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# 1. INTRODUCTION

This Policy Recommendation Paper document is offering qualitative analysis from a policy and legislation perspective based mainly on the activities and findings conducted in the framework of project activities 1.1. and 1.2. of the project "*Building stronger local networks for improving the protection of the rights of Roma children*" which is implemented by the Family and Childcare Centre – KMOP Athens and the Roma Resource Center for the period January 2018 – June 2019. The project is funded by the European Union through the Central Financing and Contracting Department (CFCD) of the Ministry of Finance of the Republic of Macedonia.

**The project aims** to support the existing local coordination mechanisms and structures mandate to promote Roma integration in advancing their capacity to establish functional paths of implementation, aiming at protection of Roma children in line with national and EU policy framework that addresses the integration needs of Roma. To assist in laying down the foundations for an improved system of protection of the rights of Roma children, which actively involves both civil society and local authorities/institutions, the project sets 3 specific objectives: 1. Support the involvement of civil society, esp. Roma CSOs, in policymaking and implementation of Roma child rights protection initiatives; 2. Enhance the impact of civil society in programming and monitoring key reforms in the area of Roma child rights protection; and 3. Enhance the involvement and capacities of LCBs in the implementation of Local Action Plans within the Strategy for inclusion of Roma 2014-2020.

Roma children, as one of the most vulnerable social group in the Macedonian society, are facing with various socio-economic problems during their childhood development. Belonging to a community which is characterized as one of the most marginalised and with the lowest economic incomes in the society Roma children face a greater negative impact in their lives. Furthermore, this can contribute in understanding why official data in different areas related to Roma children often are showing negative and worrying trends. Drop out of education, illiteracy, poor housing conditions, poverty, lack of access to health protection, high unemployment rate etc, are phenomena which affects the lives of these people and also as reasons why they are part of the lowest socio-economic strata. Being a child from disadvantaged community and family background undoubtedly strongly influence children development and further personal possibilities in the period of adolescence and adulthood. Therefore, Roma children have need for more systematic social support as well as for empowerment in order to have access to all guaranteed rights and freedoms.

Roma integration and inclusion as well as general empowerment of Roma community in Macedonia are topics which in the last two decades became part of the priorities of the state social policies. There are efforts for national laws and policies to be aligned and shaped in accordance to EU policies and best practices in the domain of Roma integration but also in the domain of children rights protection. However, the experience in Macedonia shows that drafting and adopting laws and policies must be followed with consistent implementation of these legislative provisions and planned activities as well as their implementation to be supported with sustainable and realistic financial framework.

The various research activities that were undertaken in the targeted municipalities (Shuto Orizari, Chair/Topaana, Prilep, Kumanovo, Shtip, Kochani, Tetovo) in the framework of this project showed that in general there is no lack of laws, policies or international standards adoption but there is the necessity of the existing documents to be fully implemented in practice, relevant national and local stakeholders to work toward achieving the set indicators and goals and the implementation of planned activities to be properly monitored. The local and national policies for promotion, protection and monitoring of Roma children rights in Macedonia do not have efficient



and sustainable mechanisms to ensure Roma children to overcome significantly the inequalities and disadvantages that they are facing in their everyday lives.

This Policy recommendation document is offering practical steps, measures and tools how the existing local and national policies to be upgraded as well as capacities of relevant mechanism and institutions reinforced in order to safeguard Roma children rights and to be elevated to the level when this kind of additional measures will not be needed and Roma children social status will be equal with other children.

## **2. International and National Legal framework for protection of the children rights**

The legislative framework in Macedonia consists both by international and national provisions and standards and in general offers a comprehensive legal safeguard for the rights of children. The Macedonian Constitution and laws are guaranteeing the protection of fundamental rights and freedoms of all citizens prohibiting any kind of discrimination.

