

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
(CEDAW) STAKEHOLDER SUBMISSIONS**

**ROMA ADVOCACY NETWORK**

Submission to the CEDAW Committee

Seventy-first Session of the CEDAW Committee  
22 October – 9 November 2018

Review of the Former Yugoslav Republic of Macedonia

The Roma Advocacy Network (RAN) is an anti-discrimination network which was created in June 2017 under the EU-funded Project “From Action to Equal Rights for Roma” by the initiative of Minority Rights Group International and the Roma Democratic Development Association SONCE. RAN develops common advocacy plans to combat discrimination against the Roma in the Former Yugoslav Republic of Macedonia.

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## I. Introduction

1. This shadow report is submitted by the Roma Advocacy Network (RAN)<sup>1</sup> in advance of the seventy-first session of the Committee on the Elimination of Discrimination against Women (“CEDAW Committee”) to be held on 22 October - 9 November 2018, and it is intended to provide information to Committee members ahead of the review of the Former Yugoslav Republic of Macedonia.
2. While Roma women face an array of challenges, in terms of access to the labour market, sexual and reproductive rights, full and equal participation in political and public life, this submission addresses two critical patterns of violations of the rights of Roma women and girls in the Former Yugoslav Republic of Macedonia: **child marriages and its negative effect on Roma girls’ education**, an issue of particular concern that was raised by members of the Network and **racism and discrimination in health care** based on first-hand data provided by Roma mediators.
3. It provides information on the legislative and policy frameworks, as well as the actions taken by the Former Yugoslav Republic of Macedonia with regard to these issues. This submission also includes RAN’s recommendations on how the CEDAW Committee should encourage the government of the Former Yugoslav Republic of Macedonia to address these issues.

## II. Methodology

4. Minority Rights Group International (MRG) and the Roma Democratic Development Association SONCE are running a three-year EU-funded project, ‘From Action to Equal Rights for Roma’ (2017-2020), which aims to combat discrimination against Roma in the Former Yugoslav Republic of Macedonia through litigation, advocacy and capacity-building.<sup>2</sup> In the framework of the project, 12 trained Roma mediators started to visit six municipalities<sup>3</sup> on a weekly basis to map human rights violations and identify discrimination cases against members of the Roma community. The findings presented under section V are based on their reports in the period between June 2017 and July 2018. The Roma Advocacy Network (RAN) was created in June 2017 under the same project by the initiative of MRG and SONCE. RAN develops common advocacy plans to combat discrimination against the Roma in the Former Yugoslav Republic of Macedonia. This shadow report was prepared in collaboration with the Network members. The Network held its annual international advocacy meeting in Skopje in June 2018 where the members discussed the priorities for this submission. Later on, during the drafting process the Institute for Human Rights contributed to the report which was drafted by MRG and SONCE. MRG and SONCE added information and data on access to health services and discrimination against Roma women in health care institutions reported by Roma mediators who received information directly from the affected Roma women. Therefore, this submission is based

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<sup>1</sup> In June 2017, Minority Rights Group International (MRG) and the Roma Democratic Development Association SONCE in the framework of the EU-funded project ‘From Action to Equal Rights for Roma’ established the Roma Advocacy Network with the participation of Roma and non-Roma NGOs, as well as the Ombudsperson’s Office and other anti-discrimination experts. .

<sup>2</sup> More information about the project is available here: <https://minorityrights.org/what-we-do/fyrom-action-equal-rights-roma-civil-society-facility-media-programme/>

<sup>3</sup> The six target municipalities are Berovo, Debar, Kichevo, Shtip, Tetovo and Vinica.

on first-hand data provided by Roma mediators<sup>4</sup> who regularly work with the Roma community.

