

Macedonia

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

Summary

I Double discrimination

Romani women in Macedonia suffer from double discrimination, on the grounds of both their gender and their ethnicity. Such double discrimination is widespread, routine and pervasive.

This report provides evidence of discrimination against Romani women and documents human rights violations to which Romani women and girls in Macedonia are exposed. In particular it examines the obstacles they face in accessing three basic human rights: the right to education, the right to work and the right to health, enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). It also highlights the failure of the Macedonian authorities to protect Romani women and girls from gender-based violence; as many as 70 per cent of Romani women report that they have experienced some form of domestic violence.

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 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.

The failure of the Macedonian authorities to meet their obligations set out in the ICESCR and other international human rights treaties to which Macedonia is a party,

has been highlighted in reports by three of the independent expert committees which monitor states' compliance.¹ This report highlights Amnesty International's concern about the absence of progress by the Macedonian government to guarantee the political, economic and social rights of Romani citizens, both documented and undocumented.

Double Discrimination

"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, The Convention on the Elimination of all Forms of Discrimination Against Women.

"... 'racial 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, UN Convention on the Elimination of All Forms of Racial Discrimination

This is a summary of a more detailed report of the same title (AI Index: EUR 65/004/2007), one of series of Amnesty International reports on discrimination against Roma throughout Europe. Amnesty International's report concludes with a set of comprehensive recommendations. If implemented, the organization considers they would enhance the respect and protection of the rights of Romani women and girls in Macedonia.

The report is based on interviews with Romani women, girls and men, with Romani women's non-governmental organizations (NGOs) Romani NGOs, non-Roma NGOs, intergovernmental organizations and government representatives, and reports by

¹ *Concluding comments of the Committee on the Elimination of Discrimination against Women: the former Yugoslav Republic of Macedonia*, Thirty-fourth session 16 January-3 February 2006, 3 February 2006, (CEDAW/C/MKD/CO/3), (hereafter, 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; *Concluding Observations of the Committee on the Elimination of Discrimination, Seventieth Session*, 19 February – 9 March 2007, CERD/C/MKD/CO/7 [advanced unedited version] March 2007, (hereafter, CERD Concluding observations).

international and domestic NGOs.² 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.

II The Roma in Macedonia: rights denied

Romani people have been living in Macedonia since at least the 16th century, many converting to Islam during the Ottoman period.³ 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*). The Roma were recognized as an ethnic group under the 1974 constitution in the SFRY and the Socialist Federal Republic of Macedonia. In 1991 Macedonia declared independence from the SFRY: the new 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 2,022,547.⁴ 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. 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.

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 Shuto Orizari. Some Roma are employed in government and municipal authorities, although often only in Roma-related posts. Roma have also been exercising their right to freedom of expression: there are Romani programmes on state television,

² See in particular, 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 *CEDAW Shadow Report*). <http://www.errc.org/db/01/97/m00000197.pdf>; research for the report was conducted by the RCS and other young female Romani researchers, in partnership with UNIFEM.

³ In the 1994 census, some 91 per cent of Roma in Macedonia identified themselves as Muslim.

⁴ 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.

two private Romani television stations, up to five licensed radio stations focusing on Romani issues, and five dedicated electronic media outlets.

Decade of Roma Inclusion and Strategy for Roma

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".⁵ The governments made "a political commitment ... to combat Roma poverty, exclusion, and discrimination within a regional framework". 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.⁶ 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 (NAPs).

Macedonia's goals and activities for the Decade were 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.⁷ This comprehensive document, produced through working groups which included members of the Romani community,⁸ set out specific and detailed measures covering 10 areas of concern,⁹ 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 (DRAP),¹⁰ remains a poor reflection of the *Roma Strategy*.

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

⁵ 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.

⁶ See www.romadecade.org, accessed on 26 May 2006.