The national legislative system for promotion and protection of children rights consisted by various laws and bylaws in the past three decades continuously evolved and was subject to various reforms with different outcomes. Furthermore, Macedonia is signatory of nearly all relevant international and European documents related to human rights protection or more specifically for child protection, which supplements and complements the national law. As an EU candidate country, Macedonia is also undertaking adequate measures to incorporate various rules and regulations from EU legislation (*acquis*) in this filed.

Children rights and the system for their promotion and protection are not special or a separate group of rights from the general corpus of fundamental rights but they simply are focused on some of the vulnerable social groups in the society and which considering the physical and psychological vulnerability of the children, imposed the necessity for higher level of advocacy and protection. The spectrum of fundamental children rights is consisted from civil, political, economic, social, health and cultural rights, which requires a multidimensional system of legislative provisions and institutional frame, which will ensure a society in which children will have the possibility to enjoy efficiently all of these fundamental rights contributing also in their proper personal development. For the purposes of this Policy document, the legislative framework in the following lines will be presented in accordance to used classification of the rights and existing division of policies when it comes to the major Roma policy documents i.e. National Strategy for Roma Inclusion 2014 -2020 and developed thematic Local Action Plans. This kind of approach will be useful in order to achieve better correlations with existing policies and major national and local policy documents related to the improvement of Roma integration and inclusion in the society. Therefore, a more detailed overview of the legal framework in the domain of Roma children rights protection will be done by elaborating in the field of education, housing, health and employment of (Roma) parents and reduction of poverty.

As it was mentioned before, in recent years, Macedonia has taken numerous legislative and institutional efforts towards the protection of the rights and the integration of Roma including Roma children in alignment with EU and international instruments and policies. In general, at national



level, children's rights are regulated by the Law on Child protection<sup>1</sup>, but the current practice is showing that the law itself is not sufficient to ensure the full realization of Roma children rights.

Furthermore, the non-discrimination and equality before the law is guaranteed by the Constitution of Macedonia.<sup>2</sup> In 2010, the Law on Prevention and Protection from Discrimination<sup>3</sup> was adopted, which defines the different types of discrimination and established the Commission for protection against discrimination. The new Law on Prevention and Protection from Discrimination is in the procedure of being adopted in the Parliament. It is important that the new draft law recognizes the segregation as a special form of discrimination and defines the intersectional discrimination. The new draft law as well, gives the opportunity for taking court litigation as "*actio popularis*"<sup>4</sup>. *Actio popularis*, as a form of court litigation can be very important especially for CSO's representing Roma rights, because usually the model of individual justice is very often an ineffective tool in proving structural and institutional discrimination. For these reasons, in finding the existence of a systemic violation the legal principle, *actio popularis*, can be used, which can be an effective mechanism for protection in such cases.<sup>5</sup>

Regarding the international law provision on the right of **education** incorporated in the Macedonian legislative system, can be pointed out that these provisions are derived from the basic international human rights documents such as the Universal Declaration of Human Rights and other Conventions related to the right of education. In this context, for example the universal right to education has been established in the Universal Declaration of Human Rights, in 1948. The international human rights document in the field of education was declared in 1962, when the UNESCO Convention against Discrimination in Education denounced any form of discrimination in education, and called for equality in both opportunity and treatment in education.<sup>6</sup> The International Convention on the Elimination of All Forms of Racial Discrimination<sup>7</sup> guaranteed the right to education and training, inter alia, to everyone, regardless of their race, colour, national or ethnic origin. The commitment to education was strengthened further with the International Covenant on Economic, Social and Cultural Rights<sup>8</sup> (ICESCR, Article 13) which obliged states to secure primary education free of charge (Article 14). The Convention on the Elimination of All Forms of Discrimination against Women (1981) additionally requires States Parties to take "all appropriate measures to eliminate discrimination against women [...] in the field of education".<sup>9</sup> The Convention

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<sup>1</sup> Law on Child protection. "Official. Gazette of R. Macedonia n. 23/2013, 12/2014, 44/2014, 144/2014, 10/2015, 25/2015, 150/2015, 192/2015, 27/2016, 163/2017 и 21/2018

<sup>2</sup> Constitution of the Republic of Macedonia, adopted by the Assembly of the Republic of Macedonia on 17 November 1991.

