PROJECT
“ROMA HEALTH – BASIC HUMAN RIGHT 6”

NEWSLETTER NO.1

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This Newsletter is the first edition of the association ROMA S.O.S. – Prilep for the period of December 24, 2015 to March 24, 2016 and it will be prepared and published every three months in order to:

- Inform the public for the realized activities of the project,
- Illustrate the progress made quarterly,
- Educate the Roma community on issues of interest and encourage them to engage in representation and protection of rights.

1.1. GOAL

The idea came from the discussion during the regional forum entitled “Health of Roma through the prism of law” organized on December 24, 2015 in Prilep, attended by 40 persons from Roma communities from Prilep and Bitola, when it was emphasized concern about the increasing number of cases of observed violation of rights to health care and lack of public support in seeking access to justice.

The participants pointed out the need for continuous involvement in discussions about the problems facing the Roma community in the process of identifying solutions to improve the situation as well as demanding accountability from relevant institutions.

As a result, it was established a self-organized group of community leaders (from different regions) and users of the services of the association, named „Roma Civic Parliament“ with a commitment to:

- Rather than individual show concern for the collective rights,
- Rather than just victims also to be defenders of health rights
2 REALIZED ACTIVITIES

2.1. ABOUT THE PROJECT

Through implementation of the project (from December 2010) it is defined that the abuse and violation of the rights of the health care among the Roma population is mostly caused by: frequent amendments to the legislation, non-unified practice in the implementation of legislation, inadequate and untimely information, complex administrative procedures which impose additional obligations for filing the documentation and unequal treatment by the healthcare workers in accessing health services.

In addition, the lack of support, financial insecurity and lack of knowledge of mechanisms for legal protection contribute to Roma to waive filing requirements for responsibility or institutional protection of perpetrators for violations of the right, and violations are accepted as normal and access to health services remains “problematic.”

Through the project the human rights based approach is applied wherein it is requested confirmation and realization of the “right to health for all without discrimination.”

2.2. FREE LEGAL ASSISTENCE

Daily service are available to the community, where a lawyer is implementing the following actions:

- Assistance to the demands of Roma for realizing their rights through legal advice and referral, filling the documentation and mediation in communication with the relevant institutions,
- Application of protective measures in violation of the rights through writing appeals, complaints, requests to the relevant institutions.

Through documenting of cases, the application of the laws by the institutions is followed and potential systemic obstacles are identified, based on which additional activities of advocating the needs are initiated.
TABLE 1. Number of cases in the mentioned period which applies only to those for whom a Client’s file has been opened that is for those persons for whom the procedure for exercising the rights was conducted. In parallel, the legal advice is given for a number of people who contacted our office, including on issues of legalization, employment and education.

<table>
<thead>
<tr>
<th>FIELD</th>
<th>Health insurance</th>
<th>Social care</th>
<th>Personal documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documented cases</td>
<td>12</td>
<td>19</td>
<td>5</td>
</tr>
<tr>
<td>Appeal</td>
<td>/</td>
<td>1*</td>
<td>/</td>
</tr>
</tbody>
</table>

✓ **The cases related to health insurance cover the following needs:**
  • Exercising the right for the first time due to reaching adulthood or prolonged absence from the country,
  • Change the basis of health insurance due to changing the status from employed to unemployed,
  • Inclusion of a new member of the family of the insured due to newborn.

✓ **The cases related to social care cover the following needs:**
  • Exercising the right to welfare for the first time,
  • Exercising the right to permanent financial assistance for the first time (by age, sickness),
  • Renewing the parental allowance for third and fourth child,
  • Renewing the right to a special allowance for a child with disabilities,
  • Extension of the child benefit for employed parents with low incomes.

* due to a decision of the Center for Social Work - Prilep rejecting the application for social assistance, because it was established that the applicant or holder of the right has given incomplete or misleading information – has not informed of the changes within 15 days for the family, financial condition and the condition of the property and property rights, a complaint was filled.

