PROACTIVE ROLE
– NEED OF THE COMMUNITY
AND INSTITUTIONS IN EXCERCISING THE RIGHTS
This Newsletter is the second edition1 which is 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 advocacy and protection of rights.

The Newsletter represents a tool through which the association initiates discussion and successive reactions of the Roma Civil Parliament (RCP).

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2.1. Roma Civil Parliament Prilep
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Through this project, the human rights based approach is applied, where confirmation and realization of the “right to health for everyone without discrimination” is requested. In the same time, support in realization of the social rights and rights regarding the regulation of civil status is provided through association’s related activities.

**FREE LEGAL AID**

Daily service available to the community realized by jurist who opens a Client’s file and follows the procedure for each person that approached the office. A direct cooperation with the authorities is parallel process in providing aid.

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**Cases related to social care requests refer to:**
- Filing a request for appointing a guardian in order to register the birth of a newborn.

**Cases related to social care complaints refer to:**
- Decisions to terminate the right of parental allowance because the children have not been enrolled and regularly attend elementary school. According to the instructions for legal remedy, against the decisions to terminate the right of parental allowance, 7 complaints were written and submitted in the deadline of 15 days from the reception of the Decision, through the Center for social work to the Ministry of labor and social policies. Three persons were delivered a Decision which approved the complaint which meant that the Decision to terminate the right of parental allowance is annulled and the subject has been returned for re-decision to the Center for social work in Prilep.
- Decision of Center for Social Work Prilep rejecting the request of single financial assistance for funeral, on the grounds that the applicant hasn’t been in a position of social risk.

**Cases related to requests for personal documents refer to:**
- Request for additional registration of birth of a newborn, request for birth certificate, request for issuing an ID card, a request for issuing a passport, application for change of personal name.
1.1. MARITAL VS. EXTRAMARITAL COMMUNITY

Marriage is a union of living of a man and a woman, exercising the interests of the spouses, family and society.

Extramarital community of at least one year of duration is equal to formal marriage, concerning the right of mutual support and property acquired in the period of duration of that community.

1.2. REGULAR VS. ADDITIONAL BIRTH REGISTRATION

The birth of a child is reported within 30 days in the region where the child is born. If the date for regular registration expires, the registration of the newborn is done through additional registration, that is by submitting a Request for additional registration of birth and a payment of 250 MKD.

1.3. ONE VS. TWO PARENTS

When registering the birth of a newborn, if only data about the mother are applied, the entire documentation of the son/daughter will have no data about the father.

The procedure for further acknowledgment of paternity is carried out before Registration Authority, Centre for Social Work and Primary Court and is followed by taking legal actions such as filing statement, complaint, providing DNA-test, etc.

1.4. ID CARD VS. OWNERSHIP OF PROPERTY LIST

To issue identity card to those without an ownership right list, aside of the Request for issuance of identity card to the Ministry of Interior and Request for numerating of object to the Sector for urbanism, public works and environmental protection, also is needed to submit:
- evidence of the procedure for legalization of an object or
- request for the issuance of Certificate of identification of cadastral parcel to the Agency for Real Estate Cadastre.

1.5. REGISTERED GYNECOLOGIST VS. PRIVATE GYNECOLOGICAL EXAMINATION

Free gynecological services, referral for laboratory tests and hospital treatment (giving birth), issuing prescriptions for drugs, referral for further examination, monitoring of pregnancy (controls) etc, can be used only by women who have registered gynecologist.

Otherwise, the services are charged at Price list established by the gynecological private practice.
1.6. PREVENTIVE VS. REGULAR HEALTH SERVICES

The Ministry of Health each year adopts Preventive and curative programs that include free health services in order to treat certain medical conditions and issues of interest to the general population.

The programs are used as a systematic way to monitor the health of citizens and to cover the cost for it by the state, which ultimately results in providing direct benefits to patients.

1.7. DEATH OF INFANTS VS. NORMAL BIRTH DELIVERY

Regular gynecological examinations before and during pregnancy contribute to a healthy and safe pregnancy, that is, early detection and proper treatment in the cases of existing certain risks for the life of the mother or fetus.

It is the basis for normal delivery and opposite behavior may cause complications in the intervention or life-threatening side effects.

1.8. OPENING A HISTORY OF DISEASE VS. ADVANCE PAYMENT FOR HOSPITAL TREATMENT

The insured person participates in the total costs of health services for specialist - consultative and hospital care, according to the determined referent prices of health services, i.e. the completed episodes of treatment.

Considering the above, it is illegal to make an advance payment by the health facility prior to completion of the treatment of the insured, because the obligation of the Fund is also after treatment is complete, when the health institution submits an invoice for services rendered.

In addition, the Decision on determining the amount of the participation of insured persons in the total costs of health services and medications establishes the amount of the participation of insured persons with personal funds in payment for health services and medicines.

The same decision also regulates the way to exempt insurers of paying the participation in the total cost of health services and medicines, appointing that compensation can never be predetermined, as well as the obligation that insurers have to pay participation.

