

**PARALLELL REPORT
BY THE EUROPEAN ROMA RIGHTS CENTRE AND NATIONAL ROMA CENTRUM,
CONCERNING MACEDONIA**

To the Human Rights Council, within its Universal Periodic Review, for consideration at its 18th session (January/February 2014).

TABLE OF CONTENTS

Anti-Discrimination
Access to Education
Employment
Freedom and Movement
Violence and Hate Speech
Recommendations

The European Roma Rights Centre (ERRC) and National Roma Centrum (NRC) submit this parallel report to the Human Rights Council commenting on the second periodic review of Macedonia. This report highlights some of the key human rights concerns for Roma in Macedonia, based on permanent monitoring by the ERRC and NRC of the human rights situation of Roma in the country. The issues raised in this report implicate Macedonia's obligations under the following human rights laws: International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention on the Rights of the Child.

ANTI-DISCRIMINATION LAW

The Law for Prevention and Protection against Discrimination (LPPD) was adopted on 8 February 2010, and came into force in January 2011.¹ The law provoked controversy, as some legal experts claimed that it is not in compliance with EU law, due to the fact that sexual orientation was not explicitly included as a possible ground for discrimination.² Furthermore, there are other issues of non-compliance with the EU Racial Equality Directive and the Employment Equality Directive, such the use of statistics as evidence in indirect discrimination cases and the fact that the capacity of associations to bring an action is limited to judicial procedures only and the collective interest of certain groups (the groups are not specified by the law). Similarly, the law omits to define and prohibit segregation as a special form of discrimination.³ Associations may act as a third party, an "intervener" in the judicial procedure (Article 39) or file a joint lawsuit and act as co-litigant with consent from the party claiming discrimination (Article 41). The party claiming discrimination has to provide all the facts and evidence to support such any claim; the other party has an obligation to substantiate that discrimination has not occurred. (Article 38).

A Commission for Protection against Discrimination (CPD), comprising seven members, became functional in January 2011.⁴ The CPD does not have a mandate to impose sanctions, but only to issue opinions and recommendations. If the discriminating party refuses to comply with the CPD's recommendation, the CPD may initiate procedures before the relevant bodies (Article 28 LPPD), such as a misdemeanour procedure or filing a criminal complaint if appropriate. The standing of

¹ Закон за спречување и заштита од diskriminacija, available at:

http://nkt.mts.gov.mk/nkt/content/Documents/anti_discrimination_law_mkd_2010.pdf

² European Network of Legal Experts in the non-discrimination field, available at:

<http://www.non-discrimination.net/content/main-legislation-27> (last visit 22 December 2012)

³ ERRC submission to UN CEDAW on Macedonia, January 2013, available at:

<http://www.errc.org/cms/upload/file/macedonia-cedaw-submission-30-january-2013.pdf>

⁴ *SETimes*, "Macedonians get new resource against discrimination", 19 January 2011, available at:

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/01/19/feature-03 (last visit 22 December 2012)

the CPD before the courts is not clearly regulated by the law – the law does not explicitly allow for the CPD to act as an “intervener” or “co-litigant” in the discrimination claim before civil courts, The law foresees only that associations, foundations, institutions and other organisations *from civil society* may co-litigate the discrimination claim under certain conditions⁵, while institutions dealing with the protection of the right to equal treatment may appear as an “intervener” in the civil procedure (Article 39 paragraph 1), thus implying the CPD as well.

From January 2011 to April 2013, 159 complaints were submitted to the Commission for Protection against Discrimination (CPD), of which 85 have been decided. Sixteen complaints were filed by Roma on the grounds of ethnic affiliation, of which eight cases have been concluded. Discrimination was found only in one case.⁶ The low number of submitted complaints may indicate low awareness and the lack of promotion of anti-discrimination legislation and protection mechanisms among the Romani community in Macedonia.