✓ **The cases related to personal documents cover the following needs:**
  • A request for a birth certificate,
  • A request for issuing an ID card,
  • A request for issuing a passport.
A. Agush Salioski (Prilep)

FACTS ABOUT THE CASE:

2008 - the 8-year-old Agush, broke his left arm while playing near the family house. In the department of orthopedics in the Prilep hospital a plaster was applied to his arm and he was hospitalized. He had been complaining continuously of pain in his arm, but because of the indifference of the doctors after three days he gained gangrene. He was transferred in Skopje and in order to save his life, an amputation of his arm had been done. The case was identified through media story.

WHAT HAD HAPPENED

2010 - Basic Public Prosecutor filed criminal charges against the six orthopedics doctors from the hospital due to failures and mistakes made in the treatment.

2011 - Two civil procedures for compensation before the Basic Court Prilep had been led on behalf of Agus and his parents demanding compensation because of sustained disability of Agus and mental pain of his.

RESULTS

2013 – after 18 hearings in the criminal proceeding a verdict was reached that sentenced 1 doctor (the one who admitted the child) to 3 months suspended jail due to committed mistakes in the treatment.

2014 – after 8 hearings in the civil proceedings 3 verdicts were reached that awarded compensation due to suffered physical disability of the child and suffered mental pain of his parents, which were paid in 2015.

2015 – a letter was sent to the Medical Chamber of Republic of Macedonia with information of the verdict and a request for treatment according to the Code of ethics of the medical profession.
C. Ajten Jashar (Bitola)

... death of a newborn from unknown causes...

**FACTS ABOUT THE CASE**

2012 - 20 year old mother gave birth to a baby boy in the hospital in Bitola. Allegedly, after 2 days discoloration of the baby's body was noticed and he was taken from the mother and put in an incubator. His parents were not allowed to see him and they were not given any information about his health condition. The next morning they were informed that the baby has passed away and the causes were unknown. The body has never been returned to the parents. The case was identified by CDRC “Bairska svetlina” – Bitola.

**WHAT HAD HAPPENED**

2015 - A complaint was filed against the Clinical Hospital Bitola for compensation for mental pain suffered due to treating the dead body of the child as a medical waste without parental permission.

**RESULTS**

2016 – after 5 hearings a verdict was reached rejecting the complaint. An appeal of the verdict was filed to the Court of appeals and the response is still expected.

B. Sazie Fazlievikj (Delchevo)

...decreased physical functionality due to inappropriate treatment...

**FACTS ABOUT THE CASE**

2011 - a 63-year-old woman fell down the stairs and fractured her right shoulder. A plaster was applied in the General Hospital in Kochani from the elbow to the wrist which was not the appropriate spot of the injury. Due to this, the situation deteriorated and she asked help from another doctor who applied a new plaster (from the neck to the wrist). The treatment ended with decreased physical function of the arm and a need of artificial wrist. The case was identified by the association KHAM – Delchevo.

**WHAT HAD HAPPENED**

2012 - A complaint for compensation due to suffered mental pain and disability was filed against the General Hospital of Kochani.

**RESULTS**

2013 – after 6 hearings a verdict was reached for proven medical error and mistreatment that cost 20% damage of the arm with a compensation of the damage that was immediately paid.

2015 – a letter was sent to the Medical Chamber of Republic of Macedonia with information of the verdict and a request for treatment according to the Code of ethics of the medical profession.
**D. Sabina Veselova (Bitola)**

...death of a woman during childbirth of unknown causes...

**FACTS ABOUT THE CASE**

2012 - 24-year-old Sabina passed away of unknown causes during childbirth by Cesarean section in the hospital in Bitola while the newborn survived. Complications of any kind were not determined previously, and she had regularly performed controls at her gynecologist. Her husband and relatives were not given any information about what had happened during the childbirth, and the autopsy showed that the cause of death was lack of oxygen. The case was identified by CDRC “Bairska svetlina” – Bitola.

