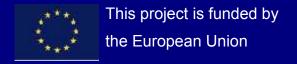
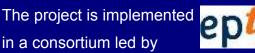


Contract No.: 12-8715/1

REPORT ON POLICIES AFFECTING ROMA AT NATIONAL AND LOCAL LEVELS WITH RECOMMENDATIONS FOR IMPROVING LEGAL AND POLICY FRAMEWORKS AS WELL AS AVAILABILITY OF RELEVANT DATA Final – 28 June 2016

Date 28/06/2016









REPORT ON POLICIES AFFECTING ROMA AT NATIONAL AND LOCAL LEVELS WITH RECOMMENDATIONS FOR IMPROVING LEGAL AND POLICY FRAMEWORKS AS WELL AS AVAILABILITY OF RELEVANT DATA Final – 28 June 2016











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DOCUMENT CONTROL SHEET

Project Name:	Local Integration of Refugees, Internally Displaced Persons and Minority Groups					
Reference No:	EuropeAid/136616/IH/SER/MK					
Contracting	Central Financing and Contracting Department, Ministry of Finance, Republic of					
Authority:	Macedonia					
Beneficiaries:	Ministry of Labour and Social Policy (MLSP);					
	Cabinet of the Minister without Portfolio;					
	Secretariat for European Affairs (SEA)					
	Roma Information Centres (RICs);					
	National Coordinative Body for Implementation of Strategy and Decade for Roma;					
	Local self-government units;					
	Employment Service Agency;					
	Civil society organizations active in the field of Roma issues, refugees and internally					
	displaced persons.					
Consultant:	Eptisa in consortium with CARE, MCIC and Roma Education Fund					
Report:	Report on policies affecting Roma at national and local levels with recommendations for					
Acport.	improving legal and policy frameworks as well as availability of relevant data					
	Activity 1.2 - Review of the existing policies for Roma, with recommendations for further					
Project activity:	actions at national and local levels. Provision of assistance for improvement of the legal					
	framework, procedures and services of the responsible institutions, as well as improvement					
	of the data availability for vulnerable categories of Roma in the area of employment, social					
	services, education, health, housing and antidiscrimination					
Project output #:1	4. Report on policies affecting Roma at national and local levels with recommendations for					
J	improving legal and policy frameworks as well as availability of relevant data					

¹As per the numbering of outputs made in Chapter 12 of the project's Inception Report











PROJECT SYNOPSIS

Programme Name: Project Name:

Transition Assistance and Institutional Building (IPA Component I) Local Integration of Refugees, Internally Displaced Persons and Minority

Groups

Reference No:

Name:

Role:

Fax:

E-mail:

Address:

Telephone:

Contract Number: Project Duration:

Project Commencement Date:
Project End Date:

EuropeAid/136616/IH/SER/MK

12-8715/1 18 months

11 January 2016 11 July 2017

Ministry of Labour and Social Policy (MLSP)

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Overall Objective:

To enhance the state administration and implementation capacities for further strengthening and supporting the local integration process and inclusion of the residential and / or non-residential displaced persons (refugees and internally displaced) and minority groups (Roma), as well increasing the sustainability of their reliance.

Purpose:

To contribute in supporting the process of residential and / or non-residential displaced persons in their access for provision of comprehensive state administration services, increase self-reliance via participation and inclusion of the displaced persons in the society, as well as improve the quality of life and access to rights and services for social inclusion of the Roma, Ashkali and Egyptian communities in the country.

Expected Results:

<u>Component 1: Support to the implementation of national and local public policies</u> <u>for Roma inclusion:</u>

- o Implemented training plan for capacity building of relevant institutions on the Local Action Plans (LAPs) within the implementation of the Roma Strategy and Decade;
- Enhanced capacity for all the relevant stakeholders for implementation of Roma Strategy and Decade and memorandum for cooperation with the municipalities;
- Local Action Plans for Roma implemented.

Component 2: Institutional Capacity Building and Access to Labour Market for refugees and IDPs:

- o Increased capacity of state institutions and policy makers to deliver integration policies and facilitate access to services;
- Achieved economic sustainability;
- Increased employability;
- o Gained experience and best practices in the area of refugee integration.











Key Activities:	Component I: Support to the implementation of national and local public policies for Roma inclusion:			
	 Activity 1: Supporting the national institutional structure of the Strategy for Roma and Decade of Roma Inclusion; Activity 2: Supporting the local institutional structure for creation and implementation of Roma policies; Component 2: Institutional Capacity Building and Access to Labour Market for 			
	refugees and IDPs.			
	 Activity 3: Institutional capacity building and access to labour market for refugees and IDPs. 			
Key Stakeholders:	 Unit for Implementation of the Strategy and Decade for Roma (UISDR), MLSP Unit for Migration, Asylum, and Humanitarian Aid (UMAHA), MLSP 			
Target Groups:	 MLSP (UISDR and UMAHA) Cabinet of the Minister without Portfolio National Coordinating Body for Implementation of Strategy and Decade for Roma Local self-government units Employment Service Agency Civil society organizations active in the field of Roma issues, refugees and internally displaced persons 			











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ABBREVIATIONS

CSO Civil Society Organisation
CSW Centre for Social Work
DUP Detailed Urban Plan

ESA Employment Service Agency

EU European Union
GUP General Urban Plan
LAP Local Action Plan

LCB Local Coordinating Body

MLSP Ministry of Labour and Social Policy

NAP National Action Plan

NCB National Coordinating Body RHM Roma Health Mediator RIC Roma Information Centre









EXECUTIVE SUMMARY

Key findings

- While Macedonian legislation does not place Roma at a disadvantage relative to other communities, it also does not provide a solid basis for reversing Roma's marginalization.
- Policies which take into account the specific situation of Roma in Macedonia have been in place since 2004. These include strategies, action plans, and memoranda of cooperation.
- Institutional forms designed to improve Roma's situation include the Minister without Portfolio, the Unit for Implementation of the Strategy and Decade of Roma within the Ministry of Labour and Social Policy, Roma Information Centres, and Roma health mediators.
- Progress in improving Roma's situation has been uneven, with more progress observed in relation to education and health than in other areas.

Recommendations

- 1. Eliminate the distinction between active and "other" job-seekers.
- 2. Continue the ongoing decentralization of employment services.
- 3. Increase access to data on registered unemployed to improve inter-sectoral coordination.
- 4. Increase cooperation between Employment Centres and Centres for Social Work.
- 5. Expand social workers' field presence.
- 6. Address the problem of homelessness by building shelters for homeless people where needed.
- 7. Prepare Roma for school by providing at least one year of free-of-charge pre-school education.
- 8. Prepare schools for Roma as part of a broader shift toward interculturalism in education.
- 9. Reduce the number of Roma in special education.
- 10. Increase access to student dormitories.
- 11. Provide persons without identification with a temporary health insurance card.
- 12. Establish a harmonized and accessible database of health insurance beneficiaries.
- 13. Integrate Roma health mediators into the health system administration.
- 14. Monitor the process of housing legalization and provide remedies where needed.
- 15. Provide state land for resettlement from hazardous and illegal settlements.
- 16. Support social housing beneficiaries with a multi-sectoral social package.
- 17. Strengthen the role of antidiscrimination institutions.
- 18. Ensure stable Roma participation in the Commission for Protection from Discrimination.
- 19. Consolidate central coordination of the Strategy for Roma in a single institution.
- 20. Enhance the role of the National Coordinating Body.
- 21. Require meaningful reporting to enable assessment of policy implementation.
- 22. Ensure that local action plans correspond to national priorities.
- 23. Eliminate parallel facilities for Roma at municipal level.
- 24. Establish local coordinating bodies as foreseen in the Strategy for Roma.
- 25. Promote the continued development of Roma Information Centres.

1. INTRODUCTION

1.1 Purpose of the report

The purpose of this report is to present the findings of a review of existing policies for Roma in Macedonia. Following a description of the methodology employed in conducting the review, the report provides an overview of key legislation as it affects Roma in the areas of employment, social services, education, health, housing, and antidiscrimination. Section 3 of the report is devoted to targeted policies for Roma, treating the national and local level each in turn. The report's final analytical section identifies the institutions relevant for the design and implementation of policies for Roma in the six areas mentioned above, attending to relations among these institutions and the tasks assigned to them in the Strategy for Roma 2014-2020 and the associated National Action Plans. A synthetic summary of the main findings of the review provides a basis for guidelines to be taken to improve legal and policy frameworks, as well as the availability of data relevant for the design of measures targeting Roma.

This report (Output 4) contributes to the implementation of Activity 1.2 ("Review of the existing policies for Roma, with recommendations for further actions at national and local levels. Provision of assistance for improvement of the legal framework, procedures and services of the responsible institutions, as well as improvement of the data availability for vulnerable categories of Roma in the area of employment, social services, education, health, housing and antidiscrimination"). It further provided the main basis for the information meetings for sharing the results of the review which constitute the other output of this Activity.²

1.2 Methodology

The review that forms the basis of this report was undertaken using both primary and secondary research. In the latter category, relevant legislation and procedures, policy documents, and reports on their implementation were reviewed and analysed. The primary research, on the other hand, consisted of semi-structured interviews and focus groups with representatives of local and national institutions and civil society organizations (CSOs). More specifically, whereas individual interviews were conducted with six representatives of key central-level institutions, the three focus groups undertaken in preparing this report brought together eight representatives of eight municipalities, six of the 12 Roma Information Centres established throughout the country under the Ministry of Labour and Social Policy, and eight representatives of Roma CSOs, respectively.³

² A two-day event was organized in Skopje on 21-22 June 2016 to complete the research for and share the preliminary results of this review, as well as of Activity 1.3 ("Preparation of an analysis of the current legislation, procedures and practices and providing recommendations in terms of identifying the obstacles and delivering the services for improved regulation of status").

³ Whereas interview guides and focus group questions are provided in Annex 1, information on the participants in the interviews and focus groups conducted in preparing this report is given in Annex 2.

2. LEGAL FRAMEWORK

2.1 Employment

The Law on Employment and Insurance against Unemployment⁴ in Article 1 highlights the constitutionally guaranteed right to work and the prohibition of discrimination in employment, as follows: "Everyone has the right to access to employment without any restrictions, in accordance with the principle of equal treatment laid down in the Labour Law and other laws." The labour law⁵ accordingly contains several provisions expressly prohibiting discrimination against job applicants and employees. The grounds for discrimination mentioned in this Law include racial or ethnic origin, colour, age, health condition or disability, religious or other beliefs, trade union membership, national or social origin, family status, property status, sexual orientation or other personal circumstances.

As its name suggests, the Law on Employment and Insurance against Unemployment also regulates the issue of insurance in case of unemployment and the rights of unemployed persons. A set of amendments to this law was introduced to focus policies and resources on those unemployed who actively seek employment. A key component of these amendments is the requirement that unemployed persons registering with the Employment Service Agency (ESA) sign a statement indicating whether they are active or "other" job-seekers. Whereas active job-seekers are required to report to ESA or the local Employment Centre every 30 days to prove that they are actively looking for paid work, unemployed persons registered as "other job-seekers" must check in every six months. Only active job-seekers have access to the active labour market measures offered through the ESA. Additionally, persons who refuse an offer of employment or employment training as well as persons whose employment has been terminated due to their own fault or at their request are not eligible to receive social welfare payments, with each Employment Centre reporting to the corresponding Centre for Social Work on a monthly basis.

Anecdotal evidence suggests that the administrative division of the unemployed into active and "other" job seekers has had a negative effect on Roma. The main reason for this is that Employment Centres tend not to explain the differences between the two categories, such that Roma often register as "other" job-seekers without realizing that they lose access to active labour market measures in so doing. Additionally, many Roma have been automatically removed from the registers of unemployed for failing to report to the ESA or the relevant Employment Centre within the required timeframe, such that they must wait one year before re-registering. On the other hand, according to information received from the Employment Service Agency, the activities of employment trainers and mentors targeting Roma beginning in 2015 resulted in higher levels of awareness, such that as of June 2016 approximately twice as many unemployed Roma were registered as active than as "other".