⁷ <http://www.ecmirom.org/download/Roma%20Strategy%20English.pdf>,

⁸ The CERD commended Macedonia for its adoption of the "National Strategy on Roma", welcoming efforts made by the government to "involve Roma communities in the development of programmes and policies that effect them", CERD, *Concluding observations*, para.7, March 2007.

⁹ 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.

¹⁰ 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

the poorest communities in the country. Macedonian authorities have to date largely failed to introduce measures to address the specific human rights violations faced by Romani women.¹¹ 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.

Thirty-nine 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.¹²

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 which “implement[s] the principle of equal treatment irrespective of racial and ethnic origin”,¹³ and among other things prohibits both direct discrimination 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].”¹⁴

The EU Charter of Fundamental Rights also includes a prohibition of “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin,

¹¹ See Tatjana Perić, *A Failing Promise? Romani Women in The Decade of Roma Inclusion*, OSI - International Policy Fellow 2006/7.

¹² Based on a 2005 UNDP survey which 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.

¹³ Council Directive 2000/43/EC, of June 29 2000.

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

genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation."

1. The right to citizenship

Roma, are disproportionately represented among stateless persons and those without citizenship resident in Macedonia.¹⁵ Romani women face a variety of obstacles in obtaining citizenship, including a lack of required documentation, such as birth certificates, an inability to pay the costs of citizenship documents, and gender discrimination.

A significant number of 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.¹⁶ Adults without birth certificates cannot obtain an identity card. Others do not have identity cards because they are unable to afford the costs, which include the purchase of photographs and other supporting documents, amounting to between €5 and €10. Some Romani women who would normally qualify for citizenship under the law are not citizens of Macedonia because their husbands have registered, apparently on their behalf, but in cases of separation women find they are not registered.

Romani children are denied the right to education if they do not have documentation. Meanwhile, as adults, access to the right to work and social benefits, including health-care and social insurance, continue to be predicated on the possession of a certificate of completion of elementary education, despite the fact that such "educational criteria" are not included in current Macedonian legislation on employment or health care, and government officials continue to publicly state that such a requirement does not exist.

¹⁵ In 1997, the government reported the presence in Macedonia of 4,356 stateless Roma and 7,407 Roma with unknown citizenship (out of 18, 851 stateless persons and 68, 989 persons of unknown citizenship), European Centre for Minority Issues, *Toward Regional Guidelines for the Integration of Roms*, Republic of Macedonia.

¹⁶ Of 1,182 Romani individuals over the age of 18 surveyed by the National Roma Centrum, 222 (18. per cent) did not have official identity cards, *Written Comments Of The European 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* (hereinafter, ERRC/NRC Shadow Report to CESCR). p.3. 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.

2. The right to education

"Roma 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."

A number of factors collude to bar Romani children from education. In secondary education, for women and girls, drop-out rates are high. At the primary level, while such education is supposed to be compulsory and free, in reality hidden costs impede Romani children, both boys and girls, from attending school..

The right to free compulsory primary education

International human rights law places an immediate obligation on states to ensure that primary education is compulsory, free of charge, and accessible to all without discrimination.

Although under Macedonian law primary education is said to be free, in practice there are costs involved. While international standards require Macedonia to provide a primary education free of all charges, in Macedonia only tuition is free of charge. Secondary education, which is not compulsory, also involves costs. Many Romani children do not attend school or drop out from education because their parents cannot afford to send them to school.

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 Roma Center of Skopje reported that they had dropped out because of such charges or costs.

Education and the Decade of Roma Inclusion

Many of the perceptive insights, aims and concrete proposals set out in the Macedonian government's *Strategy for Roma*, written in consultation with Romani individuals and NGOs, failed to see the light in the government's Decade of Roma Inclusion Education Action Plan.¹⁷

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 by which obstacles to the realization of free compulsory primary education might be removed. Such measures might include free textbooks, meals,

¹⁷ Published by the Ministry of Labour and Social Welfare, 2004 [check]

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.