<sup>3</sup> Law on Prevention and Protection from Discrimination, Official gazette 50/2010

<sup>4</sup> The essence of *actio popularis* is the established action of a third party in order to protect the rights of others, or protection of the principle of equality.

<sup>5</sup> Use of *Actio popularis* in cases of discrimination, Helsinki Committee for Human Rights, Skopje, 2016

<sup>6</sup> Convention against Discrimination in Education 1960, Paris, 14 December 1960, entered into force: 22 May 1962.

<sup>7</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 19

<sup>8</sup> International Covenant on Economic, Social and Cultural Rights, 1976

<sup>9</sup> Convention on the Elimination of All Forms of Discrimination against Women, 1981, Article 10.



on the Rights of the Child reaffirmed the states' obligation to provide free primary education.<sup>10</sup> The International Covenant on Civil and Political Rights, requires equality of persons without discrimination in all areas, including education.<sup>11</sup> When it comes to regional human rights instruments, Macedonia is a party to the European Convention on Human Rights, including Protocol No. 12. Article 2 of the First Protocol to the Convention states that “no person shall be denied the right to education.”<sup>12</sup> The European Convention also prohibits discrimination in Article 14 and in the Convention's Protocol No. 12.<sup>13</sup>

The creation of policy in the education domain is under the jurisdiction of the Ministry of education and science of the Republic of Macedonia and the Bureau of education development acting as a legal entity. The elementary education is regulated with the Law of Primary education. Although according to the Law the primary education is free for all, and at the same time the government should provide free textbooks<sup>14</sup> and free public transport for students who live at a distance larger than 2 km from the school,<sup>15</sup> additional financial support is not predicted that will cover the other costs necessary for inclusive education for all. Parents often face problems in providing additional workbooks, which are mandatory, at providing snacks, and adequate clothing, especially during the winter period. These problems mostly affect the regular presence of children in schools and in carrying out their school obligations with a minimum quality.

One of the main disadvantages of the educational process is insufficient engagement of the teaching staff in providing the mandatory extra hours and extra work with children who have difficulties in studying the school materials. Therefore, the extra hours work should be regulated and properly implemented in order to enable equal starting positions in education especially for those children who do not have parents with the necessary education to assist them.

Another issue that is present in the education system is the segregation of Roma children in primary schools. For example, most of the Roma children in Bitola are enrolled in the primary school "Gjorgi Sugarev". According to the decision for catchment areas of Bitola municipality, almost all of the children from "Bair" (settlement with the largest number of Roma population) need to be enrolled in "Gjorgi Sugarev" even though the nearest school to "Gjorgi Sugarev" which is on 5-minute walking distance "Todor Angeleski" has very few Roma children enrolled.<sup>16</sup>

This and other similar situations of segregation are partly caused by bad implementation of laws and inappropriate bylaws. Under the Law on Primary Education, primary schools are obliged to enrol pupils residing in their catchment areas. According to the same law, parents can also enrol their children into another school in the same or different district, if they have an approval for doing that by the school where they want to enrol their children and if the school have free places.<sup>17</sup> The list of children from the catchment area of each primary school, successfully enrolled in that school, is obtained by the authorized unit of Local Government that keeps records of permanent and

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<sup>10</sup> Convention on the Rights of the Child, 1989, Article 28

<sup>11</sup> International Covenant on Civil and Political Rights, 1976.

<sup>12</sup> Article 2 of Protocol No. 1 – Right to education, European Convention of Human Rights.

<sup>13</sup> Ibid.

<sup>14</sup> Law on schoolbooks for primary and secondary education, Official gazette of RM nr. 98/08

<sup>15</sup> Law on primary education, Official gazette of RM nr .103/08 from 19.08.2008, article 61.

