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# ADEQUATE HOUSING FOR ROMA IN THE MUNICIPALITY OF SHTIP

## RESEARCH REPORT

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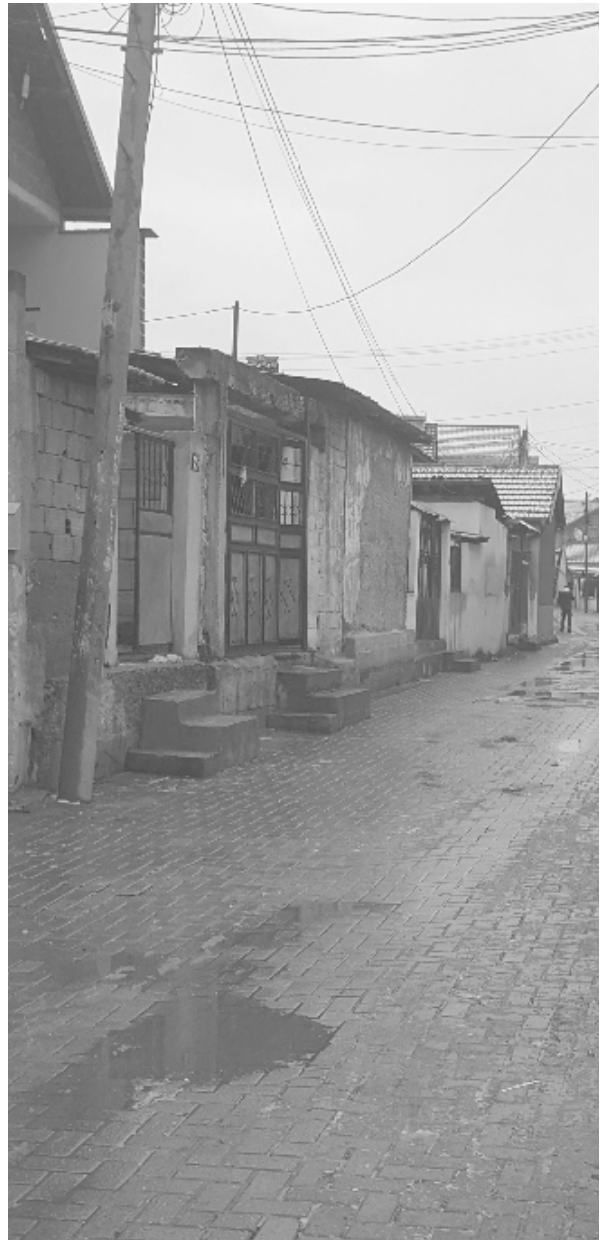
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# Introduction

