marriages by this definition constitute forced marriages, as a child cannot be considered to have freely given consent. CEDAW General Recommendation 21 states that "the betrothal of girls or undertakings by family members on their behalf... contravenes not only the Convention, but also a woman's right freely to choose her partner".

The forced marriage of girls reinforces women's unequal status in society, reduces their life choices and leaves them vulnerable to violence. It may lead to early pregnancy, associated with adverse health effects for both mother and child. According to reports from other countries with similar traditions, the lower her family's income and her level of education, the more likely a girl is to be forced into marriage.

B.I., now aged 43, told Amnesty International: *"My father made me get married. I was 16. I did not know my husband beforehand; I had never even seen him. But in the end, thank God, we had a normal life, and no physical violence."*

Forced marriage, in contrast to arranged marriage, has been described as "any marriage conducted without the valid consent of both parties and may involve coercion, mental abuse, emotional blackmail, and intense family or social pressure. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the individual concerned".¹⁹¹ Further, forced marriage violates a woman's right to choose her partner, a right guaranteed under Article of the 23 (3) of the ICCPR and under the Women's Convention, to both of which Macedonia is a state party.

Forced marriages are now relatively uncommon, except in more rural areas and in poor communities. Enise Demirova from Shtip told Amnesty International: *"The situation is bad here, it is patriarchal. There are families here with a patriarchal view and the women are subservient to the men. What effect does that have on girls growing up? It is really bad for young women... early marriages are more frequent now, it's to do with money; it's about the sale of brides from 1,000 € to 5,600 €: they literally sell their daughters for money. In this social context it is one less person to feed. Children are sold at 13, 14, 15 years: there are both forced and arranged marriages."*

¹⁹¹ Ain O Salish Kendra and Shirkat Gah, *Information Gathering Exercise on Forced Marriages*, submission by Interights to the Home Office Working Group, UK, March 2000. (<http://www.soas.ac.uk/honourcrimes/FMsubmission.htm>)

However, even within such communities, forced marriages have little support, as Enise Demirova reported, “A 19-year-old was sold to a Roma from Denmark, who came to look for the perfect *borri* (wife). She did not want to marry him. Her father said ‘I brought you up, I fed you, I make the decisions’. Her mother did not have a say. Even though she (the daughter) is an adult, she had no say in this situation. She went to Denmark but after two months she ran away and came back to her parents in Shtip. The community saw her as ‘neither a wife nor a girl’, but they knew it was a forced marriage so they did not condemn her for running away. This is not an isolated case, because the situation for Romani women here is bad. It’s a contrast with Skopje; it’s more visible now here because of the economic situation.”

Amnesty International welcomes initiatives by Romani women activists who have encouraged Romani women to engage with the current debate within the Romani community which focuses on the tensions between the need to preserve a Roma identity, including through arranged marriages, and the violation of women’s rights, including through early or forced marriages, which have a “negative impact on the health and well being of individuals and the community”.¹⁹²

¹⁹² This debate is often divided on gendered lines, “While men emphasized the importance of custom law marriage for the group identity, women stressed the importance to ensure the right of personal autonomy and education”, Karoly M., ‘How to Talk about This to the ‘Outside’?’, *Roma Rights. Vol.2, Issue: Rights and Traditions*, 2005.

5. Conclusions and Recommendations

Amnesty International considers that successive governments in Macedonia have consistently failed to take measures to respect, protect and fulfil the human rights of Romani people. Amnesty International also considers that the current administration has failed to adequately respond to the challenge of the Decade of Roma Inclusion, which aimed to introduce measures to ensure that certain specific rights of all Romani persons in Macedonia are respected and protected.

In making the following recommendations, Amnesty International is aware of the precarious state of the Macedonian economy, but urges the authorities:

- to seek international assistance and cooperation where necessary to realize minimum core obligations related to the rights to health, education and work, as provided for in the International Covenant on Economic, Social and Cultural Rights;
- to identify programmes which may be eligible for specific assistance such as the matching funding allocated for the Decade of Roma Inclusion.

While the following recommendations are directed towards improving the rights of Romani women and girls, their implementation will also benefit Romani men and boys, and other minorities throughout Macedonia living in marginalized communities.

