

PROJECT 'ROMA HEALTH - BASIC HUMAN RIGHT 6'

NEWSLETTER

no. 3

24 June - 24 November

RIGHTS

OBLIGATIONS



ROMA ORGANIZATION FOR MULTICULTURAL AFFIRMATION

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NVO-ROMA-SOS



Third edition¹ of association ROMA S.O.S Prilep, for the period June 24-November 24, 2016, as a tool for initiating discussions and reactions of Roma Civic Parliament (RCP), which is published 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.

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FREE LEGAL AID

Through the free legal aid is provided daily assistance in following the administrative proceedings for exercising the rights of Roma through legal advices, filling of documentation, mediation in communication with relevant institutions and education in implementation of legal provisions.

Documented cases	AREA			
	Health insurance	Social protection	Personal documentation	Pension and disability insurance
Assistance in administrative proceeding	17	20	7	1
Prepared complaints	/	1	/	1
Prepared lawsuits	/	1	/	/
Prepared requests	/	5	7	/

Cases related to health insurance refer to:

- ⇒ Exercising the right for the first time due to reaching maturity, changing the basis of health insurance due to change of status from employed to unemployed, including a new member of the family of the insured due to a newborn.

Cases related to social protection refer to:

- ⇒ Exercising and extending the right to social welfare and permanent financial assistance (by age, illness, single parent), financial allowance for assistance and care by another person, one-time financial assistance.

Cases related to complaints and lawsuits from social protection refer to:

- ⇒ Decision of Center for Social Work (CSW) – Prilep to reject the request for single financial assistance for funeral, because the applicant was not in the position of social risk. According to the instruction for legal remedy against the decision rejecting the request for single financial assistance, it was written and submitted an appeal within 15 days of admission of the decision, through CSW Prilep to the Minister of Labor and Social Policy.
- ⇒ Decision of the Ministry of Transport and Communications rejecting the request for providing a social apartment for rent, built according to the "Program for construction and maintenance of apartments owned by the Republic of Macedonia" in Prilep, because the applicant was provided with apartment with decent living conditions. According to the instructions for legal remedy against the decision rejecting the request for providing a social apartment for rent, it was written and submitted a complaint within 30 days to the Administrative Court of the Republic of Macedonia.

Cases related to requests for personal documentation refer to:

- Request for issuing a birth certificate, request for issuing an ID, request for issuing a passport.

Cases related to complaints for pension and disability insurance refer to:

- Decision of the Fund for Pension and Disability Insurance - branch Veles, rejecting the request for exercising the right to disability pension because the commission for examination of the working ability concluded that the applicant has no permanent loss of working capacity (general inability to work) or occupational incapacity for work in order to realize the right of disability pension. According to the instructions for remedy against the decision rejecting the request for exercising the right to disability pension, it was written and submitted an appeal within 15 days to the State Commission for administrative procedures and employment in the second instance through Fund Pension and Disability insurance - branch Veles.

Cases related to requests for social protection refer to:

- Filing a request for counseling and giving the children in Home for children without parental care, filling a request for meeting with minors, request for appointment of a special guardian for exercising the right to health insurance, right in the area of social protection, the request for appointment of a guardian of minor children.

1.1. OBLIGATIONS IN THE IMPLEMENTATION OF PROCEDURES

1.1.1. OBLIGATIONS IN ACCESS TO PERSONAL DOCUMENTATION

ISSUING AN ID CARD

- The citizen can have only one ID card. Every citizen reaching the age of 18 is obliged to have an ID card.
- When changing the address of residence, the citizen is obliged to file a request to replace the ID card with a new one.
- In case of expiring of date of the ID, every citizen is obliged to file a request for issuing a new one.
- A citizen who would lose the ID card or otherwise would remain without it, is obliged to report it to the Ministry of Interior and apply for a new one.
- Ministry of Interior issues the ID card.
- The Ministry of Interior is obliged within 15 days of admission of the request to issue identity card to the citizen.

MARITAL COMMUNITY

- Marriage can be concluded between two persons of different sex with freely expressed will before the authorities.
- Marriage cannot be concluded with/to a person that has not reached 18 years of age.