In March 2013, the second annual report of the CPD was published and submitted to the Parliament of Macedonia.⁷ Several Macedonian NGOs, united in the Anti-Discrimination Network, urged Macedonia’s parliament not to accept the CPD’s annual report. The NGOs stated that the report shows that the commission had failed to do its primary job of acting on complaints and determining cases of discrimination present in public institutions. In particular, they raised concerns regarding the commission’s practice of avoiding determining the existence or non-existence of discrimination in complaints, and highlighted that in many cases the commission had stopped an investigation based on arbitrary findings that the institution in question had shown a desire to correct its behaviour.⁸

The ERRC is concerned about the independence and impartiality of the Committee. Two of the seven members are employed in State institutions, one committee member is also employed in the Ministry of Labour and Social Affairs and another is employed in the Parliament.⁹

ACCESS TO EDUCATION

⁵ Provided that they have justified interest and make probable that the right to equal treatment of greater number of persons has been violated (Article 41 paragraph 1 LLD).

⁶ ERRC e-mail correspondence with the office of the Commission for Protection against Discrimination. Skopje: 19 and 22 April, 2013.

⁷ Commission for Protection against Discrimination of the Republic of Macedonia, The second annual report (R.Macedonia: Skopje, 2013) 7.

⁸ Sinisa Jakov Marusic, “Macedonia Accused of Concealing Discrimination”, BalkanInsight, Skopje 30 April 2013, available at: <http://www.balkaninsight.com/en/article/ngo-s-macedonia-turns-blind-eye-on-discrimination>.

⁹ See: <http://www.kzd.mk/mk/za-kzd/clenovi>.

In the field of education of Roma in Macedonia, an ongoing problem is the overrepresentation of Romani pupils in special education. Overrepresentation occurs in either special schools or special classes for children with disabilities within mainstream schools, where children are isolated from the rest of the school population and offered a substandard curriculum that does not prepare them for educational success or employment. The special education system violates not only the Convention on the Rights of Persons with Disabilities, which Macedonia ratified in December 2011, but the disproportionate number of Romani children in these schools may suggest discrimination on the basis of ethnicity, in violation of a host of Macedonia's international legal obligations.¹⁰

The European Commission 2012 progress report on Macedonia made a reference to this concern saying that recent legislative changes aiming to address the overrepresentation of Romani children in special schools have not been implemented.¹¹ The ERRC has asked authorities for details of any measures they have taken to address this issue, but has not received a response. As far as the ERRC is aware, there have been no concrete measures taken by Macedonian educational authorities to reduce or eliminate the overrepresentation of Romani children in special education, and to facilitate the transfer of these children back into a mainstream educational setting. The Ministry of Education has indicated that they are preparing a new by-law; but nothing has been adopted to date. Previous legal amendments do not address the problem of overrepresentation.

In its recently published report on Macedonia, the Council of Europe's Commissioner for Human Rights recalled that the European Court of Human Rights has ruled in several judgments that the placement of Romani children into special schools amounted to indirect discrimination without an objective or reasonable justification. In this respect, the Commissioner emphasised that the authorities' undertakings in this context should go beyond reforming the system of categorisation of children, and should include more comprehensive and systematic measures aimed at providing access to adequate education in mainstream schools for all children without discrimination on any ground.¹²

Currently, ethnically disaggregated data are only collected with regard to kindergarten enrolment, but not at other educational levels, which fails to show the real situation of excluded groups.¹³

¹⁰ ERRC submission to the European Commission on Macedonia, May 2012, available at: <http://www.errc.org/cms/upload/file/ecprogress-macedonia-2012.pdf>

¹¹ European Commission, *the FY RM Progress Report 2012*

¹² Council of Europe Commissioner for Human Rights, Report on his visit to "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012

¹³ UNICEF, OSF and REF, *Roma Early Childhood Inclusion Overview Report*, 2012, p. 90, available at: http://www.unicef.org/serbia/Roma_Early_Childhood_Inclusion-Overview_Report.pdf