Implementation of the Plans of Action for the Decade of Roma Inclusion

Amnesty International calls on the Ministry of Labour and Social Policy, in conjunction with relevant ministries to:

- draw up specific, targeted and time-defined plans, including through temporary special measures, to eliminate discrimination against Romani women, as recommended by CEDAW and CESCRC, to include positive measures to accelerate progress towards the equality of men and women;
- include such measures as priorities in the national Gender and Roma Action Plans, revising the current Decade of Roma Action Plans, to produce comprehensive and detailed plans which more accurately reflect the recommendations envisaged in the *Roma Strategy*, and in this report; such plans should include clear deadlines, and identify both the financial and other resources and responsible authorities for each activity;

- establish structures and mechanisms, as envisaged in the *Roma Strategy*, to monitor progress, evaluate the effectiveness of the programme, and report to parliament, civil society and international bodies on implementation;
- systematically gather statistical information and data, disaggregated on grounds of gender and ethnicity, in relation to education, health, employment and other relevant areas, with due regard to European standards concerning the protection of personal data and the right to self-identification;
- strengthen the municipal level commissions on gender and Roma, so that they may be engaged in planning and monitoring their implementation, ensuring communication and cooperation at a local level.

Implementation of Special Measures

Amnesty International calls on the government without further delay to:

- implement temporary special measures as required by the CEDAW “to eliminate discrimination against rural women, as well as ethnic minority women, in particular Roma and Albanian women, and to enhance their enjoyment of human rights through all available means, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation No. 25 of the Committee”;
- implement temporary special measures as required by the CESC, “to ensure that women, in particular Roma and other minority women as well as women living in rural areas, have the same access to the regular labour market as men, including to senior positions, and that the principle of equal remuneration for work of equal value is implemented in practice”.

Examples of such measures are given below.

Introduction, amendment and implementation of legislation

Amnesty International urges the government, without delay to:

- introduce and adopt a comprehensive law on the prohibition of discrimination, in both the public and private sector and including on the grounds of ethnicity, in accordance with international standards, and considering draft legislation already proposed by NGOs; such legislation should include effective procedures and resources, including free legal services, whereby those whose rights have been violated may seek redress and reparations, including compensation;

- implement measures foreseen in the Law on Equality of Women and Men, including strengthening of the Ombudsperson's Office, to ensure that women have access to effective procedures, including free legal services, where their rights have been violated in order to seek redress and reparations, including compensation; such measures should equally apply to private enterprises and employers;
- take immediate measures to amend legal and administrative processes and discriminatory criteria which prevent Roma from obtaining personal documents;
- take immediate measures to issue administrative instructions to all relevant government departments, including the Ministries of Education, Labour and Social Policy, and Health to implement amendments to the Law on Social Policy to ensure that all citizens are eligible and are able to register for social insurance, including health insurance, irrespective of whether they have a certificate of completion of elementary education.

Representation of Women in Public Life

In order to fully realize the rights of Romani women, the government should take urgent measures to ensure the representation of Romani women in all aspects of public life, including by

- encouragement and support of training (including by the OSCE) which aims to ensure that Romani women play a full role in central government, municipal authorities, national municipal commissions on gender equality, and civil society;
- implementing measures foreseen in the Electoral Code to increase the representation of women in electoral lists;
- taking further positive measures to increase the representation of minorities, especially Romani women, including in employment in government structures.

Access to documentation

Amnesty International urges the government to:

- urgently process pending citizenship claims from Roma, Albanian and other minority applicants;

- take immediate steps, by removing administrative obstacles, to issue all Roma applicants with personal documents, with a view to ensuring their equal access to social insurance, health care and other benefits.