### III. Background – Roma population in the Former Yugoslav Republic of Macedonia

5. The Former Yugoslav Republic of Macedonia is home to a sizeable Roma population. In the 2002 census, 53,879 (2.7 per cent) people self-identified as Roma. This figure is almost certainly well below the real: for instance, the Council of Europe has estimated that there are between 134,000 and 260,000 Roma in the country.<sup>5</sup> Most Roma speak Romani as their first language and practice Islam. Some Roma speak Albanian. Roma are dispersed, with a large concentration in Shuto Orizari in Skopje.

### IV. Child marriage - a common reason behind school dropouts

6. Child marriages, especially unregistered marriages of minors are disproportionately high among the Roma population<sup>6</sup> which has a negative impact on young Roma women's and girls' health and it is one of the reasons behind school dropouts. Early pregnancies may force Roma girls to leave school without finishing their studies and without the necessary skills, they face difficulties to find a job and consequently they are at high risk of poverty. The Institute for Human Rights has conducted a research in 2015-2016 about the situation of Roma children in education with a special focus on Roma girls.<sup>7</sup> Table 1 below shows the total number of enrolled Roma students in 10 consecutive school years disaggregated by sex. In 2014/15 in total 9506 Roma students enrolled at school while according to the statistical data, only 8641 finished school that year. One of the main reasons behind school dropouts, especially for Roma girls, is most commonly child marriages. According to the Law on Family<sup>8</sup>, marriage can be concluded by a person who has reached 18 years of age. However, the competent court may, in a non-contentious proceeding, allow the marriage of a person who has reached 16 years of age if the court can determinate that the person has achieved the physical and mental maturity required to perform the rights and duties that arise in the marriage upon previously obtained opinion from a health institution and assistance of a Social Work Centre.<sup>9</sup>

Table 1. Total number of enrolled Roma students in school year in primary education by sex

School year	Male	Female	Total number (Roma)
2005/06	4469	3940	8409
2006/07	4441	3940	8381

<sup>4</sup> Roma mediators were trained on human and minority rights, discrimination, advocacy and community outreach and they regularly visit the Roma community in their municipality to map human rights violations and discrimination cases, and to report them.

<sup>5</sup> Council of Europe, 'Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues', July 2012.

<sup>6</sup> See UNICEF, Multiple Indicator Cluster Surveys (MICS), 2011; Roma Organization for Multicultural Affirmation S.O.S. – Prilep, "The Grey Area" – between tradition and children's rights, February 2016.

<sup>7</sup> Right to education of the Roma children with a special focus on the Roma girls, Institute for Human Rights, 2016 Available at: [http://www.ihr.org.mk/uploads/publications\\_pdf/obrazovanie.pdf](http://www.ihr.org.mk/uploads/publications_pdf/obrazovanie.pdf).

<sup>8</sup> „Official Gazette of the Republic of Macedonia“ nr. 80/1992, 9/1996, 38/2004, 33/2006, 84/2008, 67/2010, 156/2010, 39/2012, 44/2012, 38/2014, 115/2014, 104/2015 и 150/2015

<sup>9</sup> The Social Work Centre informs the future spouses about the importance of marital community and the obligations arising from it, as well as about the consequences of the eventual pregnancy and the parents' responsibilities.

<b>2007/08</b>	5268	4882	10150
<b>2008/09</b>	5421	5130	10551
<b>2009/10</b>	5528	5225	10753
<b>2010/11</b>	5410	5103	10513
<b>2011/12</b>	5103	4821	9924
<b>2012/13</b>	4979	4899	9878
<b>2014/15</b>	4866	4640	9506
<b>2015/16</b>	4502	4235	8737

7. The Institute for Human Rights submitted a public information request to the Department of Social Protection of the Ministry of Labour and Social Policy (MLSP) to ask for the number of submitted requests to review child marriages in the Former Yugoslav Republic of Macedonia and how many of them were requested by minors of Roma ethnic origin. According to the report of the Public Institution for Social Activities, prepared on the basis of data provided by 30 social work centres accessible through the “Lirikus” database, the total number of child marriages in 2013 was 164 (28 of them concluded by Roma) while in 2014 their total number was 196 (38 of them concluded by Roma) – see table 2 below.