The ERRC has mapped a number of gaps and shortcomings in the regulatory framework around special education in Macedonia. The Law on Primary Education (LPE) contains contradictory provisions, promoting inclusive education (Article 3), while also segregating pupils with special education needs in special schools and classes (Article 10).¹⁴ Furthermore, the LPE fails to give a definition of “special educational needs” leaving room for broad interpretations and the possibility to educate children with educational negligence (asocial behaviour) and offensive behaviour in a segregated environment in special schools and/or classes intended for children with mental disabilities, regardless of the absence of physical or mental impairment. Imprecise regulations on the work of categorisation commissions, lack of clear guidance on the provision of adequate information to parents and informed consent, unclear processes and responsibilities for monitoring, re-categorisation and transfer of children with special educational needs into mainstream education have also been identified as downsides of the legal framework. More than four years since enactment of the LPE, the Ministry of Education has so far failed to adopt new regulations on the manner and conditions for enrolling students with special educational needs in primary schools, as stipulated in Article 51 paragraph 2 of the LPE.¹⁵

For a child to study in a special school or to attend a special class within the standard primary school, he or she first has to undergo testing before the Commission for Categorisation. However, ERRC research has found there have been cases in which Romani children were enrolled into special education without being tested for their alleged disability to be established.¹⁶ Similarly, an inspection visit in July 2012 to the special elementary school Zlatan Sremac, in Skopje,¹⁷ found that five out of seven children enrolled into first grade did not have complete documentation or a mandatory opinion from the Commission for Categorisation.¹⁸

A considerable number of Romani children start their education within a mainstream school, but later get transferred to special education due to lack of any additional educational support at an early stage, resulting in low school performance.¹⁹

¹⁴ Law on Primary Education (“Official Gazette of Rep. of Macedonia” No. 103/08 from 19.08.2008, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12) and Rulebook on the criteria and method for implementation of the primary education for students with development difficulties (“Official Gazette of Rep. of Macedonia” No. 27/96 from 05.06.1996)

¹⁵ ERRC and National Roma Centrum, *Fact Sheet: Overrepresentation of Romani Children in Special Education in Macedonia*, August 2012, available at:

<http://www.errc.org/cms/upload/file/macedonia-factsheet-education-en-30-august-2012.pdf>

¹⁶ ERRC research mission March 2011

¹⁷ In special elementary school “Zlatan Sremac”, Skopje, 40% of pupils are of Romani ethnicity.

¹⁸ ERRC email correspondence with State Education Inspection, 31 January 2013.

¹⁹ ERRC Interview MK/March 2011

The ERRC and the National Roma Centrum (NRC)²⁰ conducted a survey on the representation of Romani children in special education in mid-2012 in several Macedonian cities, targeting 219 Romani families with 252 children enrolled in special schools and classes for children with special needs in mainstream schools.

Romani children in Macedonia are placed in special education without a clear and transparent process that would allow parents to make a full and informed decision about their child's education. The survey revealed that once a child is placed into special education, it becomes almost impossible to transfer back into mainstream school, thus severely limiting children's chances later in life. In addition, more than two-thirds (69.6%) of interviewed parents said that after the initial categorisation their child was never tested again.²¹

It is education and diagnostic officials – not parents – who start procedures leading to the placement of Romani children in special education. More than two-thirds of parents surveyed (68.5%) said their children were recommended to be sent for testing by a school official, an education expert, a doctor or a centre for social work.²²

Almost half of the parents (46.9%) surveyed were not even told what the testing of their child aimed to establish. The majority of parents were not told that: they could challenge a recommendation for enrolment into special education (78.9%); that attending special education would severely limit the ability of their child to access higher education and employment (67.6%); or that they have the right to request re-testing and reintegration of their child into mainstream education (58.3%).²³

In 2012, the ERRC also requested information, disaggregated by ethnicity, on the total number of children attending special schools and mainstream primary schools with special classes. Both sets of research indicated that Romani children are very highly over-represented in special schools and classes providing education for children with mild mental disabilities.