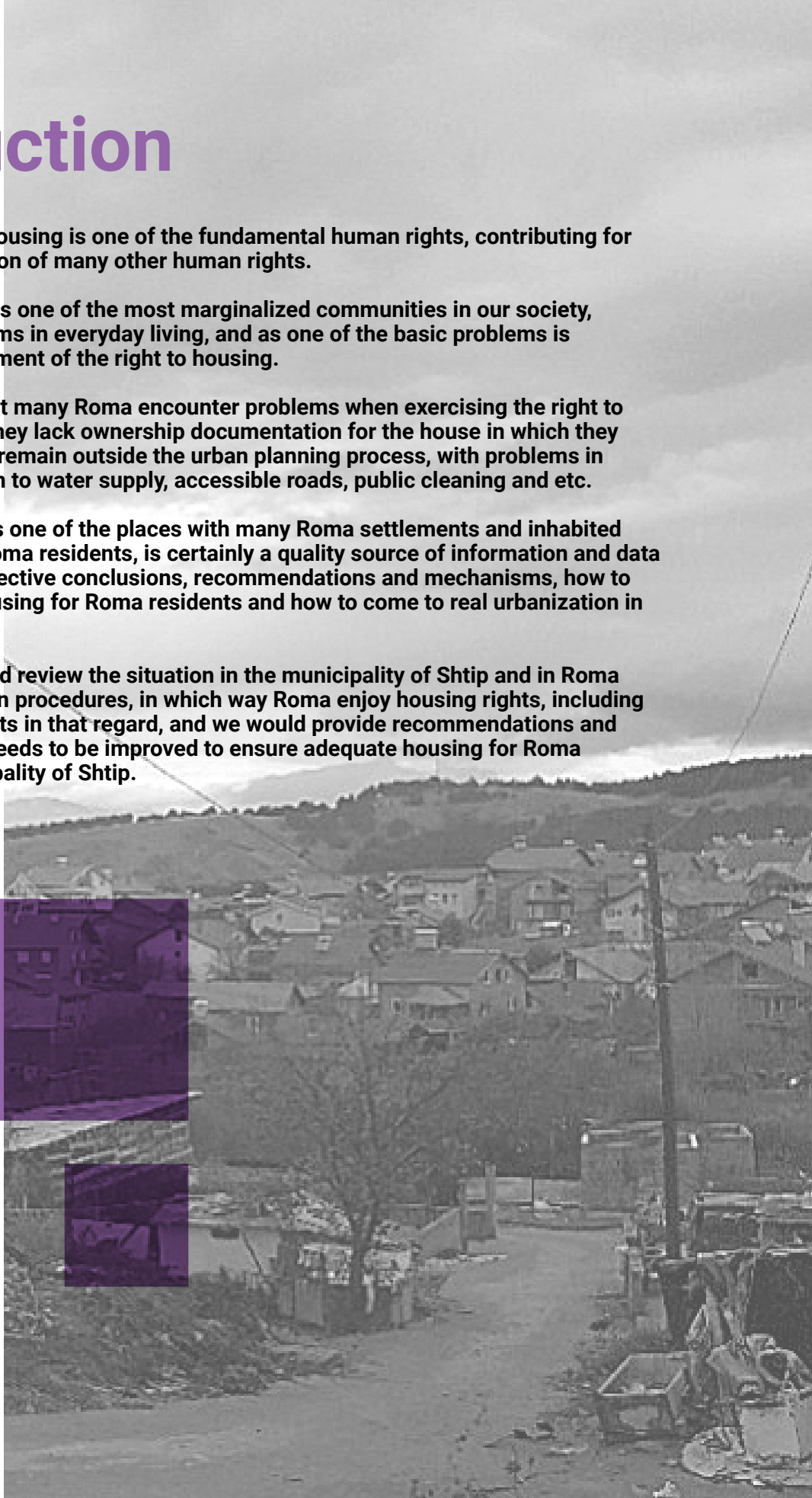
**The right to adequate housing is one of the fundamental human rights, contributing for enjoyment and realization of many other human rights.**

**The Roma community as one of the most marginalized communities in our society, encounter many problems in everyday living, and as one of the basic problems is realization and achievement of the right to housing.**

**Field research show that many Roma encounter problems when exercising the right to housing, and basically they lack ownership documentation for the house in which they live, Roma settlements remain outside the urban planning process, with problems in infrastructure in relation to water supply, accessible roads, public cleaning and etc.**

**Municipality of Shtip, as one of the places with many Roma settlements and inhabited with large number of Roma residents, is certainly a quality source of information and data which could provide effective conclusions, recommendations and mechanisms, how to improve the right to housing for Roma residents and how to come to real urbanization in Roma settlements.**

**In the research we would review the situation in the municipality of Shtip and in Roma settlements, legalization procedures, in which way Roma enjoy housing rights, including how the municipality acts in that regard, and we would provide recommendations and conclusions, for what needs to be improved to ensure adequate housing for Roma residents in the municipality of Shtip.**



## Methodology

During the research, several methods were used that helped to collect more data and to process them appropriately, using the following methods:

- method of observation, respectively used during the research a field activity was conducted, with observation and visualization of the situation on the spot;
- interview and survey method, this method was used during the meeting with the focus group and in face-to-face conversations with employee in the municipality of Shtip;
- method of analysis, by analyzing the obtained data;
- method of comparison, by comparing the officially obtained data, as well as with the field situation and the received statements from the organized focus group;
- method of description and logical method, by giving an overview of certain topics, as well as giving conclusions and recommendations according to the obtained data.

**The main goal of the research** is to promote and monitor the right to housing and urbanization in the municipality of Shtip, with focus on Roma.

**The objectives of the research** are to build the capacity of local organizations to monitor policies related to legal housing and urbanization, as well as to influence decision-makers at the local level regarding housing and urbanization.