<sup>16</sup> Segregation of Roma children in elementary schools in Republic of Macedonia, Institute for Human Rights, 2016

<sup>17</sup> Article 46, Law on primary education, Official gazette nr. 103/08, 2008.



temporary residents.<sup>18</sup> By these legal provisions, the Municipality is obliged to decide on determining the catchment areas of all primary schools situated in its territory. In the decisions for catchment areas of Municipalities it is noted that they are securing the balanced stream of students in primary schools and taking in consideration the optimum school capacities of the municipality. The decision covers the neighbourhoods, exact streets and numbers that belong to a particular school in the municipality.<sup>19</sup>

Another, important issue when it comes to Roma community and Roma children is the question of **housing**. Most important laws that regulate housing and are relevant for Roma are the Law on Housing<sup>20</sup> and the Law on the Procedure of Illegally Built Objects.<sup>21</sup>

According to the Law on housing the right to financial assistance for social housing is provided to socially endangered persons - not provided with housing: children without parents or parental care; beneficiaries of social and permanent financial assistance; people affected by natural disasters - natural disasters; persons with disabilities and persons who need help and care from others; persons belonging to the Roma community, socially endangered and single parents with minor children.

The funds for exercising the right to financial assistance for social housing are provided from the budget of the municipalities, the City of Skopje and the municipalities in the City of Skopje, i.e. from the Budget of the Republic of Macedonia. For some categories such as children without parents or parental care (by the age of 18 until 26) the financial assistance is provided from the Ministry for Labour and Social Policy (MLSP). Social housing is provided in few forms (as social buildings, financial assistance for housing etc.), however the national social housing programs are not specially designed for the Roma population even though they are the ones who need those measures the most. Even in regions where the volume of available social housing is proportionate to the number of Roma, Roma populations (especially those who are most vulnerable and live in extreme poverty) are very often unaware of the social housing options. For those who manage to get the information, the procedure for applying can be costly and thus make these opportunities unavailable.

Housing is an issue as well as for Roma who have houses in settlements that are with frequent absence of adequate drinking water, electricity, heating or sanitation which on the other hand is influencing the access to education of the children. Local government have the mandate to solve the housing issues through infrastructure development, urban planning and maintaining accurate land registries.

The Macedonian Constitution guarantees the right of all citizens to **health care**. Prohibition of discrimination on any grounds in health care is enshrined by the Law on Health Protection<sup>22</sup> and the Law on Protection of Patients' Rights<sup>23</sup>. Under the laws, all citizens are entitled to health care, however the services that Roma receive are typically of a lower quality and the undocumented Roma people have no access to social services at all. Therefore, Roma people have higher morbidity

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<sup>18</sup> Article 50, Law on primary education, Official gazette nr. 103/08, 2008

<sup>19</sup> Ibid.

<sup>20</sup> Law on Housing, Official Gazette of the Republic of Macedonia No. 21/98

<sup>21</sup> Law on the Procedure of Illegally Built Objects, Nr. 23/11, 6p.54/11, 155/12, 53/13, 72/13

<sup>22</sup> Law on Health Protection, Official gazette no. 43/2012, 145/2012, 87/2013, 164/2013, Article 9,

<sup>23</sup> Law on the Protection of Patients' Rights, Official gazette no. 82/2008, 12/2009 and 53/2011.





and mortality rates than the general population<sup>24</sup> and this is reflected in the significantly lower average life expectancy among Roma.

Mechanisms for data collection, including health statistics, especially when it comes to vulnerable groups, should be improved. The existing Roma Health Mediators can be a valuable source for data collection because of their experiences in the field and their direct contact with the Roma community. The role of Roma Health Mediators should be strengthened and regulated. They play a direct role in making appropriate referrals within the system in such cases of those without personal documents or children not receiving mandatory regular immunizations.<sup>25</sup>

Low education rates and the existing discrimination, leave the majority of Roma people unable to obtain formal **employment**. The low employment rates and the high level of poverty among Roma population can be one of the reasons for the existing child labour and street begging. Macedonia has ratified all key international conventions concerning **child labour** and has established laws and regulations related to child labour (Constitution of Republic of Macedonia, Labour Law, Rulebook on the Minimum Occupational Safety and Health Requirements for Young Workers etc.). However, gaps exist in Macedonia's legal framework to adequately protect children from child labour, including the minimum age for work.