For some families, a child at school represents a loss of family income. Boys may be withdrawn from school to work outside the home, meanwhile gendered roles within the family require girls to stay at home to look after younger children or to help with the housework, particularly if the mother works outside the home.¹⁸ A Romani educationalist 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; other missed school for up to two months to work alongside their families in the seasonal harvests. As one Romani woman from Shtip 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.*"¹⁹

Linguistic and cultural barriers

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. Romani children may not speak fluent Macedonian, and there are no measures in place to help them adapt to the language in primary education.

Equally, linguistic differences may lead to segregated education, wherein Romani and Macedonian-speaking children are separated. While there is no official policy of segregation in education, demographics more often determine that one ethnic group is predominant in a school, for example, the predominantly Roma elementary school in Shuto Orizari.

Segregation can also take place as a result of pervasive negative attitudes toward Roma, stereotyping and discrimination. 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

¹⁸ CEDAW Shadow Report, p. 20 if this is the first reference then it needs to be in full

¹⁹ Amnesty International interview with "T", Carenja NGO, Stip, November 2006

described as "ethnically clean".²⁰ Such discrimination by parents appears to be widespread. In 2007 parents of children at the Jordan Hadji-Konstantinov Djinot Elementary School in Veles reportedly refused to let their children attend classes with Romani students; at the beginning of the school year, the school introduced separate shifts for Macedonian and Romani pupils. 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 was repeatedly pushed off his bicycle by ethnic Albanian children, and told to go back to Kosovo. He no longer goes to school. Amnesty International notes that the right to education requires schools to ensure that education *adapts* to the child, including that they respect the rights of children belonging to minorities, and encourage attendance.

The Right to Education

International bodies

The right to education is recognized in the 1948 Universal Declaration of Human Rights (UDHR) and is enshrined in treaties to which Macedonia is a party: the ICESCR; the Convention on the Rights of the Child (Children's Convention); the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The right to education is also guaranteed in the Framework Convention for the Protection of National Minorities, and in the European Social Charter.

The Children's Convention places further emphasis on the obligation of the state to ensure that education which is available adapts to the rights of the individual and to encourage attendance.²¹

Macedonian legislation

In Macedonia, the right to education without discrimination is guaranteed by 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". The Law on Secondary Education provides that "Discrimination based on gender, race, skin colour, national and social origin, political and religious beliefs, property and social position, is not allowed."

²⁰ The term "clean" was used by Romani persons to describe mono-ethnic education.

²¹ Convention on the Rights of the Child, Article 28(1) "With a view to achieving [the right to education] progressively and on the basis of equal opportunity, [states parties] shall, in particular: [...] (e) take measures to encourage attendance at schools and [reduce] drop-out rates."

Gender discrimination

Several factors have contributed to Romani girls being excluded from education. Their parents may not be able to afford associated costs, such as school books, and/or the cost of transport to school. They may equally be excluded by lack of documentation; the Roma Centre of Skopje cite 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.

The high 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 attitudes were rapidly changing. Even so, teachers often have preconceived notions of Romani girls as low achievers, and fail to encourage them to learn. In the words of 15-year-old S.I. from Skopje who dropped out of school in the 5th grade of primary education: *"When I was in the 4th grade my teacher Neda used to tell me 'You Romani girls are used to getting married very early and that's why you are not interested in learning.'"*

Amnesty International found that the mothers they interviewed – especially those whose own 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. One mother 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".*²²

In the absence of comprehensive measures by the government to increase Romani children's access to education, NGOs have taken measures to encourage such access 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. While the authorities have not taken measures to ensure that Romani children are given the same start in education as their counterparts, models of good practice have been developed by NGOs, and are outlined and analyzed in our full-length report.

²² Amnesty International interview with B., member of the NGO, "Esma", November 2006.

3. The right to work

*"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".*²³

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 2006.²⁴ 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.²⁵

As elsewhere in central and south-eastern Europe, Romani people in Macedonia were disproportionately affected by the economic restructuring of the late eighties and early nineties, and the difficult transition to a market economy.²⁶ In 2000, according to the National Statistical Office, Romani unemployment was at 83.4 per cent, more than twice the national average of 38.1 per cent.²⁷ 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.²⁸ Roma NGOs suggest that some 66 per cent of Romani women are unemployed.