## Data sources

The topic of the research, adequate housing for Roma in the municipality of Shtip, required the use of different data sources available on local and national level, as well as other qualitative research techniques in order to get an overall picture of the available data on the situation with the right to adequate housing in the municipality of Shtip. Data sources are: statements of Roma residents in the municipality of Shtip who participated in the focus group; statements of interviewed employees in the municipality of Shtip; as well as data obtained from the municipality of Shtip within the research.

The data used in the research and the analysis for realization of the right of adequate housing for Roma in the municipality of Shtip are obtained from:

- Review of existing legislation and public policy documents;
- Focus group and interview with relevant local stakeholders;
- Field monitoring of Roma settlements in the municipality of Shtip

# Review of the legal framework for housing and existing documents in the municipality of Shtip

The right to housing is contained in many international and domestic documents that aim to continuously improve the housing conditions of citizens and the regulation and humanization of the living space.

At the core of the United Nations goal is the protection and promotion of human rights and fundamental freedoms with the Universal Declaration of Human Rights (1948); International Covenant on Economic, Social and Cultural Rights (1966); International Covenant on Civil and Political Rights (1966). These three documents define and establish human rights and fundamental freedoms. They form the basis for more than 50 additional United Nations human rights conventions, declarations, rules and principles. This means that the Republic of North Macedonia has acceded to them and ratified them, which means that as a member state it has voluntarily committed itself to harmonize national legislation, policy and practice with existing international legal obligations.

With the Universal Declaration of Human Rights in 1948, the right to adequate housing became part of the body of international, universally applicable and universally accepted human rights law. Since then, this right has been reaffirmed in a wide range of additional human rights instruments, which means that the right to adequate housing is a right of every child, of every resident, regardless of his or her affiliation.

The importance of housing as a basic human right results from the very importance of a safe and dignified place to live, which has a great impact on physical and mental health, as well as on the overall quality of life. Access to safe drinking water and adequate sanitation are additional basic needs directly related to housing. Universally considered, the right to housing is one of the basic human rights, and from that aspect it is a fundamental value in our constitutional order "arrangement and humanization of space and promotion of the environment and nature"<sup>1</sup>.

The interrelated and interdependence of all human rights is clearly expressed through the right to housing. As recognized by several United Nations human rights bodies, the full enjoyment of rights such as the right to human dignity, the principle of non-discrimination, the right to an adequate standard of living, the right to freedom to choose residence, the right to personal security ( in case of forced eviction or other forms of harassment) and the right to privacy, family, home or correspondence is necessary for the right to adequate housing to be realized, owned and exercised by all groups in society. At the same time, having access to adequate and safe housing significantly increases the likelihood that people will be able to enjoy certain additional rights. Housing is the basis from which other legal rights can be achieved. For example: the adequacy of one's home and living conditions is closely linked to the extent to which one can enjoy

<sup>1</sup> Article 8, paragraph 1, subparagraph 10, Constitution of the Republic of North Macedonia



the right to environmental hygiene and the right to the highest attainable standard of mental and physical health.

The International Covenant on Economic, Social and Cultural Rights provides the most extensive definition of the right to housing as "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."<sup>2</sup>

Having regard to the importance of the right to housing in the legal analysis of the framework provided in the International Covenant on Economic, Social and Cultural Rights and General Comment no.4, the Committee on Economic, Social and Cultural Rights, on the right to adequate housing define this right as consisting of various specific rights.

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2 Article 11.1 International Covenant on Economic, Social and Cultural Rights



### Elements of the right to adequate housing:<sup>3</sup>

- **SECURITY OF TENURE:** regardless of the type of all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;
- **AFFORDABILITY:** Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs (for example, food, education, access to health care);
- **HABITABILITY:** Adequate housing should provide for elements such as adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease transmitters;
- **AVAILABILITY OF SERVICES, MATERIALS, FACILITIES AND INFRASTRUCTURE:** Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, etc.;
- **ACCESSIBILITY:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account (such as the poor, people facing discrimination; persons with disabilities, victims of natural disasters);
- **LOCATION:** Adequate housing must allow access to employment options, health-care services, schools, child-care centres and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources;
- **CULTURAL ADEQUACY:** Adequate housing should respect and take into account the expression of cultural identity and ways of life.

The complexity of housing itself is reflected in the rich legal framework that regulates and covers areas of regulation of ownership and legal status of a building, regulation of legal status of land, regulation of urban-planning purpose of land and other legal issues related to law of real estate and other rights that are closely related to the right to housing.