### 3. Public policies and institutional challenges in the field of protection of Roma children rights

Beside the national and international legislative framework for promotion and protection of children rights there is also a system of policy documents and guiding principles adopted at national and local level which sets strategies, actions and outcomes for improvement of the socio-economic status of Roma community as well as for enhancing the safeguard of Roma children rights. These documents are developed and adopted with intention to overcome the pure legalistic approach towards protection of Roma children rights and to focus the efforts and actions of national and local authorities as well as the other stakeholders in the society towards a more comprehensive level. As a key strategic document that should shape the actions and set goals and outcomes related to improvement of the socio-economic status and integration of Roma community or more specifically of Roma children is the "**Strategy for Roma in Republic of Macedonia 2014-2020**", a document prepared by the Ministry of Labour and Social Policy (MLSP) in collaboration with the National Coordinator of the Decade and Strategy of Roma. This Strategy is covering several areas such as: employment, education, housing, health and culture. Furthermore based on the Strategy appropriate thematic National Action Plans (NAPs) are developed which among other things serves as a basis for development of the municipal Local Action Plans (LAPs).

Local Coordinative Bodies – LCBs who are responsible for the development, implementation and monitoring of LAPs have a crucial role in the detection of the real needs of the Roma community, in particular in municipalities and settlements as well as in setting proper activities for addressing the existing problems and challenges. LAPs should present comprehensive documents which will enable systematisation, feasible planning and setting indicators for the monitoring of the

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<sup>24</sup> UNICEF, Inclusion of All Roma in the Health Insurance System, 2016, p.2.

<sup>25</sup> Ibid.



implementation and achieved results. As a result of the importance for institutionalisation of the efforts for protection of Roma children rights and developing sustainable policies, this policy recommendation paper has as an objective to enhance the involvement and the capacities of LCBs in the implementation of Local Action Plans as well as to enable a bigger engagement and inclusiveness of civil society in programming and monitoring key reforms in the area of Roma child rights protection.

Based on the findings from the conducted research activities in the framework of this project such as *focus group discussions* (in 7 targeted municipalities: Shuto Orizari, Chair/Topaana, Prilep, Kumanovo, Shtip, Kochani, Tetovo), *14 interviews with LCB members* (from these 7 municipalities) and *10 In-depth interviews with municipal officials* (from 10 other municipalities where Roma population is also represented in significant percentage) could be stated that valuable conclusions can be emphasised but also several initial conclusions presented in previously prepared *Desk review on the level of protection of Roma children rights in Macedonia* were re-confirmed. Namely only in one of the seven (7) project targeted municipalities the LCB is formed by official document from the Municipal Council and it has developed Rules of Procedure and Terms of References. This is one of the reasons for inactivity and passiveness of LCBs. The analysis of the obtained answers is showing that members of LCBs do not have clear understanding which are their professional duties, tasks and rights which is clearly contributing for failures in the fulfilment of the basic functions of LCBs. It is evident a need for developing formal documents for description of the mandate of LCB members, for determination of their scope of activities and responsibilities and guidance for efficient implementation and accurate monitoring of achieved goals and outcomes.