⁴Zakon za vrabotuvanje i osiguruvanje vo slučaj na nevrabotenost, *Služben vesnik na Republika Makedonija* 37/97, 25/00, 101/00, 50/01, 25/03, 37/04, 4/05, 50/06, 29/07, 102/08, 161/08, 50/10, 80/10, 51/11, 11/12, 80/12, 114/12, 39/14, 44/14, 113/14, 56/15, 129/15, 147/15, 154/15, 27/16.

⁵ Zakon za rabotnite odnosi, *Služben vesnik na Republika Makedonija* 74/15, 129/15, 27/16.

2.2 Social Services

The Law on Social Protection defines social protection as a system of measures, activities and policies for preventing and overcoming basic social risks to which citizens are exposed throughout life, as well as for reducing poverty and social exclusion (Article 2).⁶ As defined under the Law, social risks include health risks (illness, injury and disability), old age and aging, single parent family, risks of unemployment, loss of income support on the basis of work and similar risks of poverty and risks of another kind of social exclusion. Target groups of the Law on Social Protection include persons with disabilities, orphans and children without parental care, children with mental and physical development, street children, children with social problems, children from single-parent families, people at social risk, persons who abuse drugs, psychotropic substances, precursors and alcohol, victims of domestic violence, victims of trafficking, elderly without family care by noninstitutional and institutional forms of social protection, housing and raising awareness population for the purpose of providing social protection in accordance with the provisions of this law. Additionally, the Law prohibits direct and indirect discrimination on grounds of sex, race, colour skin, national, ethnic, social, political, religious, cultural, language, property and social status, disability and origin in the exercise of rights to social protection (Article 20). The Law further calls for the development of a national programme and annual plans for the purposes of identifying the social protection needs of the population and devising ways of meeting those needs (Article 4).

Upon reaching retirement age (62 for women and 64 for men), people lose the right to social welfare, with eligibility for a pension in accordance with labour law depending on at least 15 years work experience in the formal sector. This requirement negatively affects many Roma whose work experience is primarily or exclusively limited to the informal sector. While persons not eligible to receive a pension may apply for permanent financial assistance, in order to qualify for such assistance applicants may not own property or receive any other payments to their bank account. This latter requirement means that even sporadic remittances from family members working outside the country – a common practice among Roma in Macedonia – effectively disqualify their recipients for permanent financial assistance.

2.3 Education

Primary and secondary education in Macedonia are compulsory and nominally free of charge, with the corresponding legislation prohibiting discrimination on the grounds of sex, race, colour, national, social, political, religious, financial and social status.⁸ Pursuant to the rights set out in the Constitution

⁶ Zakon za socijalnata zaštita, *Služben vesnik na Republika Makedonija* 79/09, 36/11, 51/11, 166/12, 15/13, 79/13, 164/13, 187/13, 38/14, 44/14, 116/14, 135/14, 10/15, 98/15, 145/15, 30/16.

⁷ See Ministerstvo za trud i socijalna politika (2010).

⁸ See Zakon za osnovnoto obrazovanie, *Služben vesnik na Republika Makedonija* 103/08, 33/10, 116/10, 156/10, 18/11, 51/11, 100/12, 24/13, 41/14, ; 116/14, 180, 180/14, 33/15, 33/15, 72/15, 104/15, 173/15, 192/15, 30/16; Zakon za srednoto obrazovanie, *Služben vesnik na Republika Makedonija* 44/95, 24/96, 96/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07, 81/08, 92/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12, 100/12, 24/13, 41/14, 116/14, 135/14, 10/15, 98/15, 30/16.

(Article 9), for students who attend classes in a language other than the Macedonian language and its Cyrillic alphabet, educational activities are conducted in the language and alphabet of the relevant ethnic community. The Law on Textbooks for Elementary and Secondary Education accordingly provides for the publication of textbooks in the languages of minority ethnic communities in which instruction is provided. ⁹

While Roma are constitutionally entitled to instruction in Romani language, most Roma children attend instruction in Macedonian language. Unlike textbooks published for instruction in the languages of minority ethnic communities, textbooks published in Macedonian language do not generally devote attention to such communities. As a result, the culture and language of Roma are largely neglected in educational materials used in Macedonia. Given the potential of educational materials to reduce the stigma attached to minority ethnic communities, it is particularly unfortunate that Roma as the most marginalized ethnic community in the country do not receive more attention in this context. Moreover, despite the legal prohibition of discrimination in education, there is no antidiscrimination programme in regular education.

Segregation in primary education sometimes occurs as a result of a provision in the Law on Primary Education allowing parents to enrol their children in a school other than the one which children would ordinarily be required to attend on the basis of residence. Making use of this provision, non-Roma parents living in the catchment area of a school attended by Roma children may seek approval for their children to attend another school. A report of the Commission for Protection against Discrimination covering the period 2010-2014 identified a high frequency of segregation of Roma children in both standard primary education and primary education for children with mental disability.

Article 33 of the Law on Secondary Education requires students completing grammar school to take a standardized school-leaving examination. Insofar as Roma generally attend instruction in a language other than their mother tongue, are often unable either to receive needed educational support from their parents or to afford private additional lessons, sometimes have their education interrupted by extended family stays outside Macedonia, and are subject to prejudices and stereotypes on the part of teaching staff and non-Roma students, Roma tend to be at a disadvantage throughout their educational careers, with this disadvantage often being reflected in poor grades. Anecdotal evidence suggests that the introduction of standardized examinations has affected Roma negatively via the informal expectation that students' grades will be reflected in their exam results.

2.4 Health

According to the Law on Health Care, every citizen has the right to receive care conforming to the highest attainable standard of human rights and values, and is entitled to psychological and physical

⁹ Zakon za ucebnicite za osnovno i sredno obrazovanie, Služben vesnik na Republika Makedonija 98/08.

integrity and security of his person as well as respect of his moral, cultural, religious and philosophical convictions. ¹⁰ In broadly similar fashion, the Law on Protection of Patients' Rights prohibits discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation or any other status. ¹¹

While neither the Law on Health Care nor the Law on Protection of Patients' Rights contains provisions that discriminate against Roma directly or indirectly, access to health care for Roma is often compromised by low levels of awareness and poor socio-economic situation among Roma, prejudices and stereotypes about Roma among healthcare workers, and the availability of needed services. Moreover, in cases of discrimination against Roma in the area of healthcare the ethnic element is often neglected (Roma SOS 2014). This tendency forms a vicious circle with the small number of complaints about discrimination submitted to relevant authorities.

2.5 Housing

Key legislation on housing in Macedonia includes the Law on Housing, the Law on Illegal Construction, and the Law on Subsidized Mortgages. Whereas the Law on Housing defines standards of minimum and appropriate housing, the Law on Illegal Construction provides the basis for the legalization of such construction and for its subsequent integration in urban planning documentation. The Law on Subsidized Mortgages, on the other hand, regulates subsidized loans from commercial banks to individuals for buying or constructing a dwelling.

While there is no evidence that any of this legislation is applied differently to Roma than to others, the exercise by Roma of the rights established under these laws is adversely affected by the fact that many Roma live in separate, *de facto* segregated settlements established in areas beyond the territory covered by the detailed urban plans of the corresponding municipalities. In this context the Law on Physical and Urban Planning must be mentioned, which regulates (among other things) the adjustment of detailed urban plans in municipalities where there are Roma settlements. Also relevant is the Law on Local Government, which regulates not only the competencies of the municipalities, but also the direct participation of citizens in decision making. This is particularly important for municipalities with Roma settlements consisting of illegal dwellings, which according to the Law on Illegal Construction are subject to demolition if they do not meet the requirements for legalization.

¹⁰ Zakon za zdravstvenata zaštita, *Služben vesnik na Republika Makedonija* 43/2012, 46/1993, 55/1995, 10/2004, 84/2005, 111/2005, 65/2006, 5/2007, 77/2008, 67/2009, 88/2010, 44/2011, 53/2011, 145/2012, 10/2013, 87/2013, 43/2014, 132/2014, 188/2014, 10/2015, 61/2015, 154/2015, 192/2015, 17/2016, 37/2016.

¹¹ Zakon za zaštita na pravata na pacientite, Služben vesnik na Republika Makedonija 82/08, 12/09, 53/11, 150/15.

¹² Zakon za domuvanje, *Služben vesnik na Republika Makedonija* br. 57/10, 36/11, 54/11, 13/12, 38/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16.

¹³ Zakon za prostorno i urbanističko planiranje, *Služben vesnik na Republika Makedonija* 44/2015, 193/2015, 31/2016.

¹⁴ Zakon za lokalna samouprava, *Služben vesnik na Republika Makedonija* 5/2002.

2.6 Antidiscrimination

The Law on Prevention and Protection against Discrimination was adopted in 2010.¹⁵ This law prohibits discrimination on the ground of sex, race, colour, gender, belonging to a marginalized group, ethnicity, language, nationality, social background, religion or belief, other beliefs, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health condition. Article 3 further provides that in addition to those expressly enumerated grounds, a ground of discrimination may be "any other grounds established by law or ratified international agreement." To date, there have been three cases in which primary courts in Macedonia ruled that Roma were victims of discrimination under the Law on Prevention and Protection against Discrimination. All three cases involve the treatment of Roma at border crossings by representatives of the Ministry of Interior, with the judgments in two of these cases subsequently confirmed on appeal. The entry into force of the Law also called for the creation of a Commission for Protection against Discrimination, which was established in 2011.

Apart from the Law on Prevention and Protection against Discrimination, a prohibition of discrimination is found in the Constitution as well as in various other laws, including but not limited to legislation in the areas of administration; culture; education, science and sport; health care and health insurance; housing and access to goods and services; justice; labour and labour relations; membership-based organizations (e.g., trade unions, political parties, civic associations and foundations); pension and disability insurance; public information and media; and social security and social protection. One such piece of legislation, which precedes the Law on Prevention and Protection against Discrimination, is the Law on the Ombudsman, which establishes a preventive mechanism for acting on individual complaints by natural and legal persons in cases of violations of constitutional and legal rights by state bodies and other public institutions.¹⁶

Among the innovations introduced with the Law on Prevention and Protection against Discrimination is the formation of an independent body responsible for ensuring the legal protection of victims of discrimination, the Commission for Protection against Discrimination. Notwithstanding the potential importance of such a body, however, the Commission lacks the authority to impose sanctions on perpetrators of discrimination, but may only issue non-binding opinions and recommendations. As a result, cases of discrimination documented by the Commission in which the perpetrators do not cease to discriminate are often filed in primary courts.

From its establishment in January 2011 through May 2016, the Commission received over 30 complaints concerning discrimination against Roma on the basis of ethnicity. On the basis of these complaints, the Commission has identified discrimination in a wide range of areas and by a wide range of actors (including state institutions). While the procedure for filing a complaint is simple and free of charge and the Commission has demonstrated openness toward Roma in various ways (including perhaps most notably a 2012 declaration that Roma constitute Macedonia's most

¹⁵ Zakon za sprecuvanje i zaštita od diskriminacija, *Služben vesnik na Republika Makedonija* 50/10, 44/14, 150/15, 31/16

¹⁶ Zakon za narodniot pravobranitel, Služben vesnik na Republika Makedonija 60/03, 114/09

Report on policies affecting Roma

Local Integration of Refugees, Internally Displaced Persons and Minority Groups

discriminated ethnic community), the number of complaints submitted to the Commission by Roma exhibits a downward trend. This trend may be attributable to a lack of confidence on the part of Roma that the Commission can provide protection from discrimination and victimization.