Table 2. Juvenile marriages (by ethnicity) in 2013 and 2014

<b>Ethnicity</b>	<b>Number of child marriages concluded by minors of 16-18 years of age</b>	
	<b>2013</b>	<b>2014</b>
Macedonians	56	52
Albanians	44	60
<b>Roma</b>	<b>28</b>	<b>38</b>
Turks	22	33
Bosniaks	1	1
Vlahs	0	0
Serbs	1	1
Does not declared the ethnicity	2	2
Others	6	5
Unknown	4	4
<b>Total</b>	<b>164</b>	<b>196</b>

8. Compared to the percentage of Roma in the overall population in Macedonia (2.7%)<sup>10</sup>, the child marriages concluded by Roma minors are the most numerous (17,07% in 2013 and 19,38% in 2014). Moreover, the statistical data only includes officially concluded child marriages while according to the research of the Institute for Human Rights, conducted with focus groups and via interviews, the number of unofficial child marriages can be much higher, but it would be very difficult to determine the exact number. One of the reasons behind this fact is that many of the Roma girls are even younger than 16 and they do not have the right to request official approval of their marriage of the relevant authorities. The negative consequences of child marriages are well-known – early pregnancy and

<sup>10</sup> According to the 2002 census, 53,879 (2.7 per cent) people identified themselves as Roma, although the actual number is likely to be significantly higher: for instance, the Council of Europe has estimated that there are between 134,000 and 260,000 Roma in the country. (Council of Europe, ‘Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues’, July 2012.)

parenthood, sexually transmitted infections, school dropout and as a consequence, more difficult access to the labour market, and thus greater economic dependence and poverty.

## **V. Human rights violations and discrimination against Roma women in health care**

9. Although the Macedonian Constitution guarantees the right of all citizens to health care<sup>11</sup> and discrimination on any grounds in health care is prohibited by the national legislation<sup>12</sup>, in practice Roma women still face widespread discrimination in health care.
10. According to Roma mediators' reports, Roma women were repeatedly charged by their primary health care gynaecologists for examinations and check-ups which otherwise, under the relevant legislation<sup>13</sup>, should be free. In the space of 14 months (June 2017 to July 2018), Roma mediators reported such practice in two municipalities, Kichevo and Vinica in seven monthly reports (twice from Kichevo and five times for Vinica). In none of the cases, the gynaecologist gave Roma women any receipt about the fee that was charged for the service which under national legislation should be free. This practice is not only illegal but it is also very harmful for Roma women, especially for unemployed women who are dependent on social benefits and who therefore do not have sufficient financial means to cover the cost of the examination, which may prevent them to go for cancer screening or regular check-ups during the pregnancy. Therefore, this harmful and illegal practice may have serious effect on Roma women's and their babies' health and they might catch some disease which otherwise could have been prevented. In another occasion, the Roma mediator reported that in Shtip a Roma woman went to the gynaecologist to ask for an appointment, but she was told that she can only get one in a couple of weeks while she overheard a non-Roma woman receiving an appointment for the following day. This is a discrimination which is forbidden by both national and international law.
1. Roma mediators reported other very concerning cases, when Roma women were humiliated by the medical staff or when their rights were violated in the hospital. Medical staff often speak to Roma female patients disrespectfully or they humiliate them. In one occasion, a Roma woman had to stay in a hospital for a couple of days, but she realised that she was not treated equally as other non-Roma patients. For example, when she called the nurses, they were reluctant to come while they did attend non-Roma patients. In another occasion, a Roma woman had to see the doctor but when it was her turn, another person entered and when the woman knocked on the door, the doctor said that she should wait, but she could still overheard the doctor saying: "Let the Gypsy wait". According to Roma mediators' report it is also a common practice that medical staff often do not take Roma women seriously which can have very serious consequences. In one occasion, a Roma woman took her daughter to the doctor as she had swallowed a coin. She had problems breathing but the doctor was reluctant to take an X-ray. The woman still insisted, but in the meantime, she overheard one of the nurses saying, 'This is a typical Gypsy thing - she thinks, she is smarter than the doctor.' When the girl started to vomit, the doctor made an