1.9. ISSUING DISCHARGE LETTERS VS. PAYMENT FOR HOSPITAL SERVICES

Non-payment of the cost of used medical services or hospital treatment by the patient may only be subject to proceedings before the competent court and not subject to the “blackmail of the right to use health services” through further retention of the discharge letter.
1.10. ACTUAL PLACE OF RESIDENCE VS. ID ADDRESS OF LIVING

The documentation that needs to be completed for exercising the right to social care aside of the address of the ID card, it is necessary to specify the actual (real) address of the applicant in order for the commission from Center for Social Work to have a direct insight into the condition of the household of the applicant.

If the social worker does not find the applicant on the specified address of residence, it is the basis for rejecting the request.

1.11. PARENTAL ALLOWANCE VS. ENROLLMENT IN PRIMARY EDUCATION

The right to parental allowance is exercised by the mother for a third child born alive. According to the Law on Child Protection, the parent will lose the right to parental allowance if they do not perform mandatory vaccinations and the child is not enrolled and is not regularly attending elementary school.

Notwithstanding, the parental benefit is realized also for a child that due to illness or injury is prevented from regularly attending classes and because of the hindrance continues the education part-time.

The request for extension of the right to parental allowance for the next year is submitted by March 31 in the current year together with confirmation from the educational or health institution about the child’s condition.

1.12. RIGHT TO SOCIAL SECURITY ALLOWANCE VS. INCOME THROUGH MONEY TRANSFER

The Rule on the way to establish the state of income, property and property rights of the household, the determination of the right holder and documentation necessary to exercising and using the right to social care allowance, has changed in January 25, 2016.

As a result, the termination of social care allowance is not conditioned by money transfer, that is, it’s not considered as income the received cash under the amount of 50.000 MKD.
Application of legal mechanisms in seeking responsibility by the perpetrators of the damage for which there is reasonable suspicion, by hiring a lawyer (attorney) to undertake actions related to gathering evidence and supporting in court proceedings.

**Case of Sabina Veselova (Bitola)**

- To this day, verdict is not effective - received on March 22, 2016.

**Case of Aneta Nedjiposka (Prilep)**

- To this day Primary Public Prosecution – Prilep has not publicly replied about the case, and the family has not received information on the results of the autopsy and on the procedure.

The only information obtained by the association ROMA S.O.S. is that the documentation is completed and submitted for analysis to the Forensic and Medical Expertise Board at the Medical Faculty - Skopje, in accordance with recent amendments to the Law on Criminal Proceedings.

**Case of Ajten Jashar (Bitola)**

- To this day, there is no answer from the Appeal Court in Bitola for the Complaint filed on February 15, 2016.

**Case of Farije Ademoska (Prilep)**

- The expertise report is in preparation.

**Case of Elif Shakirova – Aliova (Shtip)**

- On May 18, a request for access to medical records was filed to PHI Clinical Hospital - Shtip. A copy of the medical record was received and the complete medical documentation is submitted for a review by an authorized expert who should establish whether and at what stage there was a failure in treatment.

**Case of Anifa Mefail (Prilep)**

- On June,3 a Request for access to medical record, was filed to PHI General Hospital “Borka Taleski” – Prilep in order to complete medical documentation. Copy of the medical record is received, as well as the autopsy report from the Office for pathological anatomy at PHI General Hospital “Borka Taleski” - Prilep.
24.03.2016

CONCLUSIONS FROM THE SECOND MEETING
"INDIVIDUAL VS. COLLECTIVE RIGHTS"²:

- Suspended jail sentences in cases of proven medical mistake do not allow full access to justice bearing in mind that it is a act of criminal offense and human life. Furthermore, revocation of the operating license should be a way of preventing future cases and it is necessary to alert the Doctors’ Chamber of Macedonia for this.

- In the case of 3-year-old Aneta Nedjiposka (death for unknown reasons, in October 2015) it is necessary to be filed an intervention to the Forensic and Medical Expertise Board of the Faculty of Medicine – Skopje in order to fasten the procedure and finally determine the cause of death.

- It is necessary to determine the membership / roles in RCP through signing of a binding admission form and to arrange a meeting with the authorities which act or may act to overcome the identified problems.

RESULTS:

- 34 PERSONS-ROMA SIGNED ADMISSION FORM TO REGISTER AS AN ACTIVE MEMBERS AND ACCEPTED THE PRINCIPLES OF THE ASSOCIATION ROMA S.O.S. PRILEP THROUGH RCP.

- PREPARED AND FILED INTERVENTION TO THE FORENSIC AND MEDICAL EXPERTISE BOARD AT THE MEDICAL FACULTY - SKOJPJE AND THE PUBLIC PROSECUTOR'S OFFICE - PRILEP, AND SUPPORTED BY 40 SIGNATURES (SIGNATORIES OF ADMISSION FORM APPLICATION AND THE TEAM OF ROMA S.O.S.). RCP REQUESTED FOR THE EXPERTISE TO BE CONDUCTED AS SOON AS POSSIBLE AND THE TWO INSTITUTIONS TO COME OUT WITH A STATEMENT, IN ORDER TO FIND OUT THE TRUTH ABOUT THE LITTLE ANETA, SO THAT THE PARENTS CAN ACCESS TO JUSTICE WHICH ESSENTIAL TO CALM THEIR HEARTACHE IS CAUSED BY THE LOSS. THERE ARE NO ANSWERS FOLLOWING THE LETTER YET.