- New marriage cannot be concluded until the previous marriage of the person is terminated.
- Persons intending to marry are obliged to file an application to the Office for Management of Register of Marriages, as well as a birth certificate.
- The officer from the Office for Management of Register of Marriages has an obligation to check if there is a legal impediment to the marriage.
- The officer is obliged with a decision to reject concluding the marriage, if determined that the law does not allow its conclusion.

REGISTERING A NEWBORN

- The parents are obliged to report the birth of their child in the local registration office within 30 days, otherwise an additional registration procedure will be needed.
- When registering a child, if both parents are known, it is need to apply data from both mother and father, in order to avoid an additional procedure for recognition of paternity/maternity.
- The Office for Management of Register of Births is obliged to check the overall documentation and to register the newborn.

1.1.3. OBLIGATIONS IN ACCESS TO SOCIAL PROTECTION

RIGHT TO SOCIAL WELFARE

- The citizen in exercising the right to social welfare has an obligation to file a request with complete documentation, as well as list all household members and the actual (real) residential address in the request.
- For any change that will occur during the use of the right, the citizen is obliged to inform the Centre for Social Work.
- Upon the filled request, the Centre for Social Work has an obligation to carry out an immediate inspection to determine the actual situation of the applicant and the household, as well as to adopt a decision to approve or reject the application for social welfare within 60 days of submission of request.

RIGHT TO PARENTAL ALLOWANCE FOR CHILD

- The applicant (the mother) of the right to parental allowance is obliged to take direct care of the child for which she applied, children previously born to not live in an institution for social protection, foster care or given up for adoption and to not been deprived of parental rights of children previously born.
- Also during pregnancy it is necessary to have performed health checks and controls at the registered doctor - specialist in gynecology and obstetrics, compulsory vaccination of the child and registration and regularly attending of primary school.
- Centre for Social Work has a duty within 60 days of admission of request to issue a decision rejecting or approving the request for exercising the right to parental allowance.

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ACCESS TO JUSTICE FOR DOCUMENTED CASES UNDER SUSPICION FOR COMMITTED MEDICAL ERRORS

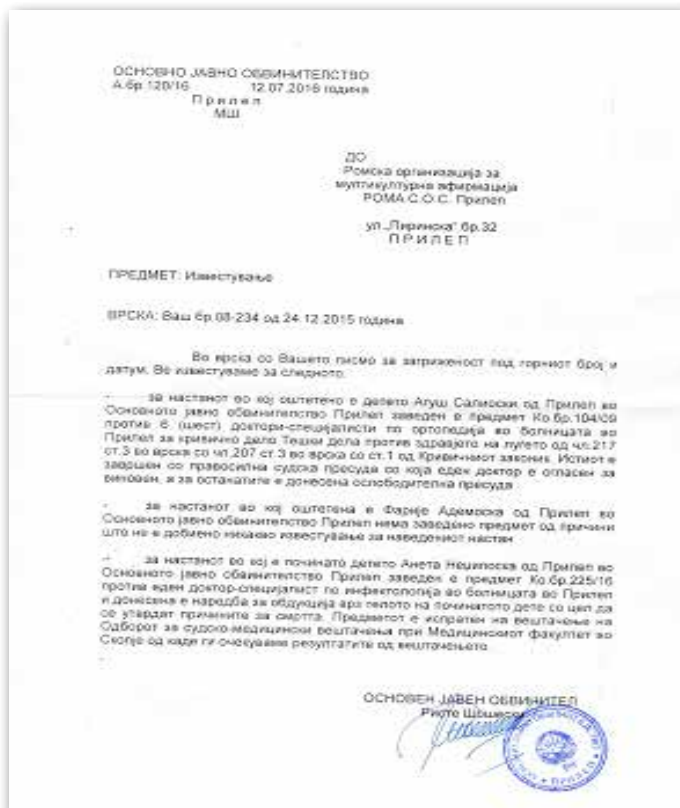
From our work related to access to justice for Roma so far, we concluded:

- ➔ PART 1. IT IS COMPLETELY DENIED:

Case of Aneta Nedjiposka (Prilep)

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

- ➔ Ä Although “Roma Civic Parliament” filled a Reaction on 24.03.2016, until today there is no expert opinion from the Forensic and Medical Expertise Board at the Medical Faculty – Skopje regarding the case, and there is no determined cause of death of the 3-years-old girl. The only given answer is the one from the Public Prosecutor’s Office – Prilep:



Further more, an interventions was sent by the parents of Aneta through the law office "Petlichkovski" to Public Prosecutor Office - Prilep on 18.05.2016, aimed at pointing out the necessity to take all measures in accordance with their legal power to seek as soon as possible completion of the expertise by the Board. This Intervention also ended with no response from the Board.