Female unemployment in Macedonia is higher than in other countries in central and eastern Europe. Discrimination in access to education leads to the exclusion of more than half of Romani women from registering for formal employment, including in state institutions which require a certificate of completion of elementary education. This also renders them ineligible to register with unemployment offices. In addition, Romani women face both direct and indirect discrimination, when they enter the labour market.

Sabrina

Sabrina was a cleaner, but she had it better 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 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

²³ Amnesty International interview with B.T., member of "Esma", November 2006.

²⁴ UNIFEM, *Women and Employment in Central and Eastern Europe and the Western Commonwealth of Independent States*, 2006, p. 14.

²⁵ National Employment Agency (NEA), April 2006.

²⁶ ERRC, *The Glass Box*, 2007.

²⁷ *Employment Statistics for Macedonia*, 2000; 2002 census, see *Roma Strategy*, pp. 30-31.

²⁸ Of those persons registered as unemployed in 2000, 247,304 (67.7%) were Macedonian, 71,974 (19.4%) Albanian; 14,647 (4.0%) Turkish; 15,464 (4.2%) Romani; 3,849 (1.1%) Serbs, while the other 11,973 (3.3%) belong to other ethnic groups, Lapinska et al, *Needs Assessment*, 2004.

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."*²⁹

The majority of Romani women therefore work in the informal economy, such as selling goods in markets, where they earn little money, are not protected by labour or health and safety laws, nor are they eligible for social protection. But 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. The majority who work outside the home are engaged in retail on the "grey market", selling in markets and other stalls. Few are employed in the public sector, mostly as cleaners; fewer still work in the private sector. Those in such employment report that they face discriminatory working conditions and rates of pay.

The Right to Work

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. The ICESCR 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". It stipulates that state parties must "guarantee that the rights [set out in the ICESCR] will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".³⁰

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. In 2006, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that Macedonia adopt temporary special measures to encourage women's right to employment.

The Macedonian Constitution guarantees the right to work, and rights within employment, while the Ohrid Agreement provided for the introduction into law of measures to end discrimination, including measures for positive discrimination.

²⁹ Amnesty International interview with M.H., Shuto Orizari, November 2006.

³⁰ Official Gazette, No.80/93-2007.

The education-employment trap

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 employment opportunities. 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. An unemployed Romani woman from Shtip interviewed by Amnesty International delegates: *"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. People tell us we do not have enough education."*

Ending discrimination in employment

The Macedonian government has, to date, failed to adopt comprehensive anti-discrimination legislation that is a core obligation under international human rights instruments to which the country is a 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 the Women's Commission in 2006 identified that "poverty affects women much worse than men", they admit that no action plan to address female unemployment exists across the whole population – let alone for Roma.

4. The right to health

The poor health of the Roma is linked to denial of other rights including the rights to adequate housing, to water and to 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.³¹

³¹ 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 is not confined to the right to health care. "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).

Romani women suffer from double discrimination in the right to health care. They are disproportionately excluded either because they are not eligible for health insurance in their own right or because they lack the necessary documentation. Many cannot afford the "participation fee" imposed on almost all medical treatment and on basic medicines.

Romani women also face direct discrimination by health workers, including in reproductive rights and maternal care, and may be refused access to treatment, including in childbirth. Again NGOs have attempted to fill the gap left by the state through providing, for example, health education or assisting with obtaining documentation.

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 healthcare without discrimination; and access to reproductive health care. Governments should also take immediate steps to prioritize the most vulnerable.

The Right to Health

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.

The ICESCR recognizes "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". 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."³²

With specific reference to women's health, the CESCR 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

³² CESCR, General Comment 14; International Convention on the Elimination of all forms of Racial Discrimination (ICERD), Article 5(e)(iv) also obliges states to guarantee the right to health without discrimination.

