

*Pregledni članak*

## DISCRIMINATION AGAINST ROMA IN NORTH MACEDONIA

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**Abstract:** Roma are Europe's most vulnerable and marginalized community, living on the outskirts of society. A large portion of the Roma community lives below the poverty line in substandard catches, exposing them to a wide range of risks to their lives on a daily basis. Adequate health care and access to the educational process are required to improve their social standing; however, in the majority of European countries, these prerequisites are either inaccessible to the Roma population or, where they exist and are accessible to them, they are frequently segregated and separated from the rest of the communities by race. Globalization, as a global process, has, among other things, accelerated the process of ethnic identity construction and political articulation in the last decade. This trend of Malcinski's internationalization (ethnic) rights is especially relevant for countries in transition, which have the status of candidates for EU membership or what they intend to obtain. Of course, this type of commitment also serves as a model for the standards and criteria that these countries should incorporate into their legislation in order to affirm and protect human rights. Experience has shown that the traditional approach to minority rights in relation to the Roma does not produce the expected results, namely that the situation with the Roma in relation to other ethnic communities is completely different, and thus this approach does not solve the problem efficiently.

**Key words:** Discrimination, law, marginalization, Roma and education.

### Introduction

The Roma population in the Republic of North Macedonia remains the country's most vulnerable minority, facing institutional discrimination and social prejudices.

There are different definitions of "grounds for discrimination". One of the most frequently cited definitions is that of the European Court of Human Rights (ECtHR), according to which it is "a personal characteristic (status)<sup>5</sup> according to which persons or groups of persons differ from each other".<sup>82</sup> According to another definition, a basis for discrimination is a characteristic of an individual that should not be considered relevant in relation to different treatment or in the enjoyment of certain benefits.<sup>83</sup>

The Roma woman remains on the periphery of our society, with limited access to health care and employment, let alone participation in politics and decision-making. The Roma community remains the most discriminated against and one of the most marginalized in North Macedonia, but the current law has proven to further limit this community and other ethnic communities in Macedonia in initiating proceedings, increasing victimization and reducing citizens' courage to fight for their rights.

Social and institutional discrimination, marginalization, unequal treatment, and unequal access to justice, as well as violations of basic human rights, are still current issues in Macedonia, and we continue to face the following issues: a lack of personal documents/citizenship, limited

<sup>82</sup> Kjeldsen, Busk Madsen and Pedersen против Данска (App, 5095/71, 5920/71, 5929/72), 7 декември 1976 г., Серија А бр.23 (1979-90), 1 EHRR 711 §56.

<sup>83</sup> Handbook on European Non-discrimination Law'. EU FRA and CoE, 2010. 97

access to goods and services, education and employment, health, and housing, as well as the prevalence of early marriage. Which leads to poverty after the fall of automatism. When it comes to poverty, the rate among Roma is roughly 2.5 times higher than the national rate.

According to the Law on Protection against Discrimination, discrimination is defined as:

"Discrimination is any distinction, exclusion, restriction or preference that is based on a discriminatory basis, with an act or omission, which has the purpose or result of preventing, limiting, recognizing, enjoying or exercising the rights and freedoms of a certain person or group on an equal basis with others. This covers all forms of discrimination including the denial of adequate accommodation and the denial of accessibility and availability of infrastructure, goods, and services."<sup>84</sup>

The goal of this law is to ensure the principle of equality, as well as to prevent and protect against discrimination in the exercise of human rights and freedoms.

### **Discrimination in North Macedonia**

According to the values and principles of democracy, every person regardless of their ethnic, religious or gender affiliation has the right to participate in public processes and decisions that affect their lives.

- **Housing**

There are several laws in Macedonia that regulate housing and are especially important for Roma, such as the Law on Housing<sup>85</sup> and the Law on Dealing with Illegally Built Buildings.<sup>86</sup> Roma have some of the country's worst housing conditions.<sup>87</sup> 28 percent of Roma live in poor neighborhoods, in substandard housing that frequently lacks formal registration.<sup>88</sup> Overcrowding is also common: many Roma families live in houses that are less than 5 square meters per person.<sup>89</sup> The precariousness of this arrangement exacerbates the situation, with approximately 80,000 Roma households lacking long-term housing solutions.<sup>90</sup> The lack of adequate drinking water, electricity, heating, or sanitation frequently contributes to widespread illness.