- ➔ Part 2. IN SITUATION WHEN IT IS ENABLED, IT IS IGNORED AND POSTPONED FOR SO LONG THAT ENDS UP WITH GREATER SENSE OF INJUSTICE THAN JUSTICE.

Case of Sabina Veselova (Bitola)

...Death of a woman during labor from unknown causes in 2012...

- ➔ Because the judgment is not yet final (from 22.03.2016), and the matter is before the Court of Appeal in Bitola, on 07.11.2016 a written interventions for expediting the proceeding was submitted to the President of the Appeal Court by the lawyer on behalf of the injured.

On 24.11.2016 was held a public hearing in Court of Appeal in Bitola on the appeal of the Public Prosecutor's Office - Bitola and the appeal of the defendant, for review of the judgment of the Primary Court in Bitola. The hearing was held at the request of the defendant in accordance with the Law on Criminal Procedure. The trial council of three judges reviewed the case and the allegations of the complaints of both sides, and is expected to reach an appropriate decision.

Case of Ajten Jashar (Bitola)

... Death of a newborn from unknown causes...

- ➔ Court of Appeal in Bitola on 30.08.2016 ruled that a complaint filed on 15.2.2016 by the plaintiffs is accepted, and judgment of the Primary Court in Bitola is altered and adjudicated in a way that the claim of the plaintiff is partially adopted and the defendant is obliged to pay the plaintiffs due to a violation of personal rights the amount of 30.000,00 denars.

Against this altered judgment was filed a revision to the Supreme Court of the Republic of Macedonia, because the amount awarded is too small, given that the injure of the individual rights of the plaintiffs, the right to information, failure to hand over the remains of the child, that is violation of the right to religious rights, the right of burial.

CASES THAT WERE IN THE STAGE OF DETERMINING THE BASIS FOR INITIATING A PROCEEDING

Case of Farije Ademoska (Prilep)

... Death of a newborn due to complications during labor in 2013...

- ➔ Obtained expert report by a certified expert, in which it is established that during the treatment of Farije Ademoska by health workers were taken all measures under the rules and guidelines of the evidence-based medicine, and was not made any mistake in the treatment and healing, on the contrary all necessary measures were taken to save the life of the patient with the lowest possible complications.

Case of Elif Shakirova-Aliova (Shtip)

...Complications during surgery that resulted in three strokes and invalidity in 2013...

- ➔ Obtained expert report by a certified expert, in which it is established that there is no cause – consequence relation between the surgery performed in March 2013 in the University Clinic for Gynecology and Obstetrics, Skopje and health problems that came afterwards. Medical treatment at the time of hospital admissions and recommendations for continuous home care were adequate.

Case of Anifa Mefail (Prilep)

...Death of a newborn during labor in 2016...

- ➔ Based on the documentation for the case (a copy of the medical record and autopsy report), it is obtained an opinion from OB-GYN specialist, which stipulates that in the treatment of the patient by health workers were taken all measures under the rules and guidelines of evidence-based medicine, and not made any mistake in the diagnosis, treatment and treatment.

In terms of the newborn, it is born prematurely, its birth was complicated by separating the placenta from the uterine wall. According to the Pathological anatomy service, direct possible reason for this situation is the short umbilical cord (10 cm) and its improper placement in the uterus that is around the fetus.

Case of Simona Blazheska (Prilep)

...Death of a woman during labor...

- ➔ For the case of 21 year old woman in labor from Prilep who died on February 19, 2016 a few hours after giving birth, and for which the association ROMA S.O.S. - Prilep sent a written announcement with concern, it was obtained a report by the Forensic and Medical Expertise Board which concluded that the young mother's death occurred due to hemorrhagic shock caused by excessive bleeding from the torn uterus. Tearing of the uterus occurred due to stimulation of labor with intravenous 'Syntocinon' to the already existing active uterus, which contributed to the rapid delivery. On August 17, was lodged an indictment for the crime "Serious crimes against health" against the gynecologist who conducted the childbirth, and the first hearing is scheduled for November 25, 2016.