The Right to Education

Amnesty International calls on the government to discharge its immediate obligations under the ICESCR and the Children's Convention as well as other international human rights law and standards through:

- the development, funding and implementation, within a reasonable number of years, and with international assistance as necessary, of a plan as required under Article 14 of the ICESCR, to ensure that primary education at least is free and compulsory, including the provision of free textbooks, meals and transportation to and from schools, as well as other material assistance needed to encourage attendance and reduce drop-out rates
- encouraging the Inspectorate to adopt more active measures to ensure that the right to free and compulsory education is guaranteed, including through developing a culturally and gender-integrated strategy which fully informs and involves parents and children in decisions related to their education, ensuring that all measures to encourage attendance of Romani children of compulsory education age are in the best interest of the child and that the enforcement of legal provisions providing for compulsory education is used only as a last resort;
- adopting *temporary special measures* aimed at reducing drop-out rates of Romani girls, including by addressing discriminatory practices based on gendered roles by teachers and expectations which influence decisions by Romani girls to leave education;
- aiming towards the progressive availability and accessibility of secondary education free of all charges.

In addition, Amnesty International calls on the Ministry of Education to:

- ensure that all schools end the practice of the segregation, and exclusion of Romani children from education on the basis of their ethnicity;
- take measures to educate and train Romani teachers, including to provide education in the Romani language;
- in conjunction with FOSIM, to review examples of good practice developed and implemented by NGOs, including through the Roma Education Fund; to develop strategies and plans whereby such programmes may be introduced into mainstream practice, including to:

- include within the proposed "zero" grade, specific pre-school programmes that recognize Romani culture, traditions, history and language, and assist learning in the Macedonian (or Albanian) language, with a view to overcoming the difficulties that Romani children face when attending primary school;
- establish a mentoring system for all children who need support to assist them in making the transition between primary and secondary education;
- continue and expand on schemes to provide financial support to enable Roma to realize their right to education, ensuring an equality of distribution between the sexes;
- to provide teachers and other education professionals with training on discrimination on the basis of gender and race; and based on FOSIM's social justice training, to include information on Romani customs, history and language, with the involvement and cooperation of Romani professionals and organizations in order to challenge stereotypes and other discriminatory attitudes which inhibit children's full enjoyment of the right to education;
- provide additional resources for the development of both adult literacy and vocational training, ensuring through an effective monitoring system that such programmes are provided without discrimination on the grounds of ethnicity or gender.

The right to work

Amnesty International urges the Macedonian authorities to:

- collect data segregated by ethnicity and gender, in accordance with international standards, including in order to determine the current employment status of Romani women, so that effective measures may be taken to address the exclusion of Romani women from the labour market;
- ensure that all persons, irrespective of whether they have completed primary education, may register as unemployed with the National Employment Agency;
- amend social security legislation and related administrative procedures to ensure women have equal access to social insurance, irrespective of their marital or other status;
- amend the National Plan for Gender Equality to adequately address the specific needs of Romani women, as well as to ensure adequate financial and human resources to effectively implement measures in the plan;
- establish, publicize and implement specific measures, including training, retraining, financial and other support, so that Romani women may be equipped to enter the labour market, including in the formal economy;
- introduce, within any government programmes on employment, specific schemes aimed at Romani and other women to facilitate the realization of their right to work;

- ensure that education, training and information, is provided by employment centres to Romani women to support their entry into the labour market;
- take *temporary special measures*, as provided by law, to employ Romani women with secondary and higher education, within the state sector, ensuring that appointments are commensurate with their skills and experience;
- implement measures in the Decade of Roma Action Plan on Employment, which aim to eliminate gender and ethnic discrimination and inequality of Roma in the realisation of the right to work;
- Introduce as a *temporary special measure* grants or stipends to enable students to attend the Worker University, with effective monitoring procedures in place to ensure that participants do not suffer discrimination on the grounds of race or gender;

The right to health

The Ministry of Health and the Ministry of Labour and Social Policy should take urgent measures to implement their immediate obligations under the right to health, including through:

- reviewing the system of charges and health insurance to ensure that no-one is denied access to essential health care due to inability to pay;
- taking steps to exempt all persons who would not otherwise have access to essential health services and medicines (including those in receipt of social assistance) from payment of the participation fee and for medicines;
- taking steps to ensure that all persons without social insurance between the ages of 18 and 65 have access to health care under the Ministry of Health programme;
- enabling equal access to minimum guaranteed health protection for Romani families without documentation and social cases;
- ensuring that all Romani children are registered at birth.