Data collected from a selection of special schools and classes show continued overrepresentation of Romani children in the 2012-2013 academic year. The percentage of Roma students at the special school Maca Ovcarova, in the town of Veles, went up to 38% in comparison to the 2011-2012 academic year, when the

²⁰ The NRC is a Macedonian-based civil society organization for the promotion and protection of human rights of the citizens in the Republic of Macedonia. NRC acts through direct field work, research, public debates and initiatives to change legislation. See: www.nationalromacentrum.org.

²¹ ERRC and National Roma Centrum, Fact Sheet: Overrepresentation of Romani Children in Special Education in Macedonia, August 2012.

²² *Ibid.*

²³ *Ibid.*

percentage of Roma students was 36%. At the special school Ranka Milanovik, in Skopje, it went up from 60% to 72% in the 2011-2012 academic year. .

On 28 June 2012, the Macedonian Ministry of Labour and Social Policy (MLSP), Ministry of Education and Science and Ministry of Health organised a joint media conference on improving the work of commissions for categorisation of children with development difficulties. Spiro Ristovski, Minister of Labour and Social Policy, announced that they had discovered dozens of cases where healthy children were placed into special schools; alleging that parents encourage children to 'act disabled' in order to get into special education and receive benefits. He announced a review of all relevant cases. He mentioned that children came from marginalised families and indicated that criminal charges would be brought against any parent who forced their children to act in this way.²⁴ Some media outlets in Macedonia have interpreted 'marginalised families' to mean Roma and have reported the comments accordingly.

In response, the ERRC and National Roma Centrum (NRC) expressed concern to national authorities underlining the State's responsibility to ensure that every child can access inclusive education of the highest standard without discrimination, and outlining the main defects of the education system that allows wrongful and arbitrary assignment to special education.²⁵

To follow up on the actions announced by the Minister of Labour and Social Policy at the June press conference, ERRC submitted data requests to relevant ministries to inform whether they have conducted an inspection of the Centres for Social Work, special schools and commissions for categorisation within health centres. Although resolute and extensive government action was announced at the media conference, the only response stated that the MLSP had conducted an inspection of the Centres for Social Work; information on the specific findings was inconclusive.²⁶ One ad hoc inspection of special school "Zlatan Sremac" was conducted by the Education Inspectorate, in order to monitor the enrolment process.²⁷

EMPLOYMENT

According to the United States Country Report on Human Rights 2012 for Macedonia, Roma reported widespread societal discrimination. Namely, NGOs and international

²⁴ Vlada na Republika Makedonia, MTSP: Konstatirani zloupotrebi vo kategorizacijata na deca so precki vo razvojt, , 28 June 2012, available at: <http://vlada.mk/node/3684?language=en-gb>

²⁵ The letter of concern is available at:

<http://www.errc.org/cms/upload/file/macedonia-letter-education-august-1-2012-en.pdf>

²⁶ ERRC e-mail correspondence with the Ministry of Labour and Social Policy, December 6, 2012

²⁷ ERRC email correspondence with State Education Inspection, 31 January 2013.

experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public welfare funds.”²⁸

A recent well-publicised case supports the observations of the US government report that the Romani community in Macedonia suffers from discrimination in the sphere of employment. In an email to an agency that provides cleaning services²⁹ a shopping centre in Skopje demanded that all employees of Roma ethnicity working in the food section must be removed from the workplace.³⁰ The email dated 9 January 2013 came to light on 19 March 2013 when published by Macedonian media.³¹ It is clear from the published correspondence, and from enquiries made to the agency and to the affected Roma, that the request for dismissals was made on the basis of ethnic identity. Members of ethnic groups other than Roma were engaged in the same department of the shopping centre, and their continuing work was not questioned.

Several Macedonian authorities have announced or initiated different procedures regarding this case but none have published any results so far.