Furthermore, the data from the analysis pointed out that LCB members have the need for strengthening of their capacities for some particular topics and especially for the preparation of long-term EU funded projects (IPA); fundraising, advocacy and lobbying; human and (Roma) child rights protection; Roma children needs assessment; planning and implementing joint actions; monitoring and reporting on the implementation of LAPs etc. On these topics can be provided valuable capacity building activities for LCB members through training, which actually will lead to reinforcement of engagement and visibility of these bodies. Additionally, many of the focus group participants were not even aware of the existence of LCBs so therefore it is very important to work on the promotion of LCB activities, their transparency, campaigning and their recognition as relevant actors both by Roma community and other citizens. Also, analysed data showed that there was a lack of cooperation of LCBs with local CSO organizations and institutions in the direction of improving the status of Roma in the municipality. This clearly shows that LCBs are not fulfilling one of their main duties related to enhancing the cooperation and coordination of all stakeholders at local level. Therefore, cooperation, communication and coordination must be re-established as guiding principles of LCB members in conducting their activities and duties. This could be done through trainings, workshops and other capacity building activities which will be organized as induction or continuous trainings for current and future LCB members.

Regarding the situation with existing LAPs both desk and field research data showed that all targeted municipalities have developed and adopted some thematic LAPs which are in accordance with national Strategy for Roma 2014-2020 and relevant NAPs. However currently developed LAPs are not meeting the desired level of implementation mainly as a result of not realistic set goals, not very clearly set indicators and lack of funding sources. Furthermore although there are different thematic developed LAPs (Education, Employment, Health, Social household etc.) the protection and promotion of Roma children rights is not addressed in separate action plans.

From the obtained data it can be concluded that in most of the municipalities there is no specific strategy, action plan and / or concrete measures for the realization of the rights of Roma children although there is a need and interest for that. This loophole in the policy domain only shows



that further efforts are needed by all stakeholders at national and local level in order the safeguard of Roma children rights to be finally set as higher priority in our society. Additionally, in the interviews the representatives of the municipalities stated that they do not know, or do not know enough about the legal regulations and public policies that refer to the exercise of the rights of Roma children, although to a large extent they answered that they are familiar with the Law on Child Protection and the Law on Children's Justice. Another factor that is contributing for low levels of awareness of the importance of Roma children rights protection is the lack of legal literacy of the Roma community about their legal rights and obligations within the national legal system. The legal literacy as the general one is something that cannot be addressed in very short period of time and requires long term planning and systematic measures. Already existing actions for changing these negative levels of legal literacy among Roma community implemented through introducing so called "paralawyers" is a practice which the outcomes and results should be further analysed and followed. Also, investment of efforts in establishing timely and efficient coordination between these paralawyers and existing structures such as: Roma Information Centers, Roma health mediators, Social Work Centers, etc. is something that can lead to positive results. On policy level as well, there is a necessity for adopting concrete measures for addressing legal illiteracy among Roma which can be done within the existing policy and institutional framework envisaged in the **"Strategy for Roma 2014-2020"** through some feasible and measurable interventions in the NAPs and LAPs.

Based on the research findings it is noticeable as well that there is no practice for reporting and monitoring of the status of implementation of the developed LAPs which is actually making the whole idea for institutionalisation and planned systematisation of the efforts and activities envisaged in the Strategy for Roma 2014-2020, respective NAPs and LAPs, to be exposed on high risks and challenges for low level of successfulness, sustainability problems, non-achievement of set goals or weak inclusiveness and outreach. In this context, the fact that only two from the targeted municipalities have monitored and evaluated the level and quality of the implementation of their existing LAPs is disappointing. Therefore the process of development of LAPs must be accompanied with the development of suitable monitoring methodologies and manuals which will help the LCB members for an easier assessment of the envisaged and implemented activities. Furthermore, only two municipalities have prepared annual reports for the implementation of LAPs.

In the domain of the civil society engagement for addressing various problems of Roma children protection, the obtained research data showed that CSOs are recognized both by authorities and Roma population as actors who have significant role in improving Roma children rights. Nevertheless the research data also showed another aspect of the CSOs which are working with Roma community and in particular with Roma children rights and that is the fact that these CSOs are facing with some difficulties and challenges such as lacking human resource and organizational capabilities for the implementation of long term projects and more strategic approach in their functioning. Furthermore, there is a lack of mutual coordination mechanisms and cooperation approaches among national and local authorities and CSOs.