3. POLICIES

3.1 National level

3.1.1 The Strategy for Roma 2014-2020

The Strategy for Roma in the Republic of Macedonia 2014-2020 was adopted in 2014 to replace the Strategy adopted in 2004 (see Ministerstvo za trud i socijalna politika 2014; Ministry of Labour and Social Policy 2004). The Calling for policies which take into account the specific situation of Roma on the grounds that "the traditional approach in addressing 'minority' issues, when it comes to the Roma, does not give the expected results" (Ministerstvo za trud i socijalna politika 2014: 28-29), the 2014 Strategy notes the need for continued efforts to improve the integration of Roma despite some progress in this regard in recent years (Ministerstvo za trud i socijalna politika 2014: 5). Consistent with this observation, the period for implementation of the current Strategy runs through 2020. As presented in the Introduction to the 2014 Strategy, the development of the document was based on extensive consultations and cooperation beginning in 2013, with participants in the revision process including representatives of central and local authorities, civil society, academia, and international organizations, as well as experts provided by UN agencies and bilateral donors (Ministerstvo za trud i socijalna politika 2014: 5-6).

The vision underlying the Strategy is that "Roma in the Republic of Macedonia included in societal trends have increased opportunities for a better life" (Ministerstvo za trud i socijalna politika 2014: 31). The substantive sections of the Strategy are structured around five areas: culture, education, employment, healthcare, and housing. As shown in Table 1 below, the Strategy sets a strategic goal in each of these areas. Additionally, the Strategy specifies objectives and expected results, and measures for each objective.

Table 1. Strategic goals by area

AREA	STRATEGIC GOAL				
Culture	Development and promotion of Romani culture, language, and tradition				
Education	Increased level of education of the Romani community				
Employment	Improvement of conditions and opportunities for employment and reduction of unemployment of the Romani community, resulting in its integration in societal trends				
Healthcare	Continuous improvement of the health status of the Romani community				
Housing	Reduction of the gap in the quality of housing between Romani and non-Romani communities				

¹⁷ Following the 5th International Review Conference of Roma Women, which the Macedonian Government organized together with the Council of Europe in October 2015, the *Strategy* underwent a further revision, treating issues of gender as a distinct theme rather than as a cross-cutting theme as presented in the 2014 version (see Ministerstvo za trud i socijalna politika 2014: 6). However, because this most recent revision has not been proposed to the government for adoption, the examination in this section focuses on the version of the *Strategy* adopted in 2014.

Chapter 6 of the Strategy proposes 10 measures for implementation and oversight. Among the measures foreseen for oversight of Strategy implementation are coordinating bodies at national and local level to oversee implementation. The National Coordinating Body is a working group of the Government of the Republic of Macedonia with 15 members (of which 13 are representatives of central-level institutions and two of civil society organizations) and is tasked with strategic planning, preparing relevant strategies and action plans, coordination and monitoring and evaluation (Ministerstvo za trud i socijalna politika 2014: 94-95). Local coordinating bodies, on the other hand, are presented as existing in the following 10 municipalities with sizeable Romani populations: Berovo, Bitola, Delchevo, Gostivar, Kochani, Kumanovo, Prilep, Shtip, Tetovo and Vinica. As presented in the Strategy, each local coordinating body consists of seven members, representing the local Centre for Social Work, Employment Centre, primary school, public health institutions, civil society organizations (2 representatives) and Romani Information Centre. The tasks of local coordinating bodies are broadly similar to those of the National Coordinating Body, with the former reporting to the latter.

Also covered in Chapter 6 of the Strategy are issues of monitoring and evaluation. At central level, the Strategy foresees annual monitoring and reporting on the basis of annual operational plans for implementation of the Strategy, with the institutions responsible for each the five areas of the Strategy expected to report to UISDR, which then compiles a report covering all five areas (Ministerstvo za trud i socijalna politika 2014: 97). At local level, local coordinating bodies are to submit a monitoring report at the end of June in each year covered by the current Strategy. Also foreseen are annual internal evaluations, a mid-term external evaluation, and a final external evaluation (Ministerstvo za trud i socijalna politika 2014: 97-98). The Strategy also provides for its own revision (tentatively for 2017) in case the annual and midterm evaluations show that some or all of the short- and medium-term goals of the Strategy are not being reached (Ministerstvo za trud i socijalna politika 2014: 99-100).

3.1.2 National Action Plans

Following a gap since the expiration at the end of 2011 of the previous National Action Plans corresponding to the 2004 Strategy, NAPs in the areas of education, employment, healthcare, housing, and inclusion of the Romani woman were adopted in 2015 and 2016. The reason for the difference between the areas covered by the 2014 Strategy and the current NAPs (i.e., there is a NAP for inclusion of the Romani woman but no NAP for culture) is that the latter were drafted on the basis of a further revision of the Strategy made in 2015 but not yet adopted by the Macedonian government. As a result, the strategic objectives, outcomes, and outputs included in the NAPs correspond to the unofficial 2015 revision rather than to the Strategy adopted in 2014.

With a total number of measures ranging from 17 (NAP housing) to 32 (education), the five NAPs were prepared according to a common template, making them easily comparable in relation to their

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¹⁸ In fact, local coordinating bodies have been established in only a few of these municipalities, with the bodies' establishment lacking consistent implications for their functioning.

design. Perhaps more important, all NAPs generally heeded the call in the template for baseline data, in so doing laying the groundwork for measuring progress toward goals. On the other hand, a common weakness is the failure to specify the timeframe for completion of the activities included in the NAPs, with only the NAPs for housing and inclusion of the Romani woman containing activities to be completed before 2020.

3.1.2.1 *Education*

As noted above, the NAP for education contains the largest number of measures of all five NAPs, with a total of 32 (Ministerstvo za trud i socijalna politika 2016b). Despite having the largest number of measures, this NAP also includes baseline data for all designated indicators. Moreover, as presented in the NAP, none of the measures for education rely exclusively on donations for their implementation. A weakness of this NAP is that the timeframe for implementation of all measures is 2016-2020, making adjustments in the course of the NAP implementation more difficult.

3.1.2.2 Employment

The total of 21 measures included in the NAP for employment is more only than the number of measures included in the NAP for housing (Ministerstvo za trud i socijalna politika 2016c; cf. 2016a). Like the NAP for education, this NAP provides baseline values for all indicators. Also similar to the NAP for education is that only one measure included in the NAP for employment relies exclusively on donations for its implementation. Finally, as in the NAP for education, the timeframe for implementation of all measures in the NAP for employment is 2016-2020, such that none of its measures can be expected to be completed before the end of the period covered by the Action Plan and the corresponding Strategy (i.e., 2020).

3.1.2.3 Healthcare

With its 25 measures, the NAP for healthcare falls a distant second to the NAP for education (Ministerstvo za trud i socijalna politika 2015). Baseline values are missing for three indicators, while three measures included in the NAP for healthcare rely exclusively on donations for their implementation. With regard to ttimeframe, none of the included measures can be expected to be completed before 2020, but 11 measures are slated to start only in 2018.

3.1.2.4 *Housing*

Of all five NAPs, the NAP for housing has the smallest total number of measures, at 17 (Ministerstvo za trud i socijalna politika 2016a). While the inclusion of baseline data for all indicators bodes well from the standpoint of measuring progress in implementation, the fact that six of the NAP's 17 measures rely exclusively on donations appears to make their implementation less likely, calling into question nearly a third of the NAP for housing. At the same time, variation in the concrete timeframes assigned to the measures included in this NAP at minimum makes it possible to assess the implementation of this NAP before it expires.

3.1.2.5 Romani women

The National Action Plan for Strengthening the Position of the Romani Woman in Society contains 25 measures (Ministerstvo za trud i socijalna politika 2016d). Baseline values are provided for all indicators. Where reliance on donations is concerned, however, the NAP for Romani women shares with the NAP for housing that nearly a third (eight) of the foreseen measures lack a clear funding source. Two other important commonalities with the NAP for housing are the concreteness and variation among timeframes for implementation of the measures included in this NAP, facilitating midterm assessment of prospects for full implementation.

3.2 Local level

3.2.1 Local action plans

Beginning in 2005 as an initiative of Romani non-governmental organizations in a small number of municipalities, the process of drafting and adopting LAPs for Roma had spread by 2012 to a total of 17 municipalities. The MLSP has been involved in the development of LAPs in the majority of municipalities which have adopted them, with the most recent round of updating existing LAPs and/or developing new ones undertaken in 2012 in 12 municipalities within the framework of the EU-funded project "Support to the Implementation of the Roma Strategy."

An overview of the municipalities which have adopted LAPs to date is given in the table below.

Table 2. Municipalities which have adopted local action plans for Roma

Municipality			Last update		
	Education	Employment	Health	Housing	
Berovo	X	X	X	X	2012
Bitola	X	X		X	2012
Delchevo	X	X	X	X	2012
Gostivar		X			2009
Kochani	X	X	Х	X	2012
Kriva Palanka	X	X	Х	X	2010
Kumanovo	X	X	Х	X	2012
Pehchevo	X	X	Х	X	2012
Prilep		X			2012
Probishtip	X	X	Х	х	2010
Rankovce	X	X	Х	X	2010
Shtip	X	X	Х	X	2012
Shuto Orizari	X	X	Х	X	2012
Sveti Nikole	X	X	Х	X	2012
Tetovo	X	X	х	Х	2009
Veles		X			2011
Vinica	X	X	х	х	2011

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As shown in the table above, most municipalities which have adopted LAPs have chosen to cover the areas of education, employment, health, and housing. At the same time, the only area covered in the LAPs adopted by all municipalities to date is employment.

Presumably reflecting in part the lack of a unified approach to drafting LAPs, there has been no consistent relationship between the LAPs and the corresponding NAPs. Moreover, as mentioned above, the fact that the last NAPs expired at the end of 2011 means that the LAPs developed in 2012 could not advance NAP implementation. Finally, by the end of 2015 all LAPs had expired except for those adopted by the Municipality of Kumanovo.

While there has been so systematic monitoring, evaluation, and reporting on LAP implementation, available information suggests that such implementation has been sporadic at best. Reasons for incomplete LAP implementation appear to include incomplete fiscal decentralization (which results in municipalities waiting for funds from line ministries) and a lack of political will beyond mere declaration.

3.2.2 Memoranda of Cooperation

Twelve municipalities – including two which have not adopted LAPs (Debar and Kichevo) are signatories to a valid Memorandum for Cooperation with the central government as represented by the Minister without Portfolio (Government of the Republic of Macedonia 2009). The Memorandum also calls for increasing levels of co-funding on the part of signatory municipalities for projects "relating to the Decade and the Strategy", from a minimum of 25 percent in the first year, to 35 percent in the second year and 45 percent in the third, while stipulating that the remainder "should be provided with the full support by the Minister without Portfolio from donors' funds and funds from projects financed by line ministries" (Government of the Republic of Macedonia 2009, Section 3.4). Projects supported on the basis of a Memorandum of Cooperation have received funding from the Ministry of Transport and Communications.

4. RESPONSIBLE INSTITUTIONS

As part of the processes related to the Decade for Roma Inclusion 2005-2015, there have been a number of institutional setups, both at the central and the local governmental level, mandated to design and implement policies to improve the socio-economic integration of the Roma ethnic community in the country. As part of these efforts, in July 2008, the Government appointed a Minister without Portfolio, which acts as national coordinator of the Decade of Roma Inclusion 2005-2015 and of the Roma National Strategy. In addition, a Unit for Implementation of the Roma Decade and Roma Strategy has been created within the Ministry of Labour and Social Policy, to administer a greater social inclusion of Roma. At the local level, in 2007 eight Roma Information Centres (RIC) have been created, and currently 12 such RICs function in the following municipalities: Berovo, Bitola, Chair, Delchevo, Gostivar, Kochani, Kumanovo, Prilep, Shtip, Shuto Orizari, Tetovo, and Vinica. Most of them who have signed the Memoranda for cooperation with the Ministry of Labour and Social Policy are located within the premises of the local municipalities, while others (Chair, Kumanovo and Tetovo) are situated and work as part of the local Roma CSOs. On the basis of positive experiences from the work of the Roma Information Centres, 15 Roma health mediators in 8 local municipalities (Bitola, Gostivar, Karposh, Kochani, Prilep, Shtip, Shuto Orizari, and Tetovo) have started to work in 2012. They are situated within the public health institutions, in order to ease the communication between Roma and health workers as well as to overcome barriers related to access to health services.