The Ministry of Health should:

- launch an immediate information campaign in conjunction with Roma NGOs and municipal Gender and Roma Commissions to inform women – and medical professionals – of the provisions for free maternity care for uninsured persons;
- ensure that this, and all other health information is available in a language and in a form which people can understand;
- draw up programmes and plans to ensure that all Romani and other minority communities have equal access to health centres in proportion to the majority population; where this is not possible, mobile clinics as envisaged in the *Roma*

Strategy should be established; such clinics and health centres should be integrally involved in campaigns on health education;

- conduct research into the causes of the rise in infant mortality, and draw up a plan to respond to the causes;
- ensure that all current medical professionals and hospital staff, as well as students in medical secondary schools, university medical faculties and other training institutions for health professionals, are provided with training in non-discrimination; the principles of non-discrimination should be included in all codes of ethics and other professional standards, which should be enforceable at the level of service provision;
- encourage the training of Romani doctors and other health professionals.

With respect to reproductive rights, the Ministry of Health should:

- ensure access to education and information on sexuality, reproductive health, contraception, pregnancy (including the availability of free pregnancy care) and to treatment of gynaecological problems to women and girls;
- include in the Decade of Roma Action Plan on Health other measures identified in the *Roma Strategy* for the improvement of reproductive health

The Ministry of Housing should implement the Decade of Roma Action Plan and Operational Plan on Housing, including to:

- in consultation with Roma communities, take immediate steps to ensure the right to security of tenure to Roma living in informal settlements, including through the provision of legal title;
- prepare and implement plans to realize the right to adequate housing and the general improvement of housing conditions and infrastructure;
- make more rapid progress, drawing on international assistance, in the provision of services including clean water, sanitation, electricity, waste disposal and collection facilities in Romani communities.

Violence against women

The Ministry of Labour and Social Policy should ensure, with respect to domestic violence:

- equal access, without discrimination, to all public services and assistance, including protection, counselling and financial assistance, for women suffering from family violence;

- that NGO shelters administered by the Ministry admit women without discrimination;
- the establishment and funding of appropriate shelters for girls under 18 years of age, including those with children;
- the identification of economically viable solutions, including the provision of housing, for Romani women leaving violent partners;
- in conjunction with UNIFEM, resources for Romani women's NGOs working with victims of violence;
- the establishment of training programmes - in conjunction with UNIFEM - and the employment of Romani women within state institutions and NGOs to provide culturally appropriate protection and assistance;
- The establishment of training programmes for law-enforcement officers, social workers and NGOs in order to challenge stereotyped perceptions of Romani women and girls.

Amnesty International urges the government, with respect to trafficking in persons, to:

- complete the process of harmonization of legislation and procedures, in order to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, and implement measures for the protection and assistance of trafficked persons ;
- ensure that the Ministry of the Interior, Ministry of Justice and Ministry of Labour and Social Policy provide training to law enforcement officers, judges, prosecutors and social workers in the identification of trafficked persons to ensure that internally trafficked women and girls are not criminalized.

The National Referral Mechanism within the Ministry of Labour and Social Policy should:

- facilitate cooperation and partnerships between Roma and non-Roma organizations, enhancing Romani women's access to and analysis of trafficking-related information and materials, which should be available in languages other than English (which has the effect of further excluding Roma organizations);
- support initiatives by the OSCE/ODIHR which aim to build the capacity of Romani NGOs to address trafficking in persons and ensure that the specific needs of trafficked Romani women and girls are addressed in programmes of protection, assistance and support.

Leaders of the Romani community should:

- Publicly condemn forced marriages and virginity rituals which deny Romani women sexual autonomy and a right to freely choose their marriage partner.

The OSCE should:

- continue their support to the government in the development and implementation of the Gender Action Plan, the National Action Plans on Family Violence and on Combating Trafficking in Persons;
- the ODIHR/OSCE Roma and Sinti Contact Point should ensure that the Macedonian authorities take active measures to implement these plans.

The European Union and other bilateral and multilateral donors should:

- ensure that adequate international assistance and cooperation is extended where necessary to ensure the realization of minimum core obligations related to rights to education, health and work as well as the elimination of discrimination in Macedonia;
- ensure that international assistance and cooperation is not associated with human rights violations.