FREEDOM OF MOVEMENT

The EU lifted visa restrictions for the citizens of Macedonia, Serbia and Montenegro in December 2009, allowing them to travel to Schengen area without visas for up to 90 days per six-month period, which led to a significant increase in the number of asylum seekers in EU countries.³² For example, UNHCR data for 2010 show that EU member states and Switzerland received 6,289 asylum applications from citizens of “the former Yugoslav Republic of Macedonia”, whereas the corresponding number for 2009 (i.e. prior to visa

liberalisation) was 838. The majority of the claims continue to be persons belonging to the Roma minority, who often arrive with their families.³³ EU officials called on Macedonian authorities to take measures to prevent their citizens asking for asylum in the EU because the majority was perceived to be seeking asylum for economic reasons.³⁴ According to the Council of Europe Commissioner for Human Rights, the

²⁸ United States Department of State - Bureau of Democracy, Human Rights and Labor, Macedonia 2012 Human Rights Report, p.24, available at: <http://www.state.gov/documents/organization/204523.pdf>.

²⁹ DOOEL “LAND SERVICE” is an agency which provides cleaning services, Misko Mihajlovski 14A, 1 000 Skopje, Macedonia

³⁰ “Во Сити Мол Ромите непожелни во одделот за храна?”, A1.on.mk, Skopje 19 March, available at: <http://a1on.mk/wordpress/archives/121612#.UUjTe78Rm90>.

³¹ *Ibid.*

³² Euractiv, “Europe hit by scores of Western Balkan Asylum Seekers”, 21 October 2010, available at: <http://www.euractiv.com/enlargement/europe-hit-scores-western-balkan-asylum-seekers-news-498992>

³³ Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, p. 24

³⁴ ERRC submission to the European Commission on Macedonia, May 2012, available at: <http://www.errc.org/article/errc-submission-to-the-european-commission-on-macedonia-may-2012/3991>

most frequent reasons for asylum claims concern lack of health care, unemployment, and lack of schooling.³⁵

In order to diffuse pressures from the EU, Macedonian authorities have prevented thousands of Macedonian citizens suspected of being likely to make unfounded asylum applications in the EU from leaving their country. The CoE Commissioner for Human Rights has noted that the measures taken included “enhanced border checks and profiling”.³⁶

According to the most recent available data, from the day the EU lifted the visa restrictions until November 2012 about 7,000 Macedonian citizens, mainly Roma, were not allowed to leave the country and had their travel documents confiscated.³⁷ Between April and October 2011, more than 1,500 Macedonian citizens (mostly Roma) were refused exit from the country on the basis of being potential asylum seekers in the EU.³⁸

These measures interfere with the internationally established right to leave a country and undermine the right to seek asylum. As the CoE Commissioner for Human Rights highlights, instead of penalising people for attempting to exercise their human rights, the authorities should better address the root causes of poverty and social exclusion which push individuals to seek refuge abroad in the first place.³⁹

The Macedonian Constitution guarantees the right for every citizen to leave the territory of Macedonia and return. The exercise of these rights may be restricted by law only in cases where it is necessary to protect the security of the state, criminal proceedings or the protection of human health (Article 27).⁴⁰

However on 3 October 2011, the Macedonian Parliament adopted an amendment to the Law on Travel Documents related to Article 37.⁴¹ Article 37 stipulates that a person who has been forcibly returned or expelled from another country due to violating regulations on entry and stay in that country, will not be issued with a passport. If these

³⁵ Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, p. 24

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 25.

³⁸ Bureau of Democracy, Human Rights and Labor, U.S. Department of State, Country Report on Human Rights Practices for 2011 – Macedonia, p.18.

³⁹ Council of Europe Commissioner for Human Rights, Report on his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012.

⁴⁰ Constitution of R.Macedonia, 1 November 1991, available at:

<http://www.sobranie.mk/?ItemID=A431BEE83F63594B8FE11DA66C97BEAF>.

⁴¹ Law on amendments of the Law on Travel Documents for Citizens of Rep. of Macedonia, 3 October 2011, available at: <http://www.mvr.gov.mk/Uploads/ZAKON%20ZA%20IZMENUVAWE%20I%20DOPOLNUVAWE%20NA%20ZAKON%20OT%20ZA%20PATNII35-11.pdf>.

circumstances occur once a passport has already been issued, the passport will be confiscated for a period of one year.⁴²

Relating to this, the ERRC has documented in detail 10 cases of Romani individuals whose passports were revoked by Macedonian border officials, and is aware of another 40 such cases. Revocation of passports does not only limit travel to countries where citizens were returned from, or other EU or Schengen countries, but also travel to countries outside these areas, such as Serbia, where many Romani families have relatives and friends. While exit control measures were introduced in order to limit the outflow of citizens who wish to exercise their right to seek asylum or to ban their return if they have attempted to do so, such measures also ban or obstruct citizens from travelling for tourism, family or business reasons.

