

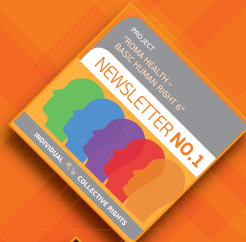
24 MARCH - 24 JUNE

NEWSLETTER

no.2

PROJECT 'ROMA HEALTH - BASIC HUMAN RIGHT 6'

PROACTIVE ROLE - NEED OF THE COMMUNITY AND INSTITUTIONS IN EXERCISING THE RIGHTS



ROMA ORGANIZATION FOR MULTICULTURAL AFFIRMATION

Dabnicka St. 31, 7 500 Prilep, P.O. box 277



romasoprilep.org



+389 48 429 328



NVO-ROMA-SOS



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. DOCUMENTED CASES ON SUSPICION OF COMMITTING MEDICAL ERRORS - DELAYS IN THE COURT PROCEEDINGS OR AUTHORITIES' EVASION OF WORK?

- 2.1. Roma Civil Parliament Prilep
- 2.2. Roma Civil Parliament Bitola

¹ Newsletter No. 1 http://romasosprilep.org/wp-content/uploads/2016/05/Roma_SOS_Bilten_EN_Mart_A4-za-web.pdf

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.

1

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.

| Documented cases | Area | | |
|---|-------------|-------------|------------------------|
| | Health care | Social care | Personal documentation |
| Assistance in administrative procedures | 18 | 29 | 1 |
| Prepared complaints | / | 8 | / |
| Filled requests | / | 2 | 14 |

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.



CHALLENGES IN THE IMPLEMENTATION OF PROCEDURES

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.

2

DOCUMENTED CASES ON SUSPICION OF COMMITTING MEDICAL ERRORS - DELAYS IN THE COURT PROCEEDINGS OR AUTHORITIES' EVASION OF WORK?

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)

...death of a woman in labor from unknown causes in 2012...

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

Case of Aneta Nedjiposka (Prilep)

...death from unknown causes in 2015...

- ➔ 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)

...death of a newborn from unknown causes in 2012...

- ➔ 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)

...death of a newborn due to complications during delivery in 2013...

- ➔ The expertise report is in preparation.

Case of Elif Shakirova – Aliova (Shtip)

...complications during surgery that resulted in three strokes and disability in 2013...

- ➔ 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)

...death of a newborn during delivery in 2016...

- ➔ 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.



“RCP is an organized group of 40 Roma persons, composed of informal community leaders and users of the association’s services (different political, religious, economic and social background) with a commitment to:

- Instead of individual to show concern for the collective rights
- Instead of just being victims also become defenders of rights.”

2.1. ROMA CIVIL PARLIAMENT (RCP) - 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 - SKOPJE 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.

2.2. ROMA CIVIL PARLIAMENT (RCP) - BITOLA

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:

Република Македонија
РОМА С.О.С.
 ул. Партизанска 23, Битола
 Тел: 08 06 2016
 Факс: 08 06 2016
 Е-пошта: romasos@romasos.mk

03 33/3 6

Здравствена Установа
 "11 ПАРИЗЦИ"
 ул. Партизанска 23
 Битола

Датум на издавање: 03.02
 Број на исправа: 1.00
 03.02.16 - 03.02.16

ДО
 РОМА С.О.С.
 ул. Партизанска бр.32
 Првак
 Кошево Народен
 правобранител - Битола

ПРЕДМЕТ: Одговор на Вашата реакција
ВРСКА: Вашата реакција бр.03-33/1 од 12.05.2016 г.

Во ЗУ Клиничка болница Битола, во целокупното петест годишно функционирање во системот во пружање на здравствена заштита на граѓаните досега не се случило да не се пружи здравствена заштита на пациент без оглед дали пациентот е здравствено осигуран, дали има комплетна документација или не.

При укажувањето на здравствената заштита во болницата, се избегнува сепаква дискриминација по однос на раса, пол, старост, национална припадност, социјална припадност, вероисповед, политичко или друго убедување, имотна состојба, култура, јазик, вид на болест, психички или телесен инвалидитет.

Согласно член 80 став 1 од Правилникот за содржината и начинот на остварувањето на правата и обврските од здолжително здравствено осигурување (Сл.весник на РМ бр.18/2015) по завршеното болничко лекување, здравствената установа на осигуреното лице му дава отпусно писмо и совет, а на лекарот што го упатил, упатство за понатамошно лекување.

Во став 3 од истиот член е пропишано дека осигуреното лице ја поднесува фактурата (пресметката) за извршените здравствени услуги а болничката здравствена установа е дозволена да му издаде копија од фактурата (пресметката) што ја доставува до Фондот.

Секоја здравствена услуга која што болницата ја извршува за осигуреното лице, согласно позитивните законски прописи, се фактурира на Фондот за здравствено осигурување.

Формата на таканаречената фактура (пресметка) е пропишана од Фондот за здравствено осигурување на ниво на издава- испечатен ДРТ резултат, во кој

пациентот да се јави во приемото одделение и да извади историја, така да плаќањето или неплаќањето на авансот е пресветан за медицинизијата на пациентот.

Она знава дека неплаќањето на авансот, не значи и нарушување на правото на пациентот да биде болнички згривен и лекуван, бидејќи за пациентот ќе биде отворена историја на болест без оглед дали платил аванс или неплата, што како пракса ќе биде укинута.

Уште еднаш нагласуваме дека волењето на судски востаници за исплата на долгот, го применуваме во крајна нужа кога пациентот и по истекот на доволн временски период не се јавил и не побарал регулирање на долгот, ниту пак ја поднел отпусната листа.

