



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Former Yugoslav Republic of Macedonia
<b>Title:</b>	Equality Body Does Not Find Segregation of Roma Children in Primary Education
<b>Date:</b>	11 June 2015
<b>Expert:</b>	Biljana Kotevska
<b><u>Context</u></b>	
<b>Issue at stake:</b>	CPAD found no segregation of Roma children in education
<b>Ground of discrimination:</b>	Race, ethnicity
<b>Source:</b>	Equality body website; Annual report of a CSO network
<b>Field:</b>	Education
<b>Applicable law:</b>	Law on Prevention and Protection against Discrimination

### **Content**

**Case development:** In May 2011, the Helsinki Committee of the Republic of Macedonia (MHK) filed a case to the Commission for Protection against Discrimination on discrimination (CPAD) on grounds of ethnicity of Roma children in primary education, claiming that primary schools in the town Bitola segregate Roma children, by sending them to one of the schools that are closest to the Bair (part of Bitola inhabited by Roma). Although the general rule is that children go to school in accordance with where they live, in the case of Bitola Roma children were sent to this specific school no matter in which part of the town they live in. As the CPAD was silent on this case for over three years, the Network against Discrimination (to which the MHK is a founding member) filed a case to the Ombudsperson for overstepping the legal deadline (90 days) for responding to this and a number of other complaints. It was only after the Ombudsperson instructed the CPAD that it must submit a response, that MHK and the families of the two claimants got a reply – CPAD's Opinion, on their over-three year old case. CPAD's Opinion seems to have been delivered late as well – it was adopted in September 2014, but delivered to the claimants only in December 2014. The case was reported in the Network's annual report, published end of April 2015, and the text of the opinion is now also available on CPAD's website.

CPAD did not find discrimination on grounds of ethnicity in the case, nor did it find segregation. The CPAD actually found that this is a result of the parents' choice to register their children in that specific primary school, however it fails to state on what it bases its argument, and simply adds that it "further supports this argument" with a report from a person from another state institution who claims that this process is one of "natural segregation".

Although deciding on this case for over three years, CPAD adds a surprisingly short elaboration on its opinion, a larger portion of which consists of a bullet point list of fourteen letters/requests that it has sent and received while processing this case, one of

which is a rather vague explanation of proceedings which states “numerous phone calls on the case topic with relevant sides and numerous meetings on the case topic”. There is no further elaboration as to who the CPAD talked to or who they met and when; what was discussed and possibly decided. It also disregards reports on Roma children in education and on segregation in education, including a statement from the Director of this primary school according to which the parents of children from other ethnicities, although living in the school’s region, choose to register their children in other primary schools in order to avoid sending them to go to school with Roma children.

**Key points of analysis:** After taking three years to decide on one of the first cases it received since it was founded, CPAD found no discrimination on grounds of ethnicity in education, nor segregation. It offers very weak elaboration on its decision, and it does not seem to show an understanding of the complexity of the topic and does not seem to question the information it has received from state institutions.

**Internet link source:** [MK] Opinion of the Commission for Protection against Discrimination, 05.09.2014 <http://www.kzd.mk/mk/prestavki/2014/category/56-Етничка%20Припадност?download=209:07-80-05-09-2014-5>. All hyperlinks accessed: 29.05.2015

[MK] Network against Discrimination Annual Report 2014. Website of the Macedonian Helsinki Committee.  
[http://www.mhc.org.mk/system/uploads/redactor\\_assets/documents/928/2014.pdf](http://www.mhc.org.mk/system/uploads/redactor_assets/documents/928/2014.pdf).