Taking into consideration available research and analysis, it can be argued that new institutional forms at the local level (RIC, Roma health mediators) have been more successful in their work, due to their direct involvement in offering concrete services and support to Roma people. According to the Helsinki Committee for Human Rights in Macedonia (2014: 54), "RIC's represent important link in the social protection system, as due to their engagement a lot of rights from the social protection have been acquired by Roma." Also, OSCE Law consultant Bisson (2010: 7) has indicated that "in general RIC's have proven as a valuable tool for assisting the interaction between the Roma population and governmental institutions and assistance in relation to their rights.". Research by the Open Society Foundation (2011: 19) states that "positive responses to a survey on the Decade of Roma Inclusion in Macedonia, which gave relatively high marks to government activities to improve Roma women's health, may be due to the existence of Roma Health Mediator programs." On the other side, more critics have been echoed related to central governmental bodies responsible for mainstreaming Roma issues. A UNDP report (2013b: 7) stresses that the Unit for Implementation of the Roma Decade and Roma Strategy "still needs capacity building to efficiently monitor as well as coordinate activities for tackling Roma issues in the country in a more harmonized (horizontally and vertically) approach. The activities of this Unit are in need of more systematic rather than projecttype solutions." In addition, InSoC et al. (2013: 28) pointed to a "degree of confusion resulting from the division of responsibilities for coordinating work at the central level on Roma inclusion", as well as "poor coordination."

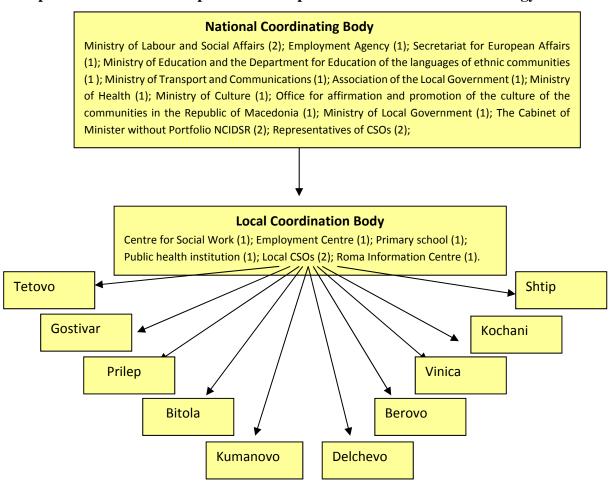
More insight into the challenges of providing greater support to Roma on local level, were obtained through the focus group discussions with representatives from the local municipalities and

representatives from the civil society organizations working on Roma issues. Discussion with the representatives of the local municipalities identified different challenges, For example, in municipalities where there is lower number of Roma population (i.e. Delchevo) there is greater possibility and factual integration of Roma within the mainstream policies and measures. This indicates that there is no possibility of only one approach towards Roma living in different municipalities. Most of the municipalities identified the following challenges: lack of innovative measures for support of Roma integration (local social support replicates social programmes on the central level); lack of adequate financial resources for activities in the field of housing infrastructure; lack of co-financing of civil society organization activities as CSO projects are not coordinated with the municipality priorities and needs. Although most of the local municipalities have some form of database for vulnerable population or database of vulnerable beneficiaries, still there is a visible lack of its renewal as well as lack of its use into preventive social programmes on the local level.

From the focus groups discussion with the representatives of the civil society organizations who work on Roma issues, common challenges that were identified, include: lack of capabilities among Roma CSOs to apply for IPA funding due to fiscal/budget turnover requirements; lack of capacity building among Roma for project application; lack of a systematic and harmonized database on Roma, only ad-hoc data related to specific services; as well as feeling that Roma CSOs are performing the job of relevant public institutions related to access of Roma to basic rights. Also, not all representative of the CSOs were informed about the creation and existence of the Local Coordination bodies in charge for implementation of the new Roma Strategy.

The newest Roma Strategy (2014-2020) stipulates that the process of strategic planning will be advocated and coordinated by the National Coordinating Body, together with the relevant Local Coordination Body, which will have additional responsibilities related to annual operation plans, monitoring and evaluation.

Graph 1: Institutional set up related to implementation of the Roma Strategy 2014-2020



Source: Ministry of Labour and Social Policy, 2014

Current experiences of NCB functioning points to certain shortcomings related to its roles, format and functioning. Experts consulted for this report point out that "it is more an evaluating and monitoring body, rather than a body that impacts policy decisions regarding Roma in the respective Ministries". The NCB members also identified issues related to discontinuation of participation of NCB members due to political reasons, lack of motivation due to lack of financial compensation, etc.

It remains to be seen whether the new and strengthened institutional governance for Roma, particularity at the local level, will improve the previous identified gaps in the coordination as well as implementation of programmes which are vital for greater socio-economic inclusion of Roma.

4.1 Employment

Access to services related to the labour market is acquired mainly through the Employment Service Agency. The Agency has 30 deconcentrated units, dispersed throughout the country. According to their latest data, at the end of April 2016, there were 6176 registered unemployed Roma, out of which 36.30% were Roma women. Hence, Roma represent 5.55% of all registered unemployed. However,

these data refer only to registered unemployed who actively look for job. Data related to Roma registered as unemployed, but who do not actively look for job are not publicly available through the Employment Service Agency. Taking into consideration the situation on the national level where there is almost the same number of those actively looking for a job and other unemployed, it may be presumed that the numbers of registered Roma who do not actively seek for job are the same (if not bigger) as the numbers of those who actively look for job.

According to Employment Service Agency statistical data from 30.11.2015 for the municipality of Shuto Orizari (where more than 60% of the population are Roma), the profile of the registered unemployed Roma includes: people without completed primary education (75%), people out of work for more than 2 years (46% of all actively registered unemployed), and Roma from all age groups.

Access to services from the Employment Service Agency is challenging for many Roma. Most affected are those without any identification, as an ID is required for unemployed registration. In addition, those that are registered as other unemployed (not actively looking for a job), cannot take part in the activation measures. Finally, the take up of activation measures among unemployed Roma that are registered as active job seekers is very low. According to the RIC representatives, the "Roma community has showed very little interest in participating in calls for active measures" (UNDP 2013a). Such condition speaks about multi-dimensionality of the problem regarding the labour market activity of the Roma. From the individual perspective, the noticeable trend of lack of participation in active employment programmes may be due to low self-esteem, low motivation for participation or just lack of information. From the policy perspective, it may be that the offered active employment measures do not correspond with the capabilities and needs of the Roma population (education/literacy level, types of jobs, etc.). According to the Roma CSO Drom (Kumanovo), there is a problem of very low provision (limited numbers) of active measures on one side, but also stereotypes both among Roma population and potential employers. Drom suggests that the Roma community fears that an eventual open up of their own businesses would not be successful, as "other ethnic communities would not buy/or do business with them". The Roma CSO Sonce (Tetovo) has also identified similar challenges related to Roma access to Employment Agency services, such as: "lack of knowledge about administrative procedures which leads towards termination in use of rights and access to services, particularly in relation to employment and social protection; lack of success in obtaining support from the active employment measures, which indirectly discourages unemployed Roma for active job search; and lack of compliance of offered active employment measures with the profile of unemployed Roma" (UNDP 2013a).

Some of these challenges are aimed to be tackled through the coaching and mentoring programme for Roma, introduced in the Operational Plan in 2014. The model included the engagement of 4 coaches and 2 employment mentors in the municipalities of Kumanovo, Prilep, Shuto Orizari, and Tetovo. The coaches were responsible for data gathering, information sharing, motivation and forwarding of interested Roma candidates to employment mentors who then assess the candidate's employability, provide business advices and consultations during the process of application until the employment or improvement of professional skills.

Tasks assigned to the Employment Service Agency within the new Roma Strategy include the Agency's and local Centres' participation in the National and Local Coordination Bodies. However, taking into consideration that local Employment Centres are "understaffed, underfinanced, and overburdened with a relatively high caseload by international standards" (World Bank 2013: 47), their participation may be more formal than effective. Also, local Employment Centres have very little or almost no discretion in relation to allocation of quota for active employment measures, so local targeting and profiling of potential Roma beneficiaries may be endangered to due high centralization of active employment policy decision making. Other challenges, related to the implementation of tasks assigned in the Strategy to the local Employment Centres, include: "limited capacity for client profiling and individualized interventions, no obligation by the Employment Centres to actively look for vacancies, as well as no legislative framework for outsourcing professional counselling and placement services (World Bank 2013).

From the expert interviews undertaken for this report, a clear lack of integrated approach among responsible institutions may be identified. For example, the numbers and profile of registered Roma (both active and "other") are only narrowly communicated with the Labour Department within the MLSP. Other departments within the MLSP are not informed and not in position to undertake initiatives in this field. Experts from the Employment Service Agency consulted for this report, indicated that they undertake different activities for increasing the unemployed motivation and participation in the active labour market programmes. According to them, currently there are 26 dispersed units of the Employment Service Agency, aiming to support greater activation. They have also indicated that individual plans are being developed only for those unemployed who actively look for job.

As most of the targets in the renewed Roma Strategy concentrate on raising the awareness about activations services and increasing the Roma access to Employment Service Agency services, it would be good if Employment Service Agency opens up additional dispersed units (Employment Centres) in municipalities (such as Shuto Orizari, Skopje) in which there is a greater number of registered unemployed people.

4.2 Social Services

Social services are provided mainly though the Centres for Social Work (CSW), although depending of the type of social risk, there are other governmental and non-governmental organizations which provide social services.

Centres for Social Work were created in the early 1960s, and since then function as key public providers of professional services in social work (with individuals, groups and families), as well as administrators of social assistance payments. Currently, there are 30 inter-municipal CSW, dispersed in all bigger cities in the country with 1098 employees. Also there are 30 sub-offices of the CSW,

located in different territorial units and municipalities¹⁹. One such sub-office is also opened in the municipality of Shuto Orizari, which eases the access to social services for many vulnerable Roma people. The process of decentralization has not yet resulted in transfer of the responsibilities of the CSW to the local level. Thus, the CSW still represent deconcentrated units of central government.

Casework load within the CSW is high. Previous data show that the number of active cases serviced per social worker amounted to 394 in 2010. In reality, the number of active cases per social worker is higher because social workers in most cases work in parallel on administration of social benefits and on provision of social protection services, such as counselling (World Bank 2012). According to research by the Institute for Social Affairs in 2011 on the time social workers needed for administration of social financial assistance, permanent financial assistance, and financial reimbursement for care of other person, one social worker spends an average of 5.3 hours per day on administration.

The relation between the Employment Service Agency and Centres for Social Work is also very formal, and concern data exchange regarding registered unemployed who are also social financial assistance beneficiaries. Notionally once a month, the ESA provides data to Social Work Centres on the job-search history of social financial assistance beneficiaries; however, the regularity of such data exchange varies by municipality and from case to case (World Bank 2013)

Some of the policies and programmes related to social service provision, such as conditional cash transfers, subsidy for energy consumption among social assistance recipients, public kitchens, have to a certain extent successfully integrated some of the vulnerable Roma communities. But the practice shows that many of the Roma living in the most disadvantaged and distant locations are not being able to take the offered possibilities due to the lack of knowledge, lack of financial possibilities to travel, and lack of documentation required for application. Additional challenges related to social services among Roma include: lack of adequate counselling services related to family planning among Roma, lack of services targeting Roma marriages among minors, lack of services aimed at reducing family violence among Roma, lack of reintegration services for marginalized communities, such as alcoholics and former prisoners (Municipality of Shuto Orizari 2014).