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<sup>11</sup> Article 39, Constitution of the Republic of Macedonia

<sup>12</sup> Article 9, Law on Health Protection, Official Gazette no. 43/2012, 145/2012, 87/2013, 164/2013; Article 3.1 Law on Protection of Patients' Rights, Official Gazette no. 82/2008.

<sup>13</sup> According to the Law on health insurance („Official Gazette“ 5p. 25/2000), the examination of the GP (including gynaecologists) is free of charge. The selected GP is obliged to provide free health services if the patient is insured at the Fund for health insurance. The law also stipulates other social categories that are exempt from paying including users of social benefits (article 34, Law on health insurance).

X-ray and it turned out that the coin got stuck in the girl's throat, so she was taken to a hospital where the coin was urgently removed.

2. Roma mediators reported another very serious case when a 4.5-month pregnant Roma woman had a miscarriage and she was transferred to a hospital where she was denied treatment as she should have paid for it, but she did not have sufficient financial resources to cover the cost of the intervention. When a blood test was done, it turned out that she was in a critical condition so finally she received the necessary treatment. However, when she was released from the hospital one week later after she had recovered from a serious blood infection, she did not receive any information about the reason behind her miscarriage and the hospital seized her ID and health insurance card because she could not pay 110 EUR owed for her treatment. She was told that she would only get the documents back if she pays her debt.
3. Discrimination against Roma women in health care is illegal and has negative effect on Roma women's health. Rejection, hostile behaviour, humiliation and racist comments of the medical staff often results in Roma women receiving inadequate care and the negative experience might dissuade them from going to a doctor which might put their health at serious risk.

## **VI. Recommendations**

### **Child marriages**

- The Government should harmonize the existing legislation in order to explicitly ensure that the minimum legal age for consent to be married is 18, and to guarantee that the legal mechanisms and procedures of the competent institutions enforce violations by parents or guardians with criminal sanctions.
- The Government should regularly gather representatives of line ministries to strategically discuss and implement international and national norms and standards applicable to child, early and forced marriages in order to address various factors contributing to their prevention and elimination.
- The Government should collect information on unregistered child marriages and develop relevant policies to prevent that practice.
- Social workers should be trained so that they proactively advise minors and families before they conclude either registered or unregistered marriages.
- The Government should develop special policies to target Roma girls, especially those who live in poverty or risk of poverty, to ensure their right to quality education.
- Public information campaigns on preventing child marriages should be considered, as long as they are not stigmatizing towards Roma and other minority communities.
- The Government should establish efficient cooperation between Social Work Centres and schools so that they can work together on the prevention of child marriages as teachers are often aware of Roma girls' status and their intentions to get married.

### **Discrimination in health care**

- The Government should implement the provisions of the Law on Health Protection, and the Law on Protection of Patients' Rights to guarantee equality and non-discrimination of Roma women in health care, and specifically to prevent the illegal charging of fees for gynaecological services which should be free under national legislation.
- The Government should collect data to identify the main obstacles that Roma women face in their access to healthcare to guide policy design.
- The Government should raise awareness among Roma women about the importance of healthcare, through the established system of Roma health mediators and other alternative approaches, with particular attention paid to the needs of illiterate Roma women.
- The Government should fund sensitisation and awareness-raising trainings for healthcare service providers on anti-discrimination, social prejudice and equality.
- The number of health mediators should be increased in those municipalities where there is a significant Roma population, with more resources to support their work.
- The Government should incentivize gynaecologists through grants designed to target their healthcare services in Roma settlements.