VIOLENCE AND HATE SPEECH

Since the 2001 armed conflict in Macedonia, society remains divided between the two largest ethnic communities in the country, ethnic Macedonians and ethnic Albanians.⁴³ In spite of the diminishing number of cases of ill-treatment by police, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially the Roma, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not always properly investigated.⁴⁴ The 2012 European Commission's Progress Report on Macedonia noted that even though efforts have been made to increase police officers' knowledge of European standards, in practice the gaps in the implementation of formal safeguards against ill-treatment remain, including the zero-tolerance strategy for ill-treatment.⁴⁵

The ERRC and NRC have monitored instances of violence, hate speech or police brutality against Roma in Macedonia, including the few listed below:

- On 5 May 2013 at about 19:30 p.m. approximately 50 police officers, including those belonging to the special police unit "Alfa", forcibly entered several Romani houses and local shops in a Roma neighbourhood 'Topaana' in Skopje, where a majority of Roma dwell, and used excessive and arbitrary force when they were attempting to arrest a man who had allegedly committed a crime while on leave from prison. In the course of the operation, the police officers used force

⁴² *Ibid.*

⁴³ Council of Europe Commissioner for Human Rights, Report on his visit to "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012, p. 6.

⁴⁴ Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by "the former Yugoslav Republic of Macedonia"*, 4 July 2012

⁴⁵ European Commission, *the FYRM Progress Report 2012*, p. 13

against Roma, including women. Roma reported that without providing any explanation, the police harassed and pushed people, often in the presence of children, and that police officers kicked and punched and hit them with batons. Around 10 Romani individuals were injured, three of whom were women.

- On 31 December 2012, a Romani woman reported being ill-treated by two police officers in Prilep. A group of Romani people gathered to protest about unpaid social allowance. They asked to speak to the director of the Centre for Social Work; some tried to enter the building but were stopped by two police officers acting as security guards. During this incident the Romani woman was punched in the stomach and head by one of the officers. The woman fainted and was taken to hospital. Media reports suggest that her two children were also pushed and mistreated by the security guards.
- On 14 December 2012 a Romani boy from Gjorce Petrov – Skopje was beaten by a Police Officer from Gjorce Petrov because the officer's son had had a fight with the Romani boy. The father of the Romani boy reported the case to the police, but did not want to start a legal action because he was afraid of potential revenge or reprisal by the police officer.⁴⁶
- On 6 November 2012, at 13:10PM a 37-year-old Romani man from Skopje reported that he was mistreated by a police officer from the Gjorce Petrov⁴⁷ police station due to his ethnicity. According to a statement made to the ERRC, the Romani man went to the police station to report a physical attack on his son by an adult non-Romani man, when the police officer on duty refused to make a complaint and insulted him by saying that all Roma were lying and that if it had been communist times, he would have beaten him. The case is being pursued in the courts with the assistance of a Macedonian NGO.⁴⁸
- On 29 October 2012, at 4PM a 17-year-old Romani boy from Bitola reported ill-treatment by two police officers from Bitola during an interrogation process over an allegedly stolen bicycle. According to a statement made to the ERRC, two police officers came to his house, without any prior notification, and took him to the Bitola Police Station for interrogation. During the interrogation, the two police officers forced him to confess something he did not do by beating him

⁴⁶ Plusifo, Уште едно Ромче изеде котек во ОУ „Страшо Пинџур“ во Ѓорче Петров, 14 December 2012, available at: <http://plusinfo.mk/vest/71423/Ushte-edno-Romche-izede-kjotek-vo-OU-Strasho-Pingzur-vo-Gjorce-Petrov> (last visit 22 December 2012)