The creation of the Roma Information Centres (RICs) in 2007 narrowed the gap related to access of Roma to social protection system. Providing support and information in different domains, among which social protection topped their activities, they assisted many vulnerable Roma in accessing various rights and benefits from the social protection system. However, as indicated by the representative of the Cabinet of Minister without Portfolio, "RICs are overwhelmed, and yet there are still uninformed Roma". In the focus group discussions with representatives from the RICs, many of them identified the following challenges in their work: the CSW often send Roma applicants first to the RICs, which unnecessarily burdens the applicant and their work; lack of time to work/make

¹⁹ Ministry of Labour and Social Policy, Sub-offices of the Centres for Social Work, http://www.mtsp.gov.mk/WBStorage/Files/podracni.pdf

input in a harmonized database as it requires field work to assess the accuracy of obtained data from applicants; in RIC offices where 5-6 people work in one office space, the work with clients is more challenging; lack of systematic integration of the RICs within the administrative scheme (either social protection, or local administration).

Assigned tasks to the Centres for Social Work in the Roma Strategy include their participation in the Local Coordination Bodies (LCB). Given the overload of cases per social worker in the CSW, as well as the experience of very limited cooperation with the Employment Service Agency and local Employment Centres, it would be very difficult to imagine that CSW participation in the Local Coordination Bodies will be productive and effective. More concrete steps will be needed to assure that the contribution of the CSW in the LCB will be in the direction of increasing the inclusion of most vulnerable Roma within the labour and social protection system.

4.3 Education

Institutions relevant for the design and implementation of policies for Roma in the field of education, include: the Ministry of Education and the Department for Education of the languages of ethnic communities; Local Municipalities (who have decentralized responsibilities for pre-school and primary education), Kindergartens, Primary Schools, Secondary Schools, Secondary Vocational Schools and Universities/Faculties. Tasks related to education within the Roma Strategy foresee the participation of 1 representative from the Ministry of Education and the Department for Education of the languages of ethnic communities within the National Coordination Body and 1 representative from primary schools in the Local Coordination Body. It can be seen that the Strategy itself lacks to recognize important actors, such as local municipalities, kindergartens and secondary schools as stakeholders within the Local Coordination Bodies. Although the LCB are stipulated as part of the local government units, still there is an absence in these of representatives from the local municipalities themselves (particularly those in charge for education and social/child protection units within the local municipalities).

Taking into consideration that inclusion of Roma within the educational system is a pre-requisite for their successful integration on the labour market as well as for reducing the risk of poverty and social exclusion among Roma, institutional responsibilities related to educational goals within the Strategy should have been more carefully planned and emphasized.

Despite the fact that important progress has been achieved in the field of Roma education, still there are many remaining challenges. According to the State Statistical Office (2016a), in 2015 only 840 Roma children have been enrolled in the public kindergartens (as a proxy, around 1500 Roma children are born/registered each year). Also, in 2015, there were only 53 Roma employees in the public kindergartens. In the regular primary and lower secondary schools, in the school year 2014/15, the number of Roma students has decreased by 5.40% compared to the school year 2013/14. In the upper secondary schools, in the school year 2014/15 the number of Roma students has decreased by 7.58% compared to the school year 2013/14. Similarly, in the academic year 2014 there were only

17 graduated Roma students compared to 22 Roma students in the academic year 2011/12. According to the evidence given in the focus group discussions with the CSOs, some of these developments may be explained by the large number of emigrated Roma families or children from families with Roma on seasonal work abroad.

Additional challenges include: prevailing numbers of Roma children in schools for children with special educational needs, lack of Roma teachers, lack of didactic material in Roma language, etc. All of these represent significant impediments, and require systematic efforts from different public, private and civic stakeholders.

4.4 Health

The general institutional setup related to the design and implementation of health policies in the country includes: the Ministry of Health, the Health Insurance Fund with 30 dispersed units throughout the country, 34 public health homes dispersed regionally, 16 other public health institutions such as policlinics, health institutes, etc. mainly located in Skopje, as well as public institutions for secondary and tertiary health protection (hospitals and clinics). An important institutional incentive related to improved access to health among Roma was initiated in 2012. through the introduction of Roma Health Mediators. With financial support from the Ministry of Health, the Foundation Open Society Macedonia and the CSO HERA, 16 trained and accredited Roma health mediators (RHM) have been employed in eight municipalities in the country (Bitola, Gostivar, Karposh, Kochani, Prilep, Shtip, Shuto Orizari, and Tetovo). As in other countries of the region, RHMs are required to: assist individual clients in obtaining personal documentation and health insurance; assist (and encourage) individual clients to visit the doctor; assist local health authorities with particular health campaigns, especially related to vaccination; refer clients to relevant health, social, and educational services; conduct health education sessions in the community; provide targeted health assistance; refer individual clients who have experienced discrimination or other human rights violations in the health care setting, etc. (Covaci 2012).

According to the Roma Decade Monitoring Report, there are no publicly available data for the indicators by which the effectiveness of the Romani health mediators' work is to be measured. However, the same report notes that the "project is an example of good practice in the making, as available information suggests that Romani health mediators are increasingly recognized as a resource by state institutions on the one hand and by local Romani communities on the other" (InSoC et al. 2013: 11).

In the renewed Roma Strategy, Roma health mediators are foreseen to contribute towards the realization of the following goals: (i) Encouraged Roma community for initiating proceedings before the competent authorities in cases when their rights are violated; (ii) Increased application of the mechanisms for protection in the exercise of the rights to health care for Roma; (iii) Decreased number of cases of unequal treatment of Roma in the use of health services; (iv) Increased number of Roma, with achieved right to health insurance and provided continuity in the use of that right; (v)

Increased awareness among Roma about how to achieve the right to medical care and health insurance; (vi) Improved access of Roma to the services of preventive and primary health care for Roma; (vii) Increased number of Roma who have chosen a personal doctor on the level of primary health care; (viii) Increased number of Roma children that are vaccinated regularly; (ix) Improved delivery of the invitations for vaccination in the Roma settlements; (x) Increased turnout and interest from the Roma parents for a timely vaccination of their children; (xi) Increased level of awareness and knowledge among Roma parents about the process of immunization; (xii) Decreased number of abortions among Roma women and elimination of unsafe abortions through health promotion and education of the Roma adolescent population.

As with the overall Strategy itself, most of these goals and tasks lack stipulation of concrete measurement indicators. Also, while some of these task are more "administrative" and RHMs may easily contribute to their achievement (i.e. to raise the level of awareness and knowledge), most of the other tasks aiming to tackle significant health issues among Roma are not sufficiently precise about the manner and the extent to which RHMs can contribute towards their achievement (i.e. decreased number of abortions, increased number of Roma with health insurance, etc.).

The expert interview conducted with the representative from the Ministry of Health revealed certain challenges related to the type of employment contract of RHMs. Namely, the employment contracts of Roma health mediators are not "full employment" contracts but rather "contracts for service" where contributions for social insurance are not included. This has contributed to the termination of contracts by two Roma health mediators, and due to financial and administrative reasons no substitutes were allowed for their places. Also, it was indicated that an additional group of 16 RHMs was being trained, but currently they are not engaged for this purpose. This poses a serious challenge for the sustainability of this successful project, and solutions should be sought for systematic involvement of RHMs within the Ministry of Health administrative scheme.

4.5 Housing

Inadequate and substandard housing is characteristic for most of the municipalities inhabited by Roma. Many of their housing challenges are connected with difficulties of obtaining rights from responsible institutions. In the housing domain, institutional governance and administration encompasses: the Ministry of Transport and Communications, Units of the Local Government, as well as the Cadastre Agency of the Republic of Macedonia.

The Ministry of Transport and Communications is in charge for the housing legislation, and in this respect one visible obstacle is the prolonged delay of adopting/processing the Law on Social Housing. According to the Governmental Decision for allocation of Social Apartments, between 2009 and 2011, 16% of all allocated social apartments were given to Roma (Helsinki Committee for Human Rights in Macedonia 2014).

Units of Local Government are in charge for issuing building permits, housing legalization permits as well as for the General Urban Plan (GUP) and the Detailed Urban Plan (DUP) of the municipalities. One of the main issues is that in many municipalities where Roma live the DUPs are not adopted mainly due to the lack of funds for their development. An additional challenge is that many Roma in the country live outside the territory stipulated for housing in the General or Detailed Urban Plans

According to the Report of the Helsinki Committee for Human Rights in Macedonia (2014: 29), many Roma have missed the deadline for legalization of their buildings, which is an additional impediment for their housing rights. An earlier Report from this organization also indicates that the segregation of the Roma settlements contributes to improper housing conditions. According to this Report "the ghettoization of the Roma settlements continues and facilitates discrimination in the communal services, infrastructure changes and construction of facilities of importance for the community development. Due to the sub-standard conditions for life these settlements are often exposed to natural disasters and suffer great material damage or represent direct threat to the life and health of its inhabitants" (Helsinki Committee for Human Rights in Macedonia 2003).

The Roma Strategy 2014-2020 expects that most of these challenges will be tackled through the Units of Local Government. However, taking into consideration the high degree of centralization and dependence on the decisions made on the Ministry level, a more integrated approach should have been emphasized in the realization of the housing goals between the Ministry of Transport and Communications, the local municipalities and the Cadastre Office.

From the expert interview with the representative of the Ministry of Transport, a number of challenges have been identified in relation to durable solutions for improvement of Roma housing standards. For example, many of the municipalities, among which is the biggest Roma settlement Shuto Orizari, have not adopted General and Detailed Urban Plans, which are in their jurisdiction, thus negatively impacting the legalization of buildings and building of social housing. Also, it was identified that Roma who have been provided with social housing, experience difficulties in relation to their adaption to living in a collective building. In addition, as the social flats are small (around 45m²), many of the multi-member Roma households continue to live in inadequate housing conditions. It was suggested by the Ministry of Transport representative that employment and social support should accompany the provision of social housing to Roma, in order to reinforce their overall integration.

4.6 Antidiscrimination

There are a number of separate institutional bodies dealing with the issue of antidiscrimination in the country, such as the Ombudsman, the Commission for Prevention of and Protection from Discrimination, national courts, the Constitutional Court, as well as the Standing Inquiry Committee for Protection of Civil Rights and Freedoms within the Parliament.

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According to the Annual Ombudsman Report regarding adequate and equal representation, in 2015, the number of Roma people employed in the public institutions has risen from 0.78% in 2007 to 1.4% in 2015 (Ombudsman 2015). However, this report notes many worrying signals related to Roma rights. Among others is was noted that in 2015 there was a continued practice of returning Roma from border crossings, which contributed towards ethnic profiling and Roma discrimination. Despite the fact that this condition was confirmed with court decisions, the Ministry of Interior constantly denied this fact (2015: 90).

According to the Helsinki Committee Report (2014), the most pressing issues related to discrimination among Roma include: inability of obtaining citizenship among many Roma; large number of Roma children not evidenced in the birth registries (around 420 in the country) which is also linked to the inability to access basic social rights, as well as the risk of human trafficking; many cases of reported police brutality on Roma; as well as discrimination on the basis of ethnicity related to employment in the private sector (pp. 43-51).

Although the issue of discrimination among Roma is widely acknowledged by some of the responsible institutions (Ombudsman, national courts), the focus on antidiscrimination in the Roma Strategy 2014-2020 is still very limited. Within the outlined challenges and foreseen tasks in this domain, the Strategy only stresses this issue in relation to the field of employment, i.e.: Prevention of discrimination in the rights for employment of Roma; Hidden discrimination in the hiring process (especially in the private sector), and in the sphere of housing it only notes: Occurrences of discrimination on different grounds in the use of the right to housing.