Local government units of local government play an important role, as they are closely charged with regulating housing. They are also responsible for infrastructure development, urban planning, and cadastral registries, but many Roma is not familiar with the complex institutional structures that shape these policies and, therefore, are largely dependent on the goodwill of decision makers. While in the last few years, around 2,000 applications have reportedly been submitted to regulate unregistered homes, the outcome of these proceedings is largely

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<sup>84</sup> ЗАКОН ЗА СПРЕЧУВАЊЕ И ЗАШТИТА ОД ДИСКРИМИНАЦИЈА

<sup>85</sup> Закон за домување бр. 99/09, 05.08.2009 година.

<sup>86</sup> Закон за постапување со бесправно изградени објекти бр. 23, 24.2.2011 година.

<sup>87</sup> Влада на Република Македонија, Национална стратегија за намалување на сиромаштијата и социјалната исклученост во Република Македонија 2010-2020, март 2010 година, стр.66.

<sup>88</sup> УНИЦЕФ, Инклузија на сите Роми во системот на здравствено осигурување, 2016 година, стр.2. 2.

<sup>89</sup> Совет на Европа, Тематски извештај од експертите на тематската група ЦАХРОМ за социјални станови за Ромите, ЦАХРОМ (2012) 8, Стразбур, 28 ноември 2012 година.

<sup>90</sup> Ибид

unknown, although civil society organizations believe that the ratio is certainly relatively low nationally.<sup>91</sup> In this context, it is difficult for citizens, especially Roma, to get a clear picture of the regulations and how to successfully observe them.

- Health care

The Republic of Macedonia's Constitution guarantees all citizens the right to healthcare. Although the Law on Health Care and the Law on the Protection of Patients' Rights<sup>92</sup> prohibits discrimination in health care on any basis, discrimination against Roma in health care remains widespread and largely unreported. The negative experiences that many people have when attempting to obtain health care may discourage them from using these services in the future. Domestic legislation states that all citizens have the right to health insurance<sup>93</sup>, and Roma coverage is the best in the region<sup>94</sup> and close to universal. 94 percent of marginalized Roma (over the age of 16) are covered, compared to 97 percent of non-Roma residents. In their immediate surroundings<sup>95</sup>, the main reason for those without health insurance is a lack of personal documentation. However, while Roma health care is comparable to that of non-Roma, Roma services are typical of lower quality than services provided to the general population.

Furthermore, Roma has higher morbidity and mortality rates than the general population.<sup>96</sup> This is reflected in Roma having a significantly lower average life expectancy (68 years) than the national population (73.5 years).<sup>97</sup> Discrimination by medical personnel against Roma is a major factor in their reluctance to see a doctor. Aside from existing cultural barriers, healthcare professionals frequently act hostile toward Roma patients or make racist remarks about them. This behavior, based on stigma and prejudice, frequently discourages Roma from seeking medical care, contributing to their poor health outcomes. According to one survey, nearly the same percentage of Roma as non-Roma suffer from chronic non communicable diseases, but at a lower rate.

A smaller proportion of them receives regular therapy, and those who do receive lower-quality health care.<sup>98</sup> Similarly, a lower proportion of Roma children receive vaccinations than children from other ethnic groups.<sup>99</sup>

- Education

<sup>91</sup> ЦЕА и Ромалитико, цитирано дело, стр.62.

<sup>92</sup> Закон за заштита на правата на пациентите, Службен весник бр. 82/2008, 12/2009 и 53/2011

<sup>93</sup> Закон за здравствено осигурување, Службен весник бр. 25/2000, 96/2000, 50/2001, 11/2002, 31/2003, 84/2005, 37/2006, 18/2007, 36/2007, 82/2008, 98 / 2008, 6/2009, 67/2009, 50/2010, 156/2010, 53/2011, 26/2012, 16/2013, 91/2013 и 187/2013).

<sup>94</sup> Европска комисија, април 2018, цитирано дело, стр.33.

<sup>95</sup> УНДП и Светска банка, цитирано дело.

<sup>96</sup> УНИЦЕФ, Инклузија на сите Роми во системот на здравствено осигурување, 2016 година, стр.2.

<sup>97</sup> ОСФ, РЕФ и УНИЦЕФ, цитирано дело, стр.24

<sup>98</sup> ЕЦЕ, ОСФ и ФОСМ, цитирано дело, стр.37.

<sup>99</sup> Ибид., стр.38

The Macedonian Constitution<sup>100</sup> and the Law on Basic Education<sup>101</sup> guarantee the right to an equal education. In practice, however, Roma children continue to face social stigma, discrimination, and segregation<sup>102</sup>, as well as numerous barriers to regular and high-quality education and training.<sup>103</sup> Enrollment of Roma children in pre-school institutions remains very low: according to a survey of selected Roma settlements, only 14% of Roma children aged 3 to 6 receive pre-school education, compared to 29% of the non-Roma population living nearby.<sup>104</sup> Furthermore, there is low class attendance and high school dropout rates among Roma students.