**WHAT HAD HAPPENED**

2013 - Basic Public Prosecutor’s Office has filed a criminal complaint before the Basic court in Bitola against the doctor-anesthesiologist of the Clinical Hospital – Bitola, due to failures in the treatment.

**RESULTS**

2016 - after 6 hearing, a verdict is reached finding the anesthesiologist guilty and sentencing him to 6 months suspended jail. We are expecting the verdict to become effective after which a complaint for compensation of the damage will be filled on behalf of the husband and the three minor children.

**D. Aneta Nedgiposka (Prilep)**

...death of unknown causes...

**FACTS ABOUT THE CASE**

2015 - 3-year-old Aneta with symptoms of vomiting and fever was admitted to the department of infectious diseases in the hospital in Prilep, and after the examination she was given an infusion and discharged with prescribed therapy for her further treatment at home. The morning of 8th October, the girl was found by her parents with no signs of life, and her death was confirmed by the doctors in the hospital. The case was identified through field work.

**WHAT HAD HAPPENED**

2015 - The case was ex officio taken over by the Basic Public Prosecutor in Prilep, conducting the investigation into the causes of death and possible failures in the treatment after which they will determine if there are grounds for initiating a criminal proceeding.
E. Farije Ademoska (Prilep)

...death of a newborn baby due to complications during childbirth...

 أكدت ملاحظة propre

FACTS ABOUT THE CASE

2013 – A 30-year-old mother gave birth to her second child in the department of gynecology and obstetrics in the hospital in Prilep. Some complications have occurred during the childbirth and the baby was urgently sent to Skopje while Farije had to be operated because of bleeding. The baby passed away after 8 days and 30 year old Farije will never become a mother again because her reproductive organs have been removed. The case was identified through a discussion of a focus-group.

WHAT HAD HAPPENED

2015 - A request for preparation of medical expertise to an expert in the field of gynecology was submitted, in order to determine whether there are failures in the process of treating and treatment of Farije and why the damage occurred – death of the newborn and the impossibility of a future pregnancy of Farije.

ACHIEVED CHANGES

2016 - The expert report is currently in preparation.

G. Reported new cases (Shtip and Prilep)

2016 – 25-year-old woman during a surgical procedure in March, 2013, at the department of gynecology and obstetrics in the hospital in Shtip, faces complications resulting with three strokes and her disability. Medical documentation is submitted to an attorney to review the case. The case is reported by an assistant of ERRC – Budapest.

2016 – 20-year-old mother during childbirth in March at the department of gynecology and obstetrics in the hospital in Prilep, faces complications resulting in the death of the newborn. Medical documentation has been completing due to reviewing the case by an attorney. The case is reported by a member of the family.

2016 – 21-year-old woman in labor Simona Blazheska in February died at the department of gynecology and obstetrics in the hospital in Prilep, during childbirth. The case was identified through media story and a reaction with our concern was delivered, as well as a call for the institutions and a message to the family for open support by the association.

The media reaction was followed by TV Telma and TV 24 news, as well as a number of internet portals.
December 2015 - Letter of concern with the information of all 6 cases, signed by all of the 40 present persons, was sent to: MPs at the Parliament, the Minister of Health, Minister of Justice, Minister without Portfolio, Ombudsman and Public Prosecutors.

The meeting was followed and presented by these media: TV Telma, TV 24 News, TV MEGA, TV Vizija, the local magazine PATOKAZ, roma internet portal 24 VAKTI and a large number of other internet portals and magazines.

The following conclusions were presented:

1. Justice should be attainable for everyone equally and our elected representatives – office holders and Members of the Parliament should not forgot or consider less important Agus, Aneta, Ajten, Sabina, Sazije and

2. Although litigations about the cases are in process or investigations by the competent institutions with the support of the association ROMA S.O.S. Prilep, their prolonging and lack of interest/support about the tragedies by the public instills a sense of neglect and isolation, which ultimately results in a sense of injustice especially in the moments when different way of acting is noticed in cases with same or similar circumstances in which patients from other nationalities are involved.