More effective tackling of discrimination issues should also be premised on inclusion of the Ombudsman within the National Coordinating Body, as well as representatives from courts in the Local Coordination Bodies.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

While the legislation adopted in the areas of employment, social services, education, health, housing and antidiscrimination does not place Roma at a disadvantage relative to other communities, neither does it provide a solid basis for reversing Roma's deeply rooted and multi-dimensional marginalization:

- In the area of employment, the administrative division of the unemployed into active and "other" job seekers appears to have had a negative effect on Roma, who for lack of awareness about the differences between the two categories often register as "other" without realizing that they lose access to active labour market measures in so doing.
- In the area of social services, the requirement of at least 15 years work experience in the formal sector effectively disadvantages many Roma, whose work experience is primarily or exclusively limited to the informal sector, while sporadic remittances from family members working outside the country disqualify their recipients from permanent financial assistance from the state.
- In the area of education, the culture and language of Roma are largely neglected, contributing to a long-term disadvantage often reflected in poor grades and ultimately unsatisfactory results on standardized school-leaving examinations.
- In the area of health, the lack of attention to ethnic motivation in cases of discrimination forms a vicious circle with the small number of complaints about discrimination submitted to relevant authorities.
- In the area of housing, Roma living in separate, *de facto* segregated settlements are poorly positioned to have their dwellings legalized, resulting in a situation of housing vulnerability.
- In the area of antidiscrimination, legislation adopted in 2010 creates an independent body responsible for ensuring the legal protection of victims of discrimination, but does not endow it with authority to impose sanctions for perpetrators of discrimination.

At the national level, the Strategy for Roma in the Republic of Macedonia 2014-2020 replaces the strategy adopted in 2004. In 2015 and 2016, National Action Plans were adopted in the areas of education, employment, healthcare, housing, and inclusion of the Romani woman. While the presence of baseline data in the NAPs bodes well for measuring progress toward the goals set in the Strategy, only the NAPs for housing and inclusion of the Romani woman foresee the completion of planned activities before the end of the period covered by the NAPs (i.e., 2020). The extent to which measures rely on donations for their implementation varies from one NAP to the next.

At the local level, a total of 17 municipalities adopted local action plans in the period between 2005 and 2012. To date, there has been neither a unified approach to drafting LAPs, nor a consistent relationship between the LAPs and the corresponding NAPs. While there has also been no systematic monitoring, evaluation, and reporting on LAP implementation, available information suggests that

such implementation has been sporadic at best. Twelve municipalities (including two which have not adopted LAPs) are signatories to a valid Memorandum of Cooperation with the central government as represented by the Minister without Portfolio for projects relating to the Strategy for Roma. Projects supported on the basis of a Memorandum of Cooperation have received funding from the Ministry of Transport and Communications.

The advent of targeted national policy for Roma was followed by the establishment of institutional forms designed to improve Roma's situation. The key institutions of this kind at national level are the Minister without Portfolio and the Ministry of Labour and Social Policy's Unit for Implementation of the Strategy and Decade of Roma, with a lack of clarity in the division of responsibilities between these two institutions negatively affecting coordination. At local level, 12 Roma Information Centres have been established and 15 Roma health mediators are active in eight municipalities. Both RICs and Roma health mediators have been praised for their support to local Roma communities.

Beyond Roma-specific institutional forms, the main institutions established in the areas of employment, social services, education, health, housing and antidiscrimination are expected also to serve Roma. However, progress in improving Roma's situation has been uneven:

- Access to employment and related services is problematic among Roma, with participation in active employment measures being low.
- Centres for Social Work are overloaded, such that social workers cannot expect to handle
 their caseloads effectively and centres themselves are poorly positioned to engage in
 coordination and cooperation with other institutions (including perhaps most notably local
 Employment Centres).
- Notwithstanding considerable progress in recent years, the participation of Roma in preschool education remains low.
- On a more positive note, Roma Health Mediators have played a positive role from the standpoint of both institutions and Romani communities.
- In the area of housing, inadequate and substandard dwellings remain characteristic for most of the municipalities inhabited by Roma.
- Finally, discrimination against Roma has been widely acknowledged in recent years, but little has been done to combat it.

5.2 Recommendations

5.2.1 Employment

1. Eliminate the distinction between active and "other" job-seekers. The category of "other" unemployed should be abolished, with all unemployed persons registered with the Employment Service Agency enjoying equal rights and being eligible to participate in active labour market measures.

- 2. Decentralize employment services. With an eye to improving Roma's (and others') access to information and other services related to employment, the Employment Service Agency's recent practice of opening dispersed offices for work with the unemployed at local level should be continued.
- 3. *Increase access to data on registered unemployed*. For the purpose of mainstreaming the unemployed population in central and local social services, the Employment Service Agency's data regarding numbers and profile (educational background, ethnicity, gender, unemployment duration, etc.) of registered unemployed (active and "other") should be made accessible to other institutions, including but not necessarily limited to Centres for Social Work and municipal administrations.

5.2.2 Social services

- 4. *Increase cross-sectoral cooperation*. Communication and coordination between Employment Centres and Centres for Social Work should be strengthened in such a way as to support transition from social welfare to employment. Such strengthening should include but not be limited to regular exchange of data.
- 5. Expand social workers' field presence. Taking into account the high caseload per social worker, a new administrative measure should be introduced to divide social workers responsibilities' between administering social benefits and undertaking preventive social work (more field work). Additionally, Centres for Social Work should be enabled to make timely decisions related to social benefits in order not to exclude vulnerable applicants from vital financial support.
- 6. Address homelessness. Shelters for homeless people should be established where needed in order to provide decent living conditions. Municipalities should provide support for such shelters.

5.2.3 Education

- 7. *Prepare Roma for school*. Increase access to pre-school education by building more facilities where objective demand is greater than the current supply with an eye to providing at least one year of free-of-charge pre-school education in ethnically mixed groups.
- 8. *Prepare schools for Roma*. Integration between Roma and non-Roma children should be encouraged in general education and teacher training curricula. Roma educators should be engaged in primary school enrolment processes in order to create better conditions for entry testing. Attention to Roma culture and language in educational materials should be increased, ideally as part of a broader shift toward interculturalism in education. National and local budgets should include an item for educational inclusion.

- 9. Reduce the number of Roma in special education. Awareness should be raised among Roma families about the educational and career disadvantages of enrolling non-disabled children in schools for children with special educational needs. The system of financial and material incentives for enrolment in special education should also be reconsidered.
- 10. *Increase access to student dormitories*. With an eye to creating conditions conducive to completion of higher levels of education, support should be provided to increase the access of Roma students to public student dormitories.

5.2.4 Health

- 11. *Guarantee access to primary health care*. Persons without identification should be provided with a temporary health insurance card.
- 12. *Increase access to relevant data*. A harmonized database of health insurance beneficiaries should be created, including information on beneficiaries' ethnicity in order to allow the generation of ethnically disaggregated statistics. Access to the database should be provided to municipal administrations and RICs as a basis for identifying and addressing the uninsured.
- 13. *Strengthen health mediators' position*. With an eye to sustainability, Roma health mediators should be integrated into the health system administration in such a way as to provide Roma health mediators with full employment contracts (rather than service contracts) which offer contributions for social insurance, as well as pregnancy leave.

5.2.5 Housing

- 14. *Monitor the legalization process*. Mandatory quarterly visits to municipalities by the State Administration Inspectorate should be introduced for the purpose of monitoring decisions on applications for legalisation. Persons whose application for legalisation of their dwelling is rejected under the *Law on Procedure for Illegally Built Structures* should be offered alternative accommodation to offset the demolition of illegal structures.
- 15. Provide state land for resettlement. Taking into account that some Roma communities are built on hazardous locations and/or locations not part of general or detailed urban plans, state land should be allocated to create possibilities for safe and durable residence. Additionally, financial support should be provided to municipalities for the creation of general and detailed urban plans.
- 16. Support social housing beneficiaries. To help beneficiaries of social housing adjust to their new living conditions, they should be provided with a social package including employment support, social protection support, and psycho-social counselling.

5.2.6 Antidiscrimination

- 17. Strengthen the role of antidiscrimination institutions. With an eye to increasing compliance with antidiscrimination legislation, the Office of the Ombudsman and the Commission for Protection from Discrimination should be authorized to impose sanctions on perpetrators of discrimination. Additionally, the accessibility of these institutions should be improved through regular local-level outreach. Additionally, the Office of the Ombudsman should be represented in the National Coordinating Body for the Strategy for Roma.
- 18. Ensure Roma participation in the Commission for Protection from Discrimination. To increase Roma's access to the Commission for Protection from Discrimination, a qualified Rom should be engaged as a regular member of this body.

5.2.7 General recommendations

- 19. Consolidate the coordination of Strategy implementation. A single institution should be made responsible for the coordination between the government and international institutions, among national-level institutions, and between national and local levels. The staff of this institution should consist primarily of qualified Roma and should be of sufficient size to bring consistent and timely fulfilment of the following responsibilities:
 - o Coordinating the activities of line ministries and other institutions at central level;
 - o Overseeing the implementation of the Strategy at local level;
 - o Commissioning external evaluations of the Strategy implementation; and
 - o Compiling, synthesizing, and disseminating information on the Strategy implementation.
- 20. Enhance the role of the National Coordinating Body. The impact of the National Coordinating Body on policy processes should be increased by endowing it with more executive powers and stabilizing its composition in such a way that its members are high-ranking administrators from relevant institutions. One way of doing this might be through the adoption of policy recommendations on a quarterly basis, with assigned institutional tasks and deadlines for deliverables. The National Coordinating Body should report on achieved progress at least twice a years, including fiscal implications for the next reporting periods. Members of the National Coordinating Body should receive financial compensation for their work.
- 21. Require meaningful reporting. Consistent with the emphasis of the NAPs on providing direct services to beneficiaries over broad legal and institutional support, the availability of relevant data should be increased by requiring the institutions tasked with implementation of the NAPs to include in their periodic reports information explicitly related to indicators for specific measures contained in the NAPs, referring to the measures by number. Included in the reports should be quantitative data on budget expenditures and numbers of beneficiaries, as well as a qualitative assessment of implementation with suggestions for additional measures which

may be necessary to facilitate effective NAP implementation. A standard template should be developed for this purpose, with the institution responsible for overall coordination of the Strategy implementation compiling, archiving, and making reports available to the public in electronic form via internet. The State Statistical Office should be given a role in regular data collection.

- 22. Ensure that local action plans correspond to national priorities. The relationship between the action plans for Roma adopted at municipal level and the corresponding NAPs should be explicit, specific and systematic. Differences between national and municipal priorities should be explained in terms of specific needs of local Roma. Municipalities with LAPs and/or significant numbers of Roma should include in their budgets a line for Roma inclusion.
- 23. Eliminate parallel facilities at municipal level. The co-existence of memoranda of cooperation between municipalities and the central government on the one hand and local action plans on the other has potential to foster confusion within a given municipality about how the two types of instruments relate to one another. Further, this situation complicates learning across municipalities, which may attempt to address similar needs of local Roma with measures administered at central level by institutions which do not always coordinate with one another.
- 24. *Establish local coordinating bodies*. As foreseen in the Strategy for Roma, local coordinating bodies should be established in municipalities with sizeable Roma population to move ahead the design and implementation of local action plans. These bodies should be provided with a clear reporting framework which includes attention to fiscal and administrative implications at central and local levels.
- 25. Promote the continued development of Roma Information Centres. RICs should be upgraded from a project to a state programme and funded accordingly with their institutionalization at municipal level supported both administratively and financially with an eye to enabling them to monitor the implementation of relevant initiatives and to transmit information among municipal authorities, state-level institutions, and local Roma populations. Key to this process is providing RIC staff with training in monitoring, evaluation and reporting.

BIBLIOGRAPHY

Bisson, D. (2010) Assessment of the capacities of the Roma Information Centres for providing free legal assistance to the Roma community, Skopje: OSCE.

