

ROMA RIGHTS FORUM "ARKA"

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The Balkan Trust for
Democracy

FORUMI ROMANE NIJAMENGO"ARKA"



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Monthly Report for the situation of the Roma Rights in Macedonia (Januar 2010)

The Roma Rights Forum " ARKA" with the help of Balkan Trust Democracy started with permanent following of the situation of the Roma in Macedonia , making monthly reports distributed to all relevant institutions and Non-Governmental Organizations which take care for the protection of the human rights. The project will be in touch with the Institutions and will inform them and the medias about cases with elements of offending the human rights.

1. POLICE CASES

1.1 Romaphobia and racism of the police officer from Kriva Palanka

2. Employment

2.1. Abuse of employees on the basis of the Law on Employment of Disabled People



1. Police cases

1.1 - Romaphobia and racism of the police officer from Kriva Palanka

This month the emphasis was on reporting an abuse of human rights in Kriva Palanka. This month in our organization came a group of citizens whose rights were violated. People were extremely upset and offended by the impropriate behavior by the police officer from Kriva Palanka. They addressed "ARKA"

to take all resources to the appropriate institutions to show the incorrect behavior of the police officer with the initials D.S an employee in the police station in Kriva Palanka.

The policeman D.S the last several months has behaved brutally towards the people from Roma community in Kriva Palanka. When we spoke to the interviewed victims we got the following cases:

Group of citizens were engaged to cut the trees in the street in Drnachko neighborhood from communal enterprise of the Municipality and they did their work conscientiously. At that moment appeared the policeman D.S and demanded for their identity cards and wrote them a sentence for stealing and cutting trees.

On December 6 a person with the initials S.J (41) went to visit his aunt and when he parked his van the policeman D.S appeared and ordered S.J to open the trunk of the van on charges that he has stolen trees. S.J opened the trunk and after failing to find the stolen trees, D.S asked him where he had hidden the trees. Then D.S wrote him a sentence, allegedly he was driving too fast and did not comply with the order to stop the van. S.J was told to pay the penalty immediately which he refused and D.S threatened with "I will see you in court". After a week on the basis of the charges submitted by D.S, S.J received an invitation to go to court and to appear on trial.

Another similar case is accusation of the person with initials A.F and the same policeman D.S accused him of stealing trees. This is such a shameful charge, for a person like A.F which is very well suited, who works abroad and he would never do such a humiliating act.

Another group of citizens has also worked on the communal Directive of the Municipality, their task was to clean the river and collect trash. While doing their job the policeman D.S appeared and blamed them for lighting a fire on forbidden public place, he identified them and wrote them sentences. Later the punished citizens were forced to compensate the sentences which were very high and they could not pay them, so they had to do an extra work in the communal.

The policeman D.S also accused the person I.M of disturbing public order and peace, because he was whistling to his friend. D.S approached I.M and asked for his identity card and after that he wrote him a sentence accusing that I.M was whistling to him. The friend of I.M the person S.F (22) defended him and he also appeared as a witness of I.M on the trial.

On 02.01.2009 on the market in Kriva Palanka an accident happened involving the same person S.F (22) and the other person who was damaged was released to go by the policeman D.S and D.S only wrote penalty for S.F. The people from the market protested against this injustice after which D.S summoned reinforcement from his colleagues allegedly he was physically attacked. After this about 6 policemen started to ask for an identity card from the people in the market and they wrote them penalties.

The person with the initials F.M (24) is another victim of D.S. He was charged by D.S for a work that never happened and was invited to the court on hearing. F.M was charged with a traffic offence for endangering traffic safety. Reportedly, he was accused of driving too fast and not stopping at the demand of D.S. Also was accused for improperly driving in reverse on the street before the House of Culture. The only unusual thing is that F.M does not have a car nor a driving license, but only the car is taken in its name because his father is a social event and cannot have his own car. Probably D.S wrote the register plate while the car was parked then he found the owner of the car and wrote him a penalty in order to work off his police duty for that day.

There are number of cases where the policeman D.S punishes people from Roma population, accusing them for a crime which they have not done it. Actually he uses his duty to write penalties to people without any basis.

There is recognition that the police officer D.S was suspended from work for some time for his behavior, and after that again was returned to work and since then there is no peace in the neighborhood. He constantly tortures and discriminates Roma people.

This group of people asked our organization with a petition to represent them in front of the competent institutions, so we submitted complaints to the Department to the Internal Control and Standards of MVR, to the Public Prosecutor's Office and the citizens themselves informed the mayor of Kriva Palanka about their situation.

The cases are explained and the Interior Ministry of SVKPS of MVR under the Article 353 of the Criminal Law of the Republic-abuse power and authority, Article 366- false reporting a crime (filling charges without any basis) must examine them carefully and act according their professional duties and to punish the policeman if he has exceeded and abused his powers in the exercise of duty. The responses of the complaint will be forwarded to Arka after which we will further inform you about the outcome of the cases.



Employment

2.1. Abuse of employees on the basis of the Law on Employment of Disabled People

The law of employment of disabled people which gives opportunities and stimulates the employers to employ people from this category, is very often a subject of manipulation of certain firms which under the article 20 of this law gain great material benefit and exemption of tax liabilities. Most often these people are employed and reported until the employers begun to realize the benefit to provide the funds of this special fund and then they discharge these people without any basis.

The case of Zekir Shabani from Kumanovo

More than a year Zekir Shabani works in a company for the manufacture of furniture and has signed a contract 6000 denars with this company but he has never received a copy of this agreement. He was going to work regularly and fulfilled all his tasks and worked overtime, even the weekends were part of his working time for which he never was paid off.

The last four months he did not receive a salary with an excuse that soon he will get it. Since he has no other source of finance for the existence of his family he requested to be paid wages or to be resigned in

order to seek another job. The employer refused to give him cancellation and to give him his unpaid wage. After this he remained without work. After a month he went to seek another job in the Agency where he was told he is still reported that he works and they are paying for his employment.

RRF "ARKA" reviewed this case and made an application to the Agency for Employment and filled a charge against the employer to the Occupational Safety and Health Administration.

The case of Emran Fetaoski from Prilep

Four months ago Emran Fetaoski from Prilep was employed by the Employment Agency from Prilep in the company for building materials where he worked for three months and got a dismissal for no reason. The employer simply told him not to come tomorrow. He signed a contract for salary of 6000 denars but he never received a copy. After a month he went to seek a job in the agency where he was told that he is still an employee and the agency pays for him.

For this case an application is submitted to the Agency for Employment and to the Occupational Safety and Health Administration.

We believe that the competent institutions that supervise the funds from the budget of the Republic of Macedonia provided by the Law on Employment on Disabled Persons and the Special Fund should deal with those employers who play law and acquire the illegal gains to the detriment of disabled people who are very easily manipulated.