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.³³

Health insurance

In 2005, up to 39 per cent of Romani women did not have access to health insurance. 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. Others are not eligible 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 awarded 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 only as a dependant.

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. 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 three per cent of all fertile women in Macedonia have received counselling and advice on contraception from government agencies.³⁴

Despite the upward trend in age at marriage, Romani girls and women still disproportionately have their first child at a young age. Early pregnancies are also reportedly a cause of major health problems for both mother and child.

Economic barriers to accessing health-care

Until 2002 primary health care was provided free of charge. Since then everyone, including persons receiving social assistance, has been required to pay a "participation fee" amounting to 20 per cent of the costs of primary care and of

³³ CESCR, General Comment 14, para 21.

³⁴ Around 66 per cent of women surveyed by Daja did not use contraception, although this varied between communities; among 90 per cent of couples' decisions on the number of children were reportedly made jointly, Daja survey, *op.cit*; *State Party Report to CESCR*, para.535, p.83.

medicines. Even those in employment and earning a reasonable wage reportedly find the participation fee expensive, and rampant corruption within the health service often adds to the cost, in the payment of "additional" fees.³⁵ For those living on social assistance, the 20 per cent participation fee and the costs of medicines are always problematic and often prohibitive.

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. BI, 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 Euro! I don't have the money."

Many women report that they only visited the doctor when they absolutely had to. They sought health care only on behalf of their children, when they were seriously ill or when they gave birth. This was either because of the cost involved or because they feared discrimination.³⁶

Discrimination in the health service

Romani women are subjected to discriminatory treatment at the hands of health professionals. Racial abuse and inexcusable neglect are not uncommon. 15-year-old M.T. from Shtip was being verbally abused while she delivered her baby: *"When I gave birth to my (only) child, medical personnel insulted me the entire time, saying, 'You Gypsies have too many children and your breath smells from hunger.'"* Likewise, 27-year-old I.A. from Kumanovo was neglected by nursing personnel just because she is Roma: *"I was the only Romani woman 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."*

Reproductive rights

Despite the upward trend in age at marriage, Romani girls and women still disproportionately have their first child at a young age. According to the NGO Daja, approximately one quarter of girls between the ages of 15 and 19 in Shuto Orizari

³⁵ *DecadeWatch*, p.100; see for example, "Resen's Healthcare Authorities Accused of Embezzling 100,000 Euros" *MaxFax*, 22 May 2007. .

³⁶ Daja found that only 21.6 per cent regularly visited their doctor; *Daja survey* op.cit.

give birth (compared with approximately 10 per cent of girls in the general population).³⁷ Early pregnancies are also reportedly a cause of major health problems for both mother and child. Consequently abortion may be used as a form of family planning.

Amnesty International echoes the CESCR's 2006 recommendations 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".

5. Violence against women

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 and 24 per cent of women report being beaten.³⁸

Violence in the family

Romani NGOs have reported a high level of domestic violence against Romani women within their community, with an estimated 70 per cent of women reportedly experiencing some form of domestic violence. In addition to violence from their husbands, they also face violence from members of their husband's family, or in some cases, their own parents.

The Macedonian authorities fail to protect women from such violence, rarely responding to calls for assistance or taking appropriate action to investigate reports and prosecute the perpetrators. Romani women seeking assistance from municipal authorities and NGOs often face further discrimination, and are rarely provided with appropriate assistance and support.

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

³⁷ 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>

³⁸ ECE, *Domestic Violence*, 2000; based on a survey of 850 respondents, including 93 Romani women (10.9 per cent), in 14 towns and 21 villages in Macedonia.

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.