⁴⁷ Gjorce Petrov is one of the ten municipalities that compose the city of [Skopje](#), the capital of the [Republic of Macedonia](#) with official Roma population 1,249 (3%), available at: http://en.wikipedia.org/wiki/Gjor%C4%8De_Petrov_Municipality

⁴⁸ ERRC Interview MK/NOV2012/4

with truncheons. Other police officers who came in the interrogation room slapped him too in order to force him to confess. In total around ten police officers mistreated the boy. The victim stated he was mistreated and beaten because he is Roma and such cases occur very frequently in Bitola. In addition, the brother of the minor Romani boy was mistreated as well; he was throttled by a police officer, forcing him to sign a document that would allow them to keep his brother for 24 hours, since his brother was juvenile. Legal action is being taken with the support of a local Roma NGO in Bitola..⁴⁹

- In June 2012 a Romani man reported ill-treatment by two police officers of Bitola. According to his statement to the ERRC the ill-treatment happened during his transfer to a prison ('Idrizovo') by police van. The police vehicle was brought to a halt at Pletvar, a village located in the Prilep municipality, and the police officers started hitting him savagely with their fists. They kicked his whole body and his legs in particular, not in the face. As a result he sustained severe injuries. The beating lasted for approximately 40 minutes. Consequently, the case had been brought to the Ombudsman of Skopje by the victim himself, there is no outcome to date
- On 18 May 2011, at 9:30 AM a Romani man from Kicevo reported ill-treatment by the Forest City Police of Kicevo. According to his statement to the ERRC he was in the forest collecting firewood when two forest policemen appeared and started to hit him without saying anything. The victim did not report this case to the Ministry of Interior because he was afraid of being beaten up again.⁵⁰

The ERRC has been supporting affected Roma to pursue litigation in several cases which highlight key concerns in this area.

RECOMMENDATIONS

The ERRC and NRC submit the following recommendations to Macedonian authorities:

- Ensure that the Law for Prevention and Protection against Discrimination is in compliance with the EU Racial Equality Directive and the Employment Equality Directive;
- Outreach to Roma in particular, to ensure that they are aware of equality legislation and able to complain about the discrimination they experience;

⁴⁹ ERRC Interview MK/NOV2012/2 and MK/NOV2012/3

⁵⁰ ERRC interview with MK/JUNE2011/3

- Adopt legislation explicitly mandating the desegregation of Macedonian education system;
- Stop the placement of children in special education while the relevant regulations are being adopted or revised;
- Develop a comprehensive policy with specific targets, measures, funding and a set timeline for achieving inclusive education in mainstream schools for all children and where needed, provide adequate educational support for pupils with special educational needs within such schools;
- Prohibit the enrolment of children without mental development difficulties in schools and classes designed for children with mental disabilities, regardless of parental consent or request, and provide the opportunity for parents to take legal action against school officials who enable the wrongful placement of non-disabled children in such schools;
- Design a system of incentives for mainstream schools that accept children from special schools or special classes in order to facilitate the transfer of children from special to standard schools;
- Clearly define the “students with special educational needs” category;
- Provide targeted financial support to civil society organisations to carry out information campaigns among Romani parents about their roles and rights as the primary decision makers regarding their child’s education, and the benefits of integrating children from special into mainstream education;
- Provide assistance to Romani parents in enrolling their children in integrated schools and secure reliable and regular ethnically disaggregated data collection at the school and national level by education authorities and government statistical services, in accordance with national, EU and international standards on data protection;
- Follow up on cases of discriminatory treatment in the area of employment;
- Provide new, unmarked, travel documentation to the individuals affected by border controls;
- Eliminate any punitive laws, policies and practices that limit the right to free movement;
- Investigate and stop any official or informal measures that directly or indirectly discriminate against Roma crossing the border to travel outside of the country;
- Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma; and
- Conduct prompt, thorough, and accurate fact- finding of any cases of ill-treatment off Roma by the police officers.