The legal framework for housing is regulated by several laws, such as: Law on Housing, Law on treatment of unlawful constructions, Law on Subsidizing Housing Credit, Law on Construction, Law on Construction Land, Law on Spatial-Urban Planning, Law on ownership and other real rights, Law on Obligations, Law on Property Taxes, Law on Civil Procedure, Law on Real Estate Cadastre, Law on Privatization and Lease of State-Owned Construction Land, Law on Expropriation,

<sup>3</sup> General Comment 4 on the International Covenant on Economic, Social and Cultural Rights, UN Committee on Economic, Social and Cultural Rights, 1991. Available at: [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1\\_Global/INT\\_CESCR\\_GEC\\_4759\\_E.doc](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_4759_E.doc)



Law on Denationalization, and others laws and bylaws.

The Housing Law regulates the notion of minimum and adequate housing "Minimal housing includes meeting the minimum spatial conditions, equipping the apartment with basic communal infrastructure such as electricity, water and drainage and traffic connection of the apartment with the settlement, ie the city, as well as the legal security of ownership or use of the apartment. Adequate housing in addition to the elements of minimal housing includes adequate privacy and space, physical availability, security, constructive stability and durability, lighting, heating and ventilation, infrastructure such as supply, drainage, garbage, environmental quality and health-related factors, as well as accessibility in terms of work and basic services."<sup>4</sup>

When we talk about spatial and urban planning, it is a continuous process that is provided with preparation, adoption and implementation of urban plans, urban planning documentation, regulation plan of the general urban plan and urban-project documentation in order to ensure the arrangement and humanization of the space and protection and promotion of the environment and nature. Spatial and urban planning with all its elements is a matter of public interest.

When it comes to Roma housing, of particular importance in this matter is the Law on treatment of unlawful constructions<sup>5</sup>, which entered into force in March 2011, which regulates the conditions, modes and procedure for registration, determination of legal status and sanctioning of illegally constructed facilities.

Illegally constructed facilities are facilities of importance for the Republic in accordance with the Law on Construction and other law, facilities of local importance in accordance with the Law on Construction and facilities of health care institutions for primary, secondary

and tertiary health care that are built without a building permit contrary to the building permit, as well as parts (extensions and upgrades) of the facilities of importance for the Republic and of local importance and of the facilities of the health care institutions for primary, secondary and tertiary health care, which are built without a building permit contrary to the building permit, inside and outside the planning scope.

Facilities of local importance include auxiliary buildings (garage, storage) that are in function of a housing facility or other type of facility, pools at the field level for individual use (buildings for which in accordance with the Law on Construction the mayor of the municipality issues decision for construction), temporary facilities intended for housing, facilities for primary processing of agricultural products (except awnings and temporary accommodation facilities) in accordance with the Law on Agricultural Land built on construction land, as well as facilities, ie special parts of facilities converted without conversion approval.<sup>6</sup>

The procedure for legalization of these facilities is an administrative procedure in which the Law on General Administrative Procedure<sup>7</sup> is applied as a procedural law, and the Law on treatment of unlawful constructions is a *lex specialis* law which means a law that closely regulates the conditions, modes and procedure for determining legal status of illegally constructed buildings.

Determining the legal status of an illegal object means registering the illegal objects in the public book for recording the real estate rights and including them in the urban-planning documentation, ie recording the illegal objects built on land on which according to the valid urban-planning documentation construction of traffic infrastructure is envisaged, illegal buildings built in the protected coastal zone of artificial lakes and riverbeds, illegal facilities intended for housing in residential houses in accordance with the Rulebook on standards and norms for

<sup>4</sup> Article 8 Law on Housing Official Gazette of R.M No. 99/09; 57/10; 36/11; 54/11; 13/12; 55/13; 163/13; 42/14; 199/14; 146/15; 31/16; 64/18

<sup>5</sup> Law on treatment of unlawful constructions, Official Gazette R.M No.23/11; 54/11; 155/12; 53/13; 72/13; 44/14; 154/14;199/14;124/15; 124/15; 129/15; 129/15; 275/15; 31/16; 190/17

<sup>6</sup> Article 2, Law on treatment of unlawful constructions, Official Gazette R.M No 23/11; 54/11; 155/12; 53/13; 72/13; 44/14; 154/14;199/14;124/15; 124/15; 129/15; 129/15; 275/15; 31/16; 190/17

<sup>7</sup> Law on General Administrative Procedure, Official Gazette RM No. 38/2005; 110/2008; 51/2011; 124/2015

urban planning built in the protected coastal zone of natural lakes, infrastructure facilities and electronic communication networks and means in the public book for registration of real estate rights in accordance with law.