The majority of Romani women who have been subjected to violence in their family reportedly do not register complaints about domestic violence with 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. However, according to research by the Roma Center of Skopje, when Romani women reported such violence to the police, they failed to respond appropriately. According to Kjetmet Amet, president of Romani women's NGO Luludi, *"The police don't protect women. They believe that the 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 such cases, or they just treat the case as a domestic disturbance. The Law on the Prevention of Domestic Violence is not implemented."*

Trafficking in women and girls

The Macedonian government has taken steps to combat trafficking, including changes in law, and the establishment of a National Referral Mechanism to provide protection and assistance to trafficked persons. However, Amnesty International is concerned that the authorities in Macedonia have failed to respond adequately to the growth of internal trafficking, including of 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. However, NGOs report that since 2003 there has been a decline in cross-border trafficking while internal trafficking has increased, consistent with reports from elsewhere in the Balkan region. Romani girls are reportedly trafficked from poorer areas to the western part of Macedonia to work in bars and restaurants or for the purposes of forced prostitution.

Several anti-trafficking laws exist in Macedonia. 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".³⁹

³⁹ CESCR, Concluding Observations, para. 40; see also CEDAW Concluding comments, paras. 21-24.

However, Amnesty International is concerned that in the absence of effective protocols on the identification of internally trafficked persons, Romani women and girls and other internally trafficked people will be denied the protection, services and support afforded to trafficked persons. They may be prosecuted for other offences related to their situation as a trafficked person, including prostitution, while perpetrators will not be punished.

Arranged and forced marriages

Amnesty International is concerned that customary practices, combined with economic pressure, have resulted in some young women being forced into marriage against their will. 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 may constitute forced marriage. 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: there are both forced and arranged marriages."⁴⁰ 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".⁴¹

III Conclusions and Recommendations

Amnesty International considers that successive governments in Macedonia have consistently failed to take adequate measures to respect, protect and fulfil the human rights of Romani people. Amnesty International also considers that the current administration has failed to respond adequately 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. The joint

⁴⁰ Amnesty International interview with Enise Demirova, November 2006.

⁴¹ 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.

government/NGO strategy outlined in the Strategy for Roma remains largely unimplemented.

In making the recommendations that follow, Amnesty International is aware of the precarious state of the Macedonian economy, but especially urges the authorities to:

- identify programmes which may be eligible for specific assistance such as the matching funding advantage allocated for the Decade of Roma Inclusion;
- draw up specific, targeted and time-defined plans, including through temporary special measures, to eliminate discrimination against Romani women, as recommended by CEDAW and CESCR, to include positive measures to accelerate progress towards the equality of men and women;
- 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 ICESCR;
- systematically gather statistical information and data, disaggregated on grounds of gender and ethnicity, in relation to education, health, employment and other relevant areas;
- urgently process pending citizenship claims from Roma and other minority applicants and 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;
- introduce and adopt a comprehensive law on the prohibition of discrimination without delay.

The right to education

- prioritize 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 genuinely free and compulsory;
- adopt *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.

The right to work

- amend social security legislation and related administrative procedures to ensure women have equal access to social assistance, irrespective of their marital or other status;
- take *temporary special measures* including affirmative action, 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 Action Plan on Employment, which aim to eliminate gender discrimination.

The right to health

- review the system of charges in health insurance to ensure that no-one is barred from accessing essential health care due to inability to pay;
- take 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;
- enable equal access to minimum guaranteed health protection for Romani families without documentation, social cases, and women who have not resolved their housing issues;
- make more rapid progress, drawing on international assistance, in the provision of basic services including fresh running water, sewage and waste disposal and collection facilities in Romani communities.

Violence against women

With respect to domestic violence, ensure

- equal access, without discrimination, to all public services and assistance, including from the police and NGOs, including protection, counselling and financial assistance, for Romani women suffering from family violence.

With respect to trafficking in persons, to:

- ratify the Council of Europe Convention on Action against Trafficking in Human Beings, ensuring that the specific needs of trafficked Romani women and girls are addressed in programmes of protection, assistance and support, including by Romani NGOs.

Amnesty International notes that while the above recommendations are directed towards improving the rights of Romani women and girls, their implementation will also benefit Romani men and boys, and other marginalized communities throughout Macedonia.