NEW CASES REPORTED FOR CONSIDERATION**Case of Sebihan Memedova (Bitola)**

... discrimination based on ethnicity...

- ➔ November 2016 – a 34 year old woman that was before the beginning of the ninth month of pregnancy suffered with pain that she hadn't felt during pregnancy, so together with her husband she went to the Department for gynecology at PHI Clinical Hospital "D-r Trifun Panovski" - Bitola. The on-call doctor approached with the words "you Roma come as soon as you feel a little pain", while she threw the medical booklet saying "It stinks, where do you keep it? In the stove?". At the same time there were other non-Roma patients, and the woman was later examined after an argument with the husband. The case was documented after a personal report by the husband.

3

ROMA CIVIC PARLIAMENT
– PRILEP

3.1. CONCLUSIONS FROM THIRD MEETING



“Roma Civic Parliament” - Prilep on 12.07.2016 held a third meeting in order to open a discussion between Roma and institutions entitled “A proactive role - need of the community and institutions in the realization of the rights” of interest to the barriers and benefits in access to services, and thus to identify coordinated joint actions in future cooperation.

The meeting was attended by representatives of relevant institutions as speakers who were invited at the request of RCP, and at the end of the discussion committed to the following:

Minister without portfolio Mr. Mustafa

- There is a need for employment of a person from the Roma community in the Centre for social work in order to facilitate communication and enhance confidence for services of social protection, given that the majority of users are people from the Roma community.
- It is necessary to strengthen the role of the Roma Information Centre in the promotion of the rights of the Roma community and their greater visibility, since their main task is to monitor and follow the news and be present on the field to share information with the Roma.

Director of General hospital Mr. Risteski

- It is necessary to exclude the advance payment for opening a history of disease in the hospital, given the fact that it can seriously affect the health of Roma who are not always able to provide money before obtaining the needed service, and it could result in negative and serious consequences for their lives.

Director of Center for social work Mrs. Jovanoska

- We need more often informational meetings between CSW and the Roma community in order to bring closer the amendments to the procedures / regulations related to the rights to social protection, given the fact that they are made in the short term and their non-proceeding between users results in termination of rights.

Head of Office for Management of registers Mr. Jordanoski

- We need promotion of the new Manual for running a registry (soon to be released) in the Roma community, given the still obvious problem associated with untimely registration of newborns, recognizing paternity and not signing a marriage, which directly affects the obtainment of personal documents and access to rights / services.



Media coverage on TV Shutel, Chanel Vizija, PATOKAZ, TV NOVA, TV MEGA, MRTV, Macedonian Informative Agency, TV SITEL, TV KANAL 5, Radio network KANAL 77, Portal LIBERTAS, Portal KURIR, Portal, PRES 24, Portal LIDER, Portal REPORTER.



- Subsequent activity of RCP is the development of an Evaluation questionnaire to members, through which was provided data on the activity, proposals for new activities in future meetings, presence of existing or new members, holding preparatory meetings before a public meeting, barriers to expressing views, opinions that members face during the meeting.

3.2. HELD A SPECIAL MEETING: THE SAFETY OF RESIDENTS IN SETTLEMENT TRIZLA



01.09.2016 - A special meeting was held in the office of the association for the reason of concern about road traffic in the neighborhood Trizla in Prilep, especially the streets Dabnichka, Dojranska, Trizla, Mice Kozar, Berovska and Erdovan Shabanoski.

Concerns arise from unregulated traffic on these streets, caused by negligent "drivers" of motor vehicles, not registered and in defective condition, and often managed by minors without proper documentation, which are potential causes of life-threatening consequences.

This situation in the traffic in settlement Trzila in Prilep is worsening because of the inaction of members of the Ministry of Interior and the non-implementation of field actions and controls to regulate traffic on the roads, and control of vehicles and drivers on the roads, whose obligation is to take measures for safe traffic on the roads and protection of the residents.