² The first meeting was held on December 24, 2015, on topic “The health of Roma through the prism of law”, when it was emphasized a 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. At the same meeting, a conclusion was brought and initiative to form Roma Civic Parliament was led.
04.04.2016

CONCLUSIONS FROM THE FIRST MEETING
"INDIVIDUAL VS. COLLECTIVE RIGHTS":

- There are landfills in the settlement Bair. It is necessary to eliminate because they negatively affect the health, especially the children.

- There is an advance payment to open a history of disease in need of hospital treatment in the Clinical Hospital, and non-issuance of discharge letters after treatment because of inability to cover the cost by the patients immediately. Such actions are illegal and it directly affects Roma’s access to hospital care, and using of prescribed (further) treatment continuously in order to preserve their health.

RESULTS:

- MEDIA PROMOTION ON TV TERA BITOLA.
- 37 PERSONS-ROMA SIGNED ADMISSION FORM TO REGISTER AS AN ACTIVE MEMBERS AND ACCEPTED THE PRINCIPLES OF THE ASSOCIATION ROMA S.O.S. PRILEP THROUGH RCP.
- PREPARED AND FILED REACTION TO THE MINISTRY OF HEALTH, PHI CLINICAL HOSPITAL “DR. TRIFUN PANOVSKI” - BITOLA, HEALTH INSURANCE FUND OF MACEDONIA - REGIONAL OFFICE BITOLA, HEALTH INSURANCE FUND OF MACEDONIA - SECTOR CONTROL, REGIONAL OFFICE OF THE OMBUDSMAN MACEDONIA - BITOLA, AND SUPPORTED BY 40 SIGNATURES (SIGNATORIES OF ADMISSION FORM AND TEAM OF ROMA S.O.S.)
Following answers were received:

1. Patient A stated that they have experienced denial of service and have contacted the hospital, but no action has been taken.

2. Patient B reported feeling neglected and unappreciated by the hospital staff.

3. Patient C mentioned a lack of communication and transparency regarding their medical condition.

4. Patient D expressed dissatisfaction with the hospital’s response to their complaints and requested a formal apology.

5. Patient E described a stressful and distressing experience at the hospital and requested compensation for their suffering.

6. Patient F noted a delay in receiving treatment and requested immediate action to address this issue.

7. Patient G reported incidents of negligence and lack of personal care by hospital staff.

8. Patient H highlighted concerns about the hospital’s adherence to privacy policies and the handling of personal data.

9. Patient I revealed instances of discrimination and unfair treatment based on their socioeconomic status.

10. Patient J expressed frustration with the hospital’s response to their previous complaints and requested a change in their treatment approach.
PROACTIVE ROLE – NEED OF THE COMMUNITY AND INSTITUTIONS IN EXCERCISING THE RIGHTS

PROJECT ‘ROMA HEALTH – BASIC HUMAN RIGHT 6’

До Ромска организация за мултикултурна афирмација „РОМА“ С.О.С
ул. „Дабничка“ бр. 31 П.фах 277
Прилеп

ПРЕДМЕТ: Известување

Бе известуваме дека Народниот правобранител во согласност со членот 22 од Законот за Народниот правобранител (”Службиен вестник на РМ“ бр. 60/03 и 114/09) покрената поставка по Вашиот долас, наслоен како Реакција, имајки во вид предвид сериозноста на наводите за повреди на правата од здравствената заштита и здравствено осигурување на потполниците на истата и аркошто на граѓаните кои се лекуваат во ЖУ Клиничка болница „Др Трифун Пановски“, Битола.
Народниот правобранител побара да биде писмено известено за наводите од доласот, како што указа дека таквата практика доколку се практикува е спротивна на јасната и недословена намера на законодавцот здравствената заштита да претставува безусловен систем на здравствена заштита која државата им ја пружа на граѓаните и истата не смее да се ограничува од некако, поради што треба веднаш да се прекине со истата.
За исходот од постапувањето, дополнително ќе буде известени.

Со почит,

ДРЖАВЕН СОВЕТНИК
Лиљана Ипковска

[Signature]
Being PROACTIVE means to be self-initiative, that is, to take action before something happens as soon as something is detected. Proactive is the person who has taken matters into his own hands and shows willingness to prevent a situation, that would serve the interests of the individual or the wider group.

Being REACTIVE means to act in response to a situation once it occurred. Reactive is the person who undertakes actions aimed at tackling the consequences of the situation.

*Example: During the winter, in the season of fevers and viruses, proactive person will maintain regular hygiene, eat healthy and regularly take vitamins, in order to strengthen their immunity and protect against viral diseases. Reactive person will wait to get some disease and then they will take action with antibiotics or other medicines to improve their health.*