Commission for Protection against Discrimination (2012) Annual report of the Commission for Protection against Discrimination in Republic of Macedonia for 2011, Skopje: Commission for Protection against Discrimination.

Commission for Protection against Discrimination (2013) Annual report of the Commission for Protection against Discrimination in Republic of Macedonia for 2012, Skopje: Commission for Protection against Discrimination.

Commission for Protection against Discrimination (2014) Annual report of the Commission for Protection against Discrimination in Republic of Macedonia for 2013, Skopje: Commission for Protection against Discrimination.

Commission for Protection against Discrimination (2015) Annual report of the Commission for Protection against Discrimination in Republic of Macedonia for 2014, Skopje: Commission for Protection against Discrimination.

Commission for Protection against Discrimination (2016) Annual report of the Commission for Protection against Discrimination in Republic of Macedonia for 2015, Skopje: Commission for Protection against Discrimination.

Covaci, A. (2012) Roma Health Mediators - Successes and challenges, New York: Open Society Foundation.

Employment Service Agency (2016) Statistical review, http://www.avrm.gov.mk/statisticki-podatoci.nspx, accessed 28.04.2016

Government of the Republic of Macedonia (2009) Information on the Conclusion of Memorandum for Cooperation between the Government of the Republic of Macedonia Represented by the Minister without Portfolio Nezdet Mustafa, the National Coordinator of the Decade of Roma Inclusion 2005-2015 and the Roma Strategy in Republic of Macedonia and the Municipalities, Skopje: Government of the Republic of Macedonia.

Helsinki Committee for Human Rights in Macedonia (2003) *Annual Report 2003*, Skopje: Helsinki Committee for Human Rights in Macedonia.

Helsinki Committee for Human Rights in Macedonia (2014) *Between the implementation and reality of the National strategy for Roma integration*, Skopje: Helsinki Committee for Human Rights in Macedonia.

Report on policies affecting Roma

Local Integration of Refugees, Internally Displaced Persons and Minority Groups

InSoC et al. (2013) Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Macedonia, Budapest: Decade of Roma Inclusion Secretariat Foundation Macedonia.

Ministry of Labour and Social Policy (2004) *Strategy for Roma in the Republic of Macedonia*, Skopje: Ministry of Labour and Social Policy.

Ministry Labour and Social Policy (2011) *Roma Strategy Assessment Report: Summary*, Skopje: Ministry of Labour and Social Policy.

Ministry of Labour and Social Policy (2012a) *Local Action Plans for Roma Assessment Report: Key Points*, Skopje: Ministry of Labour and Social Policy.

Ministry of Labour and Social Policy (2012b) *Roma Information Centres Assessment Report: Key Points*, Skopje: Ministry of Labour and Social Policy.

Ministry of Labour and Social Policy (2012c) Successfully Completed the Joint Implementation of LAP Priority Measures. *Support to the Implementation of the Roma Strategy*, no. 5: 3. http://www.mtsp.gov.mk/WBStorage/Files/petvesnik eng.pdf

Ministry of Labour and Social Policy (2014) *Strategy for the Roma in Republic Of Macedonia 2014-2020*, Skopje: Ministry of Labour and Social Policy.

Municipality of Shuto Orizari (2014) *Strategy for Local Economic Development*, Skopje: Municipality of Shuto Orizari.

Ministerstvo za trud i socijalna politika (2010) *Nacionalna programa za razvoj na socijalnata zashtita 2011-2021*. Skopje: Ministerstvo za trud i socijalna politika.

Ministerstvo za trud i socijalna politika (2014) *Strategija za Romite vo Republika Makedonija 2014-2020.* Skopje: Ministerstvo za trud i socijalna politika.

Ministerstvo za trud i socijalna politika (2015) *Nacionalen akcionen plan za zdravstvo 2015-2020*. Skopje: Ministerstvo za trud i socijalna politika.

Ministerstvo za trud i socijalna politika (2016a) *Nacionalen akcionen plan za domuvanje 2016-2020*, Skopje: Ministerstvo za trud i socijalna politika.

Ministerstvo za trud i socijalna politika (2016b) *Nacionalen akcionen plan za obrazovanie 2016-2020*. Skopje: Ministerstvo za trud i socijalna politika.

Ministerstvo za trud i socijalna politika (2016c) *Nacionalen akcionen plan za vrabotuvanje 2016-2020*. Skopje: Ministerstvo za trud i socijalna politika.

Report on policies affecting Roma

Local Integration of Refugees, Internally Displaced Persons and Minority Groups

Ministerstvo za trud i socijalna politika (2016d) *Nacionalen akcionen plan za zajaknuvanje na polozhbata na romskata zhena vo opshtestvoto 2016-2020*. Skopje: Ministerstvo za trud i socijalna politika.

Ombudsman (2016) Annual Ombudsman Report for 2015, Skopje: Ombudsman

Open Society Foundation (2011) Roma health Mediators: Success and Challenges, New York: Open Society Foundation.

OSCE/ODIHR (2013) Regional Report on Anti-discrimination and Participation of Roma in Local Decision-Making, Warsaw: OSCE/ODIHR.

Roma SOS (2014) Right in Practice: Analysis of the challenges in the legal protection of the right to health and health care of Roma in practice, Prilep: Roma SOS.

State Statistical Office (2015a) *Graduated students, 2014 (first, second and third cycle),* Skopje: State Statistical Office of the Republic of Macedonia.

State Statistical Office (2015b) *Primary, lower secondary and upper secondary schools at the end of the school year 2013/2014*, Skopje: State Statistical Office of the Republic of Macedonia.

State Statistical Office (2016a) *Institutions for care and education of children – kindergartens/centres for early childhood development, 2015*, Skopje: State Statistical Office of the Republic of Macedonia.

State Statistical Office (2016b) *Primary, lower secondary and upper secondary schools at the end of the school year 2014/2015*, Skopje: State Statistical Office of the Republic of Macedonia.

UNDP (2013a) Holistic analysis of development challenges in the four pilot municipalities Kumanovo, Tetovo, Prilep and Suto Orizari and provision of the missing baseline data that will assist local authorities to set relevant targets in the local Roma action plans, Skopje: UNDP.

UNDP (2013b) Stock of Achieved Progress in Implementing the National Strategy for Roma Integration as well as Progress in the Socio-Economic Standards of Roma, Skopje: UNDP.

World Bank (2012) *Activation and Smart Safety Nets in the Western Balkans: The Case of FYR Macedonia.*" Background paper for the Western Balkans Activation and Smart Safety Nets analytical work, prepared by Nikica Mojsoska- Blazevski; unpublished manuscript, World Bank, Washington, DC.

World Bank (2013) *Activation and Smart Safety Nets in FYR Macedonia: Constraints in Beneficiary Profile, Benefit Design, and Institutional Capacity.*

http://www.worldbank.org/content/dam/Worldbank/Event/ECA/FYRMACEDONIA_Activation_n ote%20 FinalForPortal.pdf

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Zakon za domuvanje (*Služben vesnik na Republika Makedonija* 99/09, 57/10, 36/11, 54/11, 13/12, 38/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16)

Zakon za lokalna samouprava (*Služben vesnik na Republika Makedonija 5/2002*)

Zakon za narodniot pravobranitel (*Služben vesnik na Republika Makedonija* 60/03, 114/09)

Zakon za osnovnoto obrazovanie (*Služben vesnik na Republika Makedonija* 103/08, 33/10, 116/10, 156/10, 18/11, 51/11, 100/12, 24/13, 41/14, 116/14, 180, 180/14, 33/15, 33/15, 72/15, 104/15, 173/15, 192/15, 30/16))

Zakon za postapuvanje so bespravno izgrađeni objekti (*Služben vesnik na Republika Makedonija* 23/2011, 54/11, 155/12, 72/13, 44/14, 115/14, 199/14, 124/15, 129/15, 217/15, 31/15)

Zakon za prostorno i urbanističko planiranje (*Služben vesnik na Republika Makedonija* 44/2015, 193/2015, 31/2016)

Zakon za rabotnite odnosi (*Služben vesnik na Republika Makedonija* 74/2015, 129/2015, 27/2016)

Zakon za socijalnata zaštita (*Služben vesnik na Republika Makedonija* 79/09, 36/11, 51/11, 166/12, 15/13, 79/13, 164/13, 187/13, 38/14, 44/14, 116/14, 135/14, 10/15, 98/15, 145/15, 30/16)

Zakon za sprečuvanje i zaštita od diskriminacija (*Služben vesnik na Republika Makedonija* 50/2010, 44/2014, 150/2015, 31/2016)

Zakon za srednoto obrazovanie (*Služben vesnik na Republika Makedonija* 44/95, 24/96, 96/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30 / 07, 81/08, 92/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12, 100/12, 24/13, 41/14, 116/14, 135/14, 10/15, 98/15, 30/16)

Zakon za učebnicite za osnovno i sredno obrazovanie (*Služben vesnik na Republika Makedonija* 98/08)

Zakon za vrabotuvanjeto i osiguruvanje vo slučaj na nevrabotenost (*Služben vesnik na Republika Makedonija* 37/97, 25/00, 101/00, 50/01, 25/03, 37/04, 4/05, 50/06, 29/07, 102/08, 161/08, 50/10, 80/10, 51/11, 11/12, 80/12, 114/12, 39/14, 44/2014, 113/14, 56/15, 129/15, 147/15, 154/15, 27/16)

Zakon za zaštita na pravata na pacientite (*Služben vesnik na Republika Makedonija* 82/08, 12/09, 53/11, 150/15)

Zakon za zdravstvenata zaštita (*Služben vesnik na Republika Makedonija* 43/2012, 46/1993, 55/1995, 10/2004, 84/2005, 111/2005, 65/2006, 5/2007, 77/2008, 67/2009, 88/2010, 44/2011, 53/2011 145/2012, 10/2013, 87/2013, 43/2014, 132/2014, 188/2014, 10/2015, 61/2015, 154/2015, 192/2015, 17/2016, 37/2016)

ANNEX 1: RESEARCH INSTRUMENTS

Interview guide: Cabinet of the Minister without Portfolio

- 1. According to the new Strategy for Roma 2014- 2020, the Minister without Portfolio is included as a representative in the National Coordinative Body. In your opinion, what would be the contribution of the Minister without Portfolio in this Body? Do you think that such inter-sectoral cooperation are functional in function to improve the socio- economic standards of Roma?
- 2. What do you think are the main achievements of the Memorandums of cooperation signed with units of self government? Do all projects implemented on the basis of a memorandum of cooperation are funded through the Ministry of transport and communications? Are there any formal criteria for evaluation of project proposals submitted under memorandum of cooperation? What a validity period have Memorandums of cooperation?
- 3. In your opinion, what are the main challenges for greater inclusion of Roma in the social life in Macedonia? (education, health, labour market, social welfare)?
- 4. How much the Minister without Portfolio perceived progress in the implementation of policies that affect Roma since the formation of Roma Decade to date?
- 5. What do you think are the main challenges for greater inter- institutional cooperation related to the issues that affect Roma? What is the institutional position of the Minister without Portfolio in relation to the Unit for implementation of the Strategy and Decade of Roma?
- 6. What do you think are examples of good practices/policies that improved the socio-economic/educational standard of Roma in Macedonia?
- 7. Do in your opinion the policies and measures aimed at Roma should be integrated into overall public policies (education, health, housing, employment etc.) or there is a need for targeted approach to policies aimed exclusively on Roma?
- 8. What do you think are some of the weaknesses of the Decade of Roma and accompanying activities in Macedonia that were part of it
- 9. According to you, what are the main expectations from the new Strategy for Roma 2014-2020?