RESULT:

- Filed REACTION to the Ministry of Interior, Department of Interior – Bitola, Police Station - Prilep, Local Government - Prilep by 27 members of RCP in order to:
 1. URGENTLY prepare a plan for coordinated regular controls, field actions and to undertake as well as implement special security measures around the streets in a settlement Trizla - Prilep, by the bodies this reaction is directed to, according to the competences they have. Also it is indicated the need to reconsider the traffic and to register the increased number of negligent "drivers" who do not have proper vehicles and documents or appropriate experience and age for driving a motor vehicle, and at least a traffic culture.
 2. To act on marking the pedestrian crossings, setting the appropriate technical means so-called "lying policemen" and traffic signs at the busiest places in order to increase security of environment of the road, and to remove obstacles on the sidewalks that usurpate the surface defined for movement of pedestrians.

CITIZENS ASKED, INSTITUTIONS ACTED!

Response to the reaction from the Department of Interior and Local Government - Prilep was obtained in November 2016. For the first time in the settlement Trizla were set traffic signs, in order to regulate traffic and improve safety in the area.



- Road with priority of way: The driver is obliged to let the vehicles coming from the opposite side, to go first. Otherwise, there are penalties (fines) provided.



- Compulsory stopping: The driver is obliged to stand in before the sign and then after finding no obstacles or other movement on the road to continue driving. Otherwise there are penalties (fines) provided .

- The destruction of traffic signs is punishable by law!



4

ROMA CIVIC PARLIAMENT - BITOLA

4.1. CONCLUSIONS FROM SECOND MEETING



On 15.07.2016 was held a second meeting in order to open up discussion between Roma entitled "A proactive role - need of the community and institutions in the realization of the rights" of interest to the benefits and barriers in access to services and to present the results of Reaction filed after the first meeting.

The practice of advanced payment for hospital treatment is stopped, as well as non-issuing of discharge letters for patients that are not able immediately to pay participation at the Clinical hospital "D-r Trifun Panovski" Bitola, confirmed with the answer and conducted proceeding of the deputy – Ombudsman, who determined the following:

- ➔ It is not disputed the liability of the patient to pay participation for hospital treatment, but the way of payment. The citizen must not, due to failure to meet the obligation, to suffer further consequences to his health (providing therapy),
- ➔ Advance payment for health services as a means of ensuring that the health service will be charged, and is regulated by the internal regulations of the hospital, is contrary to the law and must not be applied,
- ➔ The head of the hospital confirmed that the practice of advance payments from patients will be stopped, as well as the conditioning of issuing discharge letters with previously governing the method of payment of fees for hospital treatment.

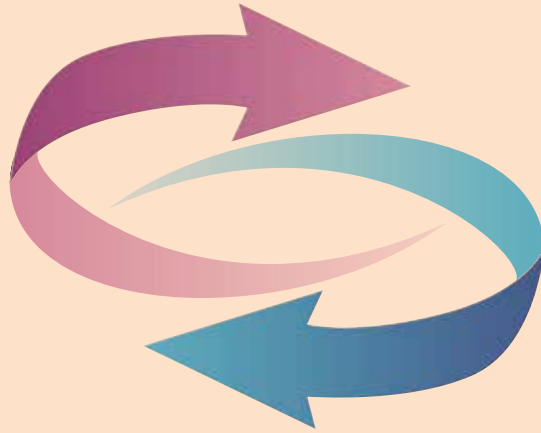
In order to find a potential solution for landfills in the settlement Bair that are seriously affecting the health of the population, it was decided the following:

- ➔ A working group of 4 people to strive in the following months and reconsider the situation on the field, in order to define certain proposed solutions,
- ➔ Conducting environmental action as a start in a long-term removal of the landfill,
- ➔ Presence of the director of Public Utility Company "Komunalec" - Bitola at the next meeting in order to find a final acceptable solution to overcome the problem.

RESULT:

- ➔ After two meetings held by the coordinating body and their lobbying, for which was realized one field visit to the site Petochna Voda, the Public Utility Company "Komunalec" - Bitola took measures to clean up the site in September 2016.





Exercising of rights is directly linked to the fulfilling of obligations.

No right can be exercised without meeting the conditions for the enjoyment of this right, including:

- By citizens through filing requirements and following the procedures,
- By state / institutions through informing and acting within the deadlines.