There are several reasons for this, including Roma family emigration to Western European countries, a lack of personal documentation, segregation even in the early stages of education, and a lack of organized or public transportation to kindergartens from Roma settlements, which are typically located far from educational institutions.<sup>105</sup> Of all ethnic groups in Macedonia, Roma have the highest level of illiteracy; however, there are signs of improvement among Roma students in terms of enrollment and completion of primary and secondary school.

According to the Basic Education Law, students who live in their immediate surroundings are enrolled in primary schools; however, students from other districts or municipalities can be enrolled in primary schools if there are open spots, which in practice frequently leads to arbitrariness.<sup>106</sup> One of the main reasons for school segregation is that parents find ways to avoid the residential catchment system in order to secure places in the schools of their choice, which contributes to the establishment of "Roma-only" primary schools. The Ombudsman emphasizes the issue of segregation and the disproportionate representation of Roma children in special schools on a regular basis.<sup>107</sup>

Another barrier to education is poverty: many Roma parents do not have enough money to buy their children clothes, shoes, or school supplies. Parents choose not to send their children to school to protect them from bullying because some of the poorest Roma households do not have access to running water, making hygiene difficult. Many Roma families leave for seasonal work with their children, who are not in school at the time. Rather than attending school, girls in some traditional families are encouraged to stay at home to help with the household and care for their siblings.<sup>108</sup> Some children lack the necessary documentation to attend school or

<sup>100</sup> Член 44, Устав на Република Македонија: „Секој има право на образование. Образованието е достапно за секого под еднакви услови. Основното образование е задолжително и бесплатно“

<sup>101</sup> Закон за основно образование, Службен весник бр. 103/08, 2008.

<sup>102</sup> Европска комисија, април 2018, стр.31.

<sup>103</sup> Ибид., стр.78.

<sup>104</sup> УНДП и Светска банка, Ромите на прв поглед - Поранешна Југословенска Република Македонија, април 2018 година.

<sup>105</sup> ЦЕА и Ромалитико, Извештај во сенка - Имплементација на Стратегијата за Ромите во Република Македонија во 2016 и 2017 година, март 2018 година, стр.62.

<sup>106</sup> Член 46, Закон за основно образование, Службен весник бр. 103/08, 2008. Видете и ИХР и ЕРПЦ, Сегрегација на деца Роми во основните училишта во Република

<sup>107</sup> Видете, на пример, Извештај на Народниот правобранител, „Информации за состојбата со уписот на Ромите во прво одделение и нивната застапеност во паралелките заедно со децата од другите етнички групи 2014/15“, октомври 2015 година.

<sup>108</sup> ОСФ, РЕФ и УНИЦЕФ, Инклузија на Ромите од рано детство, 2012 година, стр.41.

receive a certificate of completion. Roma people are sometimes denied enrollment or are unaware of their legal rights.

Roma in Macedonia, despite the many legal regulations that explicitly prohibit discrimination, continues to face prejudice and stigma in practice from an early age. These issues are often interrelated. School segregation and poor quality teaching contribute to high dropout rates. This, in turn, makes it difficult for young Roma to find work, which creates a reliance on social benefits.

High levels of unemployment and limited resources oblige many to live in substandard housing conditions, while the lack of electricity, safe drinking water, and sanitation results in poor health conditions, which, together with discrimination in access to public services, ultimately leads to shorter life expectancy. Currently, despite some progress in some areas, Roma continues to face lifelong discrimination and on average die earlier than their non-Roma peers.

As a result, the national government and local governments must take decisive action to remove existing barriers and ensure full implementation of anti-discrimination legislation. The Ombudsman, Roma activists, and civil society all play important roles in drawing the attention of the authorities to gaps between the law and practice. To develop concrete solutions to the problems they face, the government must consult civil society organizations working with Roma communities, Roma activists, and Roma mediators - those who know the most about the difficulties and rights violations faced by Roma.

Based on this paper, I would like to make the following recommendations:

- Implement a strategy to effectively address the dropout rate in secondary education by expanding punitive measures, such as fines for parents, to actively motivate Roma children to attend school.
- To ensure that, in accordance with the provisions of the Education Law, students have the opportunity to study the Roma language and culture as an optional subject.
- Examine teaching materials and curricula to ensure that no negative stereotypes are present. Produce new materials that promote equal treatment of Roma and other minorities to the extent necessary.
- To assess the needs of the Roma population and collect data on their housing situation.
- To raise awareness about the importance of health care and Roma rights to public services through Roma health mediators and other alternative approaches, with a focus on the needs of illiterate Roma.

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