Interview guide: Employment Service Agency

- 1. According to the new Strategy for Roma 2014- 2020, Employment Service Agency is included as a representative in the National Coordinative Body and through the local centres for employment in the Local Coordinative Body. In your opinion, what would be the contribution of the Employment Service Agency in the National Coordinative Body? Do you think the local centres for employment have enough credentials to be able to give visible contribution in the Local coordinative body?
- 2. Having into account the situation with low representation of Roma on the labour market, whether there are considerations and opportunities for opening dispersed employment centres in municipalities where there is higher concentration of Roma (ex. Shuto Orizari)?
- 3. According you, what are the benefits of involving mentors and trainers for employment of Roma? Till now, are there any measurable success indicators of the involvement of mentors and trainers for employment of Roma?
- 4. Do the persons who are registered as other unemployed (those who aren't actively seeking work), and who haven't completed primary education, have the opportunity to be involved in literacy programmes or other similar courses?
- 5. What do you think are the main challenges for greater inclusion of Roma in active employment measures?
- 6. Do you think the communication between the Employment Service Agency and the Centres for Social Work is on a formal level (ex. Data exchange) or there is a higher level of coordination (ex. Profiling and directing the measures for users of social welfare)?
- 7. Are there any administrative or other types of challenges (e.g. A lack of human resources) that the Employment Service Agency is facing regarding the implementation of active employment measures?

Interview guide: Ministry of Education and Science

- 1. According to the new Strategy for Roma 2014- 2020, the Ministry of education is included as a representative in the National Coordinative Body, and through representatives from primary schools in the Local Coordinative Bodies. In your opinion, what would be the contribution of the Ministry of education in the National Coordinative Body? Do you think the primary schools have enough credentials to be able to give visible contribution in the Local Coordinative Body?
- 2. In your opinion what are the main challenges for greater inclusion of Roma in the educational system in R. of Macedonia? To which extent data are available that illustrates these challenges?
- 3. In the fields of employment and health there are included mediators and mentors in order to have grater inclusion of Roma in the labour market and health system. Do you think that there is a need/opportunity of the same practice/model in the field of education (ex. education mentors)?
- 4. Is there an integrated approach in the part of Roma inclusion I the educational system between the Ministry of education and other relevant state institutions? With which challenges are you facing in that cooperation?
- 5. What do you think are the greatest achievements in the field of educational inclusion of Roma in Macedonia in the last period? To which extent data are available that illustrates these achievements?
- 6. Are there any administrative or other types of challenges (ex. a lack of human resources) that the Ministry of education is facing regarding the implementation of educational policies and measures concerning the Roma?

Interview guide: Ministry of Health

- 1. According to the new Strategy for Roma 2014- 2020, the Ministry of health is included as a representative in the National Coordinative Body, and through representatives from public health centres in the Local Coordinative Bodies. In your opinion, what would be the contribution of the Ministry of health in the National Coordinative Body? Do you think the public health centres have enough credentials to be able to give visible contribution in the Local coordinative boy?
- 2. In your opinion, what are the main challenges for greater inclusion of Roma in the health system in Macedonia? To which extent data are available that illustrates these challenges?
- 3. In the domain of health are involved health mediators for greater involvement of Roma in the health system. Do you think this model gives positive outcomes and which to you think are some of the positive practices of the health mediators? To which extent data are available that records the outcomes of the work of health mediators?
- 4. Is there an integrated approach in the field of Roma inclusion in health system between the Ministry of health and other relevant state institutions? With which challenges are you facing in that cooperation?
- 5. What do you think are the greatest achievements in the part of health inclusion of Roma in Macedonia in the last period? To which extent data are available that illustrates those achievements?
- 6. Are there any administrative or other types of challenges (ex. A lack of human resources) that the Ministry of health is facing regarding the implementation of the health policies and measures concerning the Roma?

Interview guide: Ministry of Labour and Social Policy

- 1. According to the new Strategy 2014- 2020, the Ministry of labour and social policy is included as a representative in the National Coordinative Body and through the Centres for Social Work in Local Coordinative Bodies. In your opinion, what would be the contribution of MLSP in the National Coordinative Body? Do you think the local Centres for Social Work have enough credentials to be able to give visible contribution in the Local coordinative Body?
- 2. According to you, what is the trend in terms of inclusion of beneficiaries of social welfare who are Roma in active employment measures? To which extent data are available that illustrates this trend?
- 3. What is your personal opinion about the success of the Conditional Cash Transfer- CCT programme regarding the Roma and education? To which extent data are available that illustrates the success of the programme?
- 4. How do you assess the contribution of Roma Information Centres and in which direction they should continue to develop? How can be measure the contribution of RIC's?
- 5. According to you, what are the main challenges regarding the Roma access to the welfare system?
- 6. What do you think are the mayor achievements in the past ten years in terms of access of Roma to the social welfare system? To which extent data are available that illustrates these achievements?
- 7. What do you think are the positive examples of successful practices in the field of social welfare of the Roma?
- 8. With what challenges the MLSP is facing in inter-sectoral cooperation with other state institutions in terms of implementation of the measures/policies targeting Roma?
- 9. What is the institutional placement of the Unit for implementation of the Strategy and the Decade of Roma regarding the Minister without Portfolio?

Interview guide: Ministry of Transport and Communication

- 1. According to the new Strategy for Roma 2014- 2020, the Ministry of transport and communications is included as a representative in the National Coordinative Body. What do you think, what will be the contribution of the Ministry of transport and communications with this Body?
- 2. In your opinion, what are the main challenges in terms of housing for Roma in Macedonia?
- 3. What are the findings of your institution in terms of the scope with legalizing of illegally constructed buildings among Roma? Which activities undertake your Ministry to inform Roma about this opportunity? To which extent data are available that illustrates the effects of the legalization law of the housing situation of Roma?
- 4. Which according the findings of your institution are the most vulnerable Roma habitats (localities) that don't meet standards for safe and adequate living? Is there any political initiative in respect of such localities?
- 5. Is there an integrated approach in the area of housing for Roma between the Ministry of transport and communications and other relevant state institutions? With what challenges do you face in this cooperation?
- 6. What do you think are the greatest achievements in the field of Roma housing in the country in the last period? To which extent data are available that illustrates these achievements?
- 7. Are there any administrative or other types of challenges (ex. A lack of human resources) that the Ministry of transport and communications is facing regarding the implementation of policies and measures for housing concerning the Roma?

Questions for focus group: Civil society organizations

- 1. Do according your experience Roma have confidence in the civic sector? Are there any services you provide as civic organization and as such cannot be obtained through state institutions?
- 2. Are the financial resources of your organization are mainly from foreign donors/ organizations or from the state? Do you use financial support from the state? Is it complicated to get and is it sufficient?
- 3. Have you applied for funding under the IPA programme? If yes, what are the experiences? If not, what are the reasons?
- 4. What are the main challenges in the work of civic organizations that work on Roma issues?
- 5. Do you have unified data base for services seekers through your organization? Do you have registry of users through your organization?
- 6. What is the cooperation with the municipality in your local community? What are the main challenges in this cooperation?
- 7. Are you informed about the establishment of the Local Coordinative Body for implementation of the Roma Strategy 2014- 2020? Are you involved in this body? Do you think this body can give a significant contribution towards improving the status of Roma in Macedonia?
- 8. In your opinion, what changes should be made on local and/or nation level to improve the access to social services for the Roma?
- 9. How do you evaluate the success of the Decade of Roma in Macedonia? In which areas do you think there is most visible progress? Which aspects do you think are the key in improving the outcomes of the revised Strategy for Roma 2014- 2020?

Questions for focus group: Municipalities

- 1. Does the Council of your local community/municipality, there is a representative of the Roma community? Whether the issues affecting Roma are subject of discussion on Municipal Councils?
- 2. Whether the seekers for certain services through your municipality you register them according their ethnicity? Is there a record of the number of Roma who are seekers or users of services through your municipality?
- 3. Do you have records of the number of Roma in your municipality who applied for legalization of illegally constructed land? Are there localities in your municipality that are problematic in terms of legalization? Is there progress in your municipality regarding the infrastructure locations where Roma live?
- 4. Are there any initiatives or support by the municipality for employment of the Roma? Do you have cooperation with the Employment Centres?
- 5. Do you have records for the number of Roma who are seekers or users of some forms of social support through the municipality (monetary or in kind)? Does the municipality have initiatives in the area of social protection of vulnerable population? What is the cooperation with the Centres for Social Work?
- 6. According to the Roma Strategy 2014- 2020, is forming Local Coordinative Body for implementation of the Strategy. Do you think this body can give significant contribution towards improving the status of the Roma in Macedonia?
- 7. What is the cooperation with the private sector in your local community? Is there interest in the employment of Roma in the private sector? What are the main challenges in this cooperation?
- 8. What is the cooperation with NGO's in your local community? What are the main challenges in this cooperation?
- 9. In your opinion, what changes should be made at local and/or national level to improve the access to social services for the Roma?

Questions for focus group: Roma Information Centres

- 1. Is there unified data base for services seekers that RIC's use it? Which data are mostly taken from the citizens? Is there a monitoring of solved cases which were routed through RIC's?
- 2. What kinds of requirements (in which area) dominate by the citizens? Are there requirements (in which domain) that RIC's cannot serve?
- 3. What are the main obstacles that you encounter in your work?
- 4. What is the cooperation with Centres for Social Work? What are the main challenges in this cooperation?
- 5. What is the cooperation with the municipality in your local community? What are the main challenges in this cooperation?
- 6. What is the cooperation with NGO's in your local community? What are the main challenges in this cooperation?
- 7. What is the status of the RIC's staff, are they on contract or decision for a job? Are there any challenges related to employment of staff at RIC's?
- 8. From your experience, what are some of the indicators that confirm the success of the RIC's?
- 9. Are you informed about the formation of Local Coordinative Body for implementation of the Roma Strategy 2014- 2020? Are you involved in this body? Do you think this body can give a significant contribution towards improving the status of Roma in Macedonia?
- 10. In your opinion, what changes should be made at local and/or national level to improve the access to social services for the Roma?

ANNEX 2: PARTICIPANTS IN INTERVIEWS AND FOCUS GROUPS

Stakeholders interviewed

Name (Last, First)	Institution	Date
Gjurovski Nikola	Employment Service Agency	9 June 2016
Lamovska Senada	Cabinet of the Minister without Portfolio	10 June 2016
Memedi Senad	Ministry of Health	10 June 2016
Bajkova Lenche	Ministry of Transport and Communication	10 June 2016
Chupi, Redzhep Ali	Ministry of Education and Science	17 June 2016 (via e-mail)
Kamberi Mabera	Ministry of Labour and Social Policy	9 June 2016

Focus group participants: Civil society organisations (21 June 2016)

Name (Last, First)	Organisation	Municipality
Angelkoski Igor	Mesechina	Gostivar
Jasharovski Ahmet	Drom	Kumanovo
Kamberovksa Dilbera	Daja	Kumanovo
Medik Remzi	Bairsla svetlina	Bitola
Neshovska Elena	Sumnal	Skopje
Nikolovska Elena	Kham	Delcevo
Osmanov Demir	Nevo Dzhidipe	Vinica
Stojkovska Olivera	Sonce	Tetovo

Focus group participants: Municipalities (21 June 2016)

Name (Last, First)	Municipality
Ajdini Sami	Prilep
Elezi Valjon	Kumanovo
Ilijevska Gjorgjieva Anika	Kocani
Memedova Dzhulieta	Delchevo
Muaremi Neshe	Tetovo
Osmani Dashmir	Gostivar
Osmanov Demir	Vinica
Salih Buki Narel	Chair (Skopje)
Stefanovska Krasimira	Kumanovo

Focus group participants: Roma Information Centres (21 June 2016)

Name (Last, First)	Municipality
Dalipova Ramiza	Shuto Orizari (Skopje)
Demirovska Dzhanita	Berovo
Medik Remzi	Bitola
Memedova Shazija	Delcevo
Muslievski Merdan	Kumanovo
Saliov Ibraim	Vinica