In this context, in order to overcome this particular problem of lack of coordination, it is good to be mentioned one example of good practice which was the result of the undertaken efforts of the project partners, KMOP and RRC together with two other Macedonian based CSOs, the Cabinet of the Minister without portfolio in the Government of the Republic of Macedonia and the Ministry of Labour and Social Policy. Working together in the period May- June 2018, was developed a common policy document named *"Common Action Plan"* (CAP) which actually was the synchronization among three different projects and activities implemented by all aforementioned entities. This positive example for cooperation between state institution and CSOs was initiated by the Cabinet of the Minister without portfolio in charge of implementation of the Strategy for improvement of the situation of Roma in the Republic of Macedonia 2014 -2020 and was accepted and supported by the respective CSOs. The aim of this CAP is to provide development of higher



quality community oriented solutions and more sustainable policies and mechanisms in the field of Roma integration and Roma children rights protection.

## 4. Challenges of Roma children

Although the aim of this Policy Recommendation document is not per se to detect and list all problems and challenges which are affecting the personal development and everyday life of Roma children, the findings that came from the conducted desk and field research activities pointed out on the variety and difficulty of the socio-economic conditions which are affecting Roma children. The research findings confirmed one crucial link between low level of accessibility of Roma children to fundamental rights and freedoms enjoyed and the poor material and financial situation of their families. The poor socio-economic conditions, to great extent, influence their personal physical and emotional progress and determine their overall life development. Based on the obtained data from the interviews, questionnaires and focus group discussions in the context of this project the following challenges which are affecting the access of Roma children to the fundamental rights and freedoms can be highlighted (although must be pointed out that a further more comprehensive research is needed for determining all causalities in this particular domain):

- Poor socio-economic situation of Roma parents and their lack of awareness of the importance of education

The Roma in Macedonia are one of the social groups which members statistically are mostly affected by the poverty, unemployment and illiteracy.<sup>26</sup>

There is also lack of awareness of the importance of education, and lack of control over the children school performance. Even though the transportation to the schools and the books within the curriculum are state provided, the parents are usually unable to provide them other needed resources such as clothing, food and basic school equipment.

- Language barriers

Among the barriers for inclusion of the Roma children in education, the participants in many focus groups have stressed out the poor understanding of the Macedonian language, especially among the children coming from municipalities with a majority Roma population.

Many Roma in Macedonia speak Romani as their native language and in some municipalities where focus groups have been conducted, they speak Turkish. Thus, Romani language is usually used in the daily communication within their local communities and the children rarely come in touch with the Macedonian language which is the teaching language in the major part of primary schools. Insufficient language skills of Romani-speaking children cause serious negative effects on their success at school, they cannot follow lessons and fall behind their peers. Moreover, there is an absence of specially designed programs that should assist Roma children in understanding the material presented in the classrooms and in the schoolbooks.

Additionally, Romani speaking parents who are usually illiterate or with poor educational background are unable to support their children in their educational achievements.

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<sup>26</sup> "Macedonia in figures- 2017"; State Statistical Office of Republic of Macedonia; Skopje; 2017.



- Temporary external migration (cases of unsuccessful asylum-seeking procedures) – so called “returnees”

Changes in the place of residence are frequently present among Roma families, who leave the country as asylum seekers in the EU multiple times, commonly during the school year. When the families return after a certain period, their children who have been absent for more than 1/3 third of the classes within the school’s program are unable to be integrated in the same grade they were enrolled in prior to leaving abroad. In accordance to the respective national legislative, these children shall possess a certificate for the education completed abroad or pass additional exams, as a precondition for continuation of the educational process. However, the children usually don’t have the needed knowledge for successful competition of the additional exams, nor have acquired the relevant documentation. Moreover, even in cases they have obtained a certificate, the parents don’t have sufficient resources for covering the expenses for the procedures for recognition and validation of the document. Therefore, this issue was stressed out by the participants as one of the most common reasons for drop-outs and repetition of the same grade.