Со почит,

Одбрана Н.Новаковска

В.Л. ДИРЕКТОР
 на РМ Кошево Народен
 правобранител

има ослободување, внос на товар на осигурениот и исплатата партиципација

Вака испечатен ДРТ резултат му се дава на осигуреното лице да го поднеси по извршување на лекувањето и истовремено од страна на службеното лице на болницата се става датум и сумата што ја платил осигуреното лице, како и потпис на службениот и печат на здравствената установа. Доволно "испечатеното ДРТ резултат" не е оформен на овој начин, подметвање на контрола од страна на Фондот за здравствено осигурување и инаку проблемот при фактурирањето на здравствената услуга и платата на услугата од страна на Фондот.

Во прилог на овој акт Ви доставуваме копии од "испечатен ДРТ резултат", кој се печати по програма на Фондот за здравствено осигурување на РМ.

За да ги избегнете вашите проблеми, а при тоа на пациентот да му ја даваме отпусната листа, во однос на исплатата на долгот кои болницата, имаме многу овозможени околности.

На секој пациент, кој во моментот не е во можност да го плати долгот, му даваме склучување на консултантски спогодби за плаќање на долгот на отпозој рети, на колку што не одлучи пациентот во зависност од неговата финансиска состојба без засметување на било какава камата.

Со савмото склучување на консултантски спогодби, отпусното писмо веднаш му се дава на пациентот.

Во прилог на овој акт Ви доставуваме копии од неколку консултантски спогодби од кои јасно можат да се видат ретите и можноста да впише плаќање. При склучување на консултантски спогодби, избегната е дискриминација по било кој основ, впрочем на различни категории многу помалку суми или се овозможува да ги плаќаат на повеќе рети.

Ние, иако не Јавна здравствена установа, повишавиме ги законските прописи, многу добро ни е платено дека досудната сума и ведрината исплата може единствено да биде предмет на востана пред надлежни Суд, меѓутоа во кој случај пациентот се милозума на големи доволнителни тропани, така да сумата која ја долгува воболду кратко се дозволува и се обременува со адвокатски, нотарски, судски, извршни тропани и засметување на законски изтечна камата, што секогаш не е во интерес на пациентот ниту пак е во интерес на новата имотна состојба.

Само за Ваша информација, во моментот адвокатската канцеларија која ни доставува пред судовите има покренато и види околу 700 спорни за исплата на исплатето болничко лекување.

Ито така авансот исплата на здравствената услуга е на некој начин институционално осигурување дека здравствената услуга ќе биде исплатена и е регулирано со извршни акти на болницата, меѓутоа ниту сами пациент докога не биде условен дека ако исплати аванс нема да биде медицинизиран. Историјата на болест ја изготвува како документ приемото одделение исклучиво врз основа на авансот да првпат на болест кој што го изготвува доктор специјалист од соодветното одделение, и авансот да првпат на болест се изготвува преку

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|  | Република Македонија НАРОДЕН ПРАВООБРАНИТЕЛ Република Македонија АВОКАТ FORSLIT Република Македонија O M B U D S M A N | ул. „Дане Сандански“ б.б. 7000, Битола тел./факс 047242510 email: contact@ombudsman.mk | | | | | | |
| | НП бр 1619/16 26.05.2016 год Битола | Ромска Организација за Мултикултурна Афирмација РОМА С.О.С. ул. Дабничка бр.31 Прилеп | <table border="1"> <tr> <td>ПРИЕМО</td> <td>01.05.2016</td> </tr> <tr> <td>Вр. бр.</td> <td>Бр. бр. Датум, Година</td> </tr> <tr> <td>03</td> <td>332</td> </tr> </table> | ПРИЕМО | 01.05.2016 | Вр. бр. | Бр. бр. Датум, Година | 03 |
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| До Ромска организација за мултикултурна афирмација „РОМА“ С.О.С. ул.„Дабничка“ бр.31 П.фах 277 Прилеп | | <table border="1"> <tr> <td>Архивски број</td> <td>0502</td> </tr> <tr> <td>Рок на чување</td> <td>1 год</td> </tr> <tr> <td>26.05.2016 год</td> <td>Пилјана Илиевска</td> </tr> </table> | Архивски број | 0502 | Рок на чување | 1 год | 26.05.2016 год | Пилјана Илиевска |
| Архивски број | 0502 | | | | | | | |
| Рок на чување | 1 год | | | | | | | |
| 26.05.2016 год | Пилјана Илиевска | | | | | | | |
| ПРЕДМЕТ: Известување | | | | | | | | |
| <p>Ве известуваме дека Народниот правобранител во согласност со членот 22 од Законот за Народниот правобранител ("Службен весник на РМ" бр. 60/03 и 114/09) покренa постапка по Вашиот допис, насловен како Реакција, имајќи ја во предвид сериозноста на наводите за повреди на правата од здравствена заштита и здравствено осигурување на потписниците на истата и воопшто на граѓаните кои се лекуваат во ЈЗУ Клиничка болница „Д-р Трифун Пановски“, Битола.</p> <p>Народниот правобранител побара да биде писмено известен за наводите од дописот, како што укажа дека таквата практика доколку се практикува е спротивна на јасната и недвосмислена намера на законодавецот здравствената заштита да претставува безусловен систем на здравствена заштита која државата им ја пружа на граѓаните и истата не смее да се ограничува од никој, поради што треба веднаш да се прекине со истата.</p> <p>За исходот од постапувањето, дополнително ќе бидете известени.</p> | | | | | | | | |
| Со почит, | | | | | | | | |
| <div style="text-align: center;">  <p>ДРЖАВЕН СОВЕТНИК Пилјана Илиевска</p> </div> | | | | | | | | |



Being PROACTIVE means to be self-initiativ, 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.