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ERRC report on Macedonia
For the 2011 EU Progress Reports

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1. Anti-discrimination law

On 8 April 2010, the Parliament of the Republic of Macedonia approved the Law on Prevention and Protection against Discrimination, which entered into force in January 2011.¹ Although the law has been harshly criticised by both civil society organisations and the international community for its non-compliance with the EU Racial Equality Directive and the Employment Equality Directive, the law was not amended to comply with international standards prior to adoption. As reported last year, the law excludes sexual orientation and belief from the grounds of discrimination, and omits to name and prohibit segregation as a special form of discrimination. The mandate of the Commission for Protection against Discrimination does not include education and awareness-raising about the role of the equality body or about issues of equality and non-discrimination in society.²

In January 2011, the seven members of the Commission for Protection against Discrimination were elected. The independence and impartiality of the Committee is questionable considering that three of the seven members are employed in State institutions. The current president of the Committee serves as State Secretary at the Ministry of Labour and Social Affairs, another committee member is also employed in the Ministry of Labour and Social Affairs and a third is employed in the Parliament.³ There is not clear information available on whether or not Roma have filed any discrimination complaints to date.

2. Access to education

In February 2010, the Ombudsman's Office released information about the over-representation of Romani children in schools for children with mental disabilities in several locations in Macedonia.⁴ The Ombudsman's report pointed to concerns with regard to the special elementary schools in Skopje (Zlatan Sremac and Ildnina), Novo Selo (Sv. Kliment Ohridski) and secondary schools for education and rehabilitation in Skopje (Sv. Naum Ohrodski) and Stip (Iskra). According to official records in the elementary special school Zlatan Sremac 85 of the 165 students were Romani; in the elementary special school Ildnina 93 of 253 students were Romani; in the secondary school Sv. Naum Ohrodski 50 of 169 students were Romani; and in the secondary school Iskra 17 of 84 students were Romani.⁵ The Ombudsman report raised concern about the lack of a unified process for assessment and placement.

In early 2011, the ERRC and the Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) conducted exploratory research on this issue. In January and February 2011, MHC sent letters to all special schools and primary schools that have special classes for children with special learning needs, requesting data disaggregated by ethnicity about the total number of children who attend the schools and about the procedure for pupil placement. In March 2011, ERRC researchers visited several special schools in Kumanovo, Skopje and Veles meeting school authorities and parents of enrolled children.

Based on the responses received from schools to date and research conducted by the ERRC and MHC, the ethnic composition of special primary schools and primary schools offering special classes for children with special needs is currently as follows:

¹ Law on Prevention and Protection Against Discrimination [Закон за спречување и заштита од дискриминација]. Official Gazette of the Republic of Macedonia, No. 50/2010, 13 April 2010.

² ERRC, *Progress Report on Macedonia*, June 2010, available at: <http://www.errc.org/cms/upload/file/ecprogress-macedonia-2010.pdf>.

³ European Network of Legal Experts in the Non-Discrimination Field, "FYR Macedonia - The Assembly of the Republic of Macedonia appointed the members of the first Commission for Protection against Discrimination", available at: http://www.non-discrimination.net/content/media/MK-7-Members_of_first_equality_body_appointed.pdf

⁴ Ombudsman of Republic of Macedonia: "Information about the situation in elementary special schools "Zlatan Sremac", "Ildnina" - Skopje and "Sv. Kliment Ohridski"- Novo Selo and the secondary school for education and rehabilitation "Sv. Naum Ohrodski" - Skopje and "Iskra" - Shtip", February 2010. Available at: <http://www.ombudsman.mk/default.aspx?Lan=MK>

⁵ Ibid.

Table 1: Special primary schools for pupils with special educational needs

School	Total number of students	Number of Macedonian pupils	Number of Albanian pupils	Number of Romani pupils	Number of Turkish pupils	Number of Serbian pupils	Number of Others
POU. Idrina Skopje	225	41	41	97	6	0	40
POU. Maca Ovcarova Veles	88	31	3	40	7	3	4
POU. Zlatan Sremac – Kisela Voda	162	unknown	unknown	65	unknown	unknown	unknown
TOTAL students	475	At least 72	At least 44	202	At least 13	At least 3	At least 44

Table 2: Standard primary schools with special classes for children with special educational needs

School	Total number of students	Number of Macedonian pupils	Number of Albanian pupils	Number of Romani pupils	Number of Turkish pupils	Number of Serbian pupils	Others
OU. Gorgi Sugare – Bitola	50	23	1	22	2	0	2
OU. Mustafa Kemal Ataturk Gostivar	13	0	1	5	7	0	0
OU. Sveti Kliment Ohridski - Delcevo	9	6	0	3	0	0	0
OU.Sande Sterjovski-Kicevo	4	2	2	0	0	0	0
OU. Braka Miladinovci – Kumanovo	65	17	0	47	0	1	0
OU.Sveti Kliment Ohridski - Ohrid	19	14	3	0	0	0	2
OU.Sveti Kliment Ohridski - Prilep	51	16	0	33	0	0	2
Браќа Миладиновци Пробиштип	5	5	0	0	0	0	0
OU.Braka Miladinovci - Struga	10	3	2	1	1	0	3
OU.Kuzman Josifovski Pitu – Kisela Voda	14	2	1	7	0	0	4
OU.Vanco Prke - Shtip	33	9	0	24	0	0	0
TOTAL students	273	97	10	142	10	1	13
Percentage of total student population	100%	35.5%	3.7%	52%	3.7%	0.4	4.8%
Percentage of the population as a whole (according to official census)		64.1%	25.1%	2.66%	3.85%	1.77%	

According to the latest census in 2002, the total population in Macedonia is 2,022,547, of which 53,879 (2.66%) declared Romani identity. This is likely a result of underreporting; a more reasonable average estimate is 197,750 (9.88%).⁶ Although the Romani minority is smaller than other ethnic groups in Macedonia,⁷ the proportion of Romani pupils in special schools and classes is far greater than others.

⁶ Council of Europe, Roma and Travellers Division, *Appendix 1: Romani Population in Council of Europe Member States*, July 2008.

⁷ In the 2002 census, 1,297,981 (64.1%) respondents declared themselves to be Macedonian, 509,083 (25.1%) Albanian, 77,959 (3.85%) Turk, 53,879 (2.66%) Romani and 35,939 (1.77%) Serb. Republic of Macedonia, State Statistical Office, <http://www.stat.gov.mk>.

As demonstrated in the tables above, 344 out of 748, or 46% of students attending special schools or classes for children with special needs in standard primary schools are Romani, much greater than their share of the population.

Romani children in special schools account for 42.5% of the overall student population. In classes for children with special needs in standard primary schools Romani children account for 52% of the overall student population.

The data also demonstrate that in many of these schools, Romani children constitute the plurality of the children with special needs. For example, in the special primary schools, they represent nearly half of the students: 40.1% in Zlatan Sremac, 43.1% in Idrina and 45.5% in Maca Ovcarova. In mainstream primary schools, the Romani children are overrepresented in the classes for children with special needs: in three schools, Romani children made up 51-75% of the student population; in four schools, Romani children made up 26-50% of the student population; in one school Romani children made up 10-25% of the student population; while three of the schools have no Romani children in their special classes.

These statistics from the current school year confirm the findings of the February 2010 Ombudsman report and show an ongoing problem with the overrepresentation of Romani children in special schools and classes for children with special needs in standard primary schools.