3. Opting for an effective and efficient institutional protection of all violations of civil rights regardless of affiliation to a particular group, we ask you to urge and contribute to efforts to ensure justice and protection to these families and the cases not to be forgotten because human life is irreplaceable and unavoidable responsibility to bear, not only in court but also from a moral and humane point of view.

January, 2016 - Roma Civic Parliament is divided into two separate groups, one for Municipality of Prilep and another for Municipality of Bitola, which paved the way for parallel operation of RCP - Prilep and RCP – Bitola, with individually 40 members each, or a total of 80 people from both Roma communities. The activity will be implemented in partnership with CDRC „Bairska Svetлина“ - Bitola.
And the following answers were received
ОСНОВНО ЯВНО ОБВИНИТАСТВО

А.бр. 40/16
04.02.2016 година
ИСТОРИЈА

ДО Ромска организација за мултиткукултурна афирмација РОМА СОС
ул. Лобација 31
П.р.х. 277
ПРИЈАЛД

Врска: Ваше PO.бр.9.16 од 02.02.2016 година
Предмет: Известување

Во врска со Вашето барање претставник во постапување и исходот по постапките каде како светечки се изразуваат настаните од ромска националност Ајтан Ајшар и Сабина Веселова од Витола Ве изместуваат следното:

Бо О.О. Витола во 2012 година не е заведен предмет за почитниот бебе, односно нема приживено настан за почитниот бебе од мајка Ајтан Ајшар.

Бо посхода на настанот од Сабина Веселова од Витола во О.О. Витола според предвидениот текст во постанкот на 15.02.2013 година до Основното суд во Витола поднесо обвинителен акт против обвинителата Валентина Стефановска Тодоровска - инвентор на Препорака.

На 18.01.2016 година пред Основното суд во Витола заречено завршилата расправа по поднесеното обвинителен акт, но пресуда по предметот се уште не е присуствована во О.О. Витола.

Горе наведените податоци Ви ги доставуваат на Ваше барање и Ваше запознавање.

ОСНОВЕЊА ЈАВНО ОБВИНИТАСТВО

Милко Костовски

грешка при лекувањето во Оштата болница Кочани и дека ќе треба да се изврши хируршки интервенција и вградување на вештачки зглоб.

Според вака утврдено ставоја, а вообојо, вештачкото, произлегува дака договорот од Оштата болница Кочани на 16.05.2011г. при укажувањето на лекарската помош на Филаксисевиќ можеби применел неподходно средство и начин на лекување кои потоа може да е предизвикува алоцене на хируршких ставоја кое касире и потреба од хируршка интервенција. Со тоа би можело да постојат основи на сомневање дека евентуално е стороно кривично дело „Несосвоено лекување болни“ од чл.207 ст.1 од КЗ, за кое се предвидена парична казна или казна затвор до три години, ако не се има во предвид дека дејствијата се преопремил на 16.05.2011г., за ова дело настапила заетарност на кривичното гонење и тоа на 16.05.2014г. со оглед на тоа дека во чл.107 ст.1 од КЗ е предвидено дека кривичното гонење неможеше да се правеше кога ќе познават три години од изризнувањето на кривично дело за кое според законот може да се изработи затвор над една година.

И на крај Ве известувајте и постапки претеко учестување Управата за водење на матичните книги Подрачна канцеларија Кочани идентифицира дека договорот од Оштата болница Кочани ќе претеградил и укажал лекарска помош на учестувањето Филаксисевиќ на кое и даде разрешение на вака со настанот на 12.02.2015г.
Collective rights are rights that apply to one group against its members individually.

Individual rights are the rights of the individual in that group.

Collective rights apply to people with common interests and values including cooperation, respect and participation, capacity to speak on behalf of the group to which they belong.

Collective rights are historically used for violation but also for exercise of individual rights.

„EVERYONE HAS THE RIGHT TO DO WHAT THEY WANT AS LONG AS THEY DO NOT ENDANGER EXERCISING THE RIGHTS OF OTHERS“

– FUNDAMENTAL VALUE OF THE LAW –