-Discrimination and segregation

Due to the socio-economic situation and the numerous stereotypes and prejudices related to the Roma community, children are often target of discrimination by their classmates and sometimes by their teachers, which additionally discourages them to attend school. It was heard as well in focus groups by the NGOs that are working in the field with Roma children that children are feeling discriminated in the classrooms and in the community.

- Segregation

The neighborhood-based school system has led to the establishment of schools in or near Roma settlements that are almost exclusively attended by Roma children. The system itself causes segregation and prevents children from interacting with their peers from other ethnic groups. Other schools became de facto Roma schools because families from the majority population have send their children to unformal/alternative schools like daily centers, educational project activities, etc.

This is especially the case for example the “Gjorgji Sugarev” primary school in Bitola where in the recent years only Roma children are enrolled.

- Failure of the preschool system

Many Municipalities especially out of city of Skopje are lacking kindergartens and preschool classes. The school directors, teachers and school psychologists in the focus groups stated that it is very important Roma children to attend kindergarten and it can be noticed that those children that attended preschools classes and kindergarten when they register in the first grade they have a big difference with other Roma children that did not attended at all. They differ in language, behaviour, level of knowledge, etc.

-Work engagement

Not being capable of providing the essential commodities themselves, Roma parents often engage their children in work activities. Thus, many Roma children carry out seasonal agricultural work during the school year, while others are forced to street begging and collecting plastic, paper and other recyclable materials.



The participants in the focus groups have noted that children neglect school due to their work engagement, which subsequently leads to lower accomplishments and lagged progress in their studies. Children are simply unable to combine work and school, nor have the capacities or time to overcome the gaps created as a result of the absence from classes. Furthermore, there is lack of clear national and school policies and to support children who have returned from seasonal job and their reintegration into the education system.

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Furthermore, among other issues noted from the conducted interviews and focus groups were: Lack of suitable communal infrastructure that may pose a security risk for the children (ex. absence of street lighting, street hygienic conditions, etc. in settlements and city parts where they live); Early marriages and living in unregistered unions (cohabitating with a partner), especially among the girls; Lack of access to health services etc.

## 5. Recommendations

Taking into consideration the aforementioned data and arguments regarding the current situation of the safeguard of Roma children rights in Macedonia and about the institutional and policy system which is providing that there is obvious necessity for specific measures and activities which should provide higher level of advocacy, promotion and protection of Roma children rights. Furthermore, these measures and activities have to offer efficient solutions how to be overcome the existing abuses of Roma children and their deprivation from the fundamental rights and freedoms in Macedonian society as well as to support establishing a system of institutions and policies which will proactively work towards providing Roma children equal chances for personal physical and emotional development. Guided by these goals, this document is offering the following recommendations to be undertaken by national and local authorities as well as the civil society and all relevant stakeholders in our society:

- Relevant national and local authorities to set the safeguard of Roma children rights as question for high priority in the overall measures for improvement of socio-economic situation of Roma community in Macedonia;
- Adopting short-, mid- and long-term sustainable promotion, advocacy and protection mechanisms and activities for safeguard of Roma children rights at national and local level;
- Higher level of implementation of the national Roma Strategy 2014-2020 and developed Local Action Plans;
- Developing feasible, realistic and indicator based National Action Plans and Local Action Plans;
- Revision of the existing Local Action Plans and setting clear measurable indicators for the implementation of the planned results;
- Creating Local Action Plans based on realistic municipal funds especially intended for the planned activities;



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- Developing special Local Action Plans which will focus on advocacy and protection of Roma children rights and in general about increasing the legal literacy of Roma community (in close correlation with other LAPs);
  - Developing Term of References for the members and deputy members of Local Coordinative Bodies;
  - Increasing the transparency of the Local Coordinative Bodies work and activities through various advocacy and lobbying campaigns;
  - Introducing obligatory Induction and continuous capacity building activities for all Local Coordinative Bodies' members;
  - Increasing the capacities of the members of Local Coordinative Bodies especially in networking, cooperation and monitoring.