The procedure for determining the legal status of an illegal facility for facilities of local importance is implemented by the local self-government unit and decides in the first instance upon submitted requests for determining the legal status of facilities located on the territory of the local self-government unit.

The deadline for submitting the Requests for determining the legal status of the illegally constructed buildings, in accordance with the Law on treatment of unlawful constructions, was 6 (six) months from the day the Law entered into force, ie until 04.09.2011.

With the subsequent amendments to the Law, the deadline for completing the submitted requests, as well as for completing the requests was extended, in order to meet the needs of the citizens, especially those who for some reason could not submit a request within the initially determined deadline. Pursuant to these amendments to the Law, several deadlines were provided, ie opportunities for submitting requests, as follows:

- **FROM 04.03.2011 YEAR INCLUDING 04.09.2011**
- **FROM 19.12.2015 YEAR INCLUDING CO 31.03.2016**
- **FROM 01.01.2018 YEAR INCLUDING CO 31.12.2018.**

The condition that all these facilities must meet in order to be subject to the procedure for "legalization", ie determination of legal status, is to

- **UNTIL THE DAY OF ENTRY INTO FORCE OF THE LAW (AS OF 03.03.2011) THE CONSTRUCTION AND INSTALLATION WORKS HAVE BEEN PERFORMED IN FULL AND**

- **THEY SHOULD BE CONSTRUCTIONAL AND FUNCTIONAL UNIT.**

For buildings of local importance, which means for housing buildings upon submitted requests for determining the legal status of the local self-government unit - the municipality, within one year from the receipt of the request for determining the legal status of an illegal building, ie from the day of extension of the procedure, if it was terminated, determines whether the conditions for determining the legal status prescribed by this Law are met and issues an urban consent or adopts a decision rejecting the request for determining the legal status of an illegal object.

Urban consent for illegal facilities of importance for the Republic, facilities of health institutions for primary, secondary and tertiary health care and facilities of local importance except electronic communication networks and means and line infrastructure facilities is issued if the following conditions are met:

- The request for determining the legal status is submitted within the deadline provided by the Law
- Minutes of meeting were prepared from on the spot visit
- The unlawful object was constructed before the Law entered into force and represents constructional and functional unit
- written evidence / consents / statements required depending on the specific case were obtained and submitted, and in accordance with the above in which situation which evidence / consent / statement is required
- the unlawful object meets the geomechanics standards if it is in a potentially unstable zone
- has a consent or opinion from a competent body, if the unlawful object is located in the areas and zones for which according to the Law it is envisaged to obtain such consent, ie opinion, ie opinion is submitted from the competent body that no expansion of the road and railway infrastructure is planned
- the unlawful object can be included in the

urban-planning documentation in accordance with the standards prescribed in the Law on treatment of unlawful constructions

The decision for determining the legal status of the unlawful objects which is final and enforceable, the competent body submits ex officio to the Agency for Real Estate Cadastre, in electronic form.

The local self-government units are obliged to use the funds collected from the fee for determining the legal status of an unlawful object for the purpose of adopting urban planning documentation which incorporates the unlawful buildings in the urban planning documentation and for infrastructural arrangement of the spatial which are located there and are obliged to submit an annual report on the use of these funds to the body of the state administration responsible for performing the activities in the field of spatial planning.

When registering the right of ownership of the object in the public book for registration of the real estate rights, it is noted that the object received legal status in accordance with the Law on treatment of unlawful constructions.

# Discussion of research findings

**The Municipality of Shtip is located in the eastern part of the Republic of North Macedonia and is a center of the East-planning region.**

**From the total population of this area, which represents 3.1% of the area of North Macedonia, there are representatives of various ethnic communities. The Shtip multiethnic environment includes: 41 670 Macedonians, 12 Albanians, 1272 Turks, 2195 Roma, 2074 Vlachs, 294 Serbs, 11 Bosniak and 265 other citizens. Based on that, the population density is: 81.95 inhabitants per km<sup>2</sup>. Occupying this spatial area, the municipality of Shtip includes 71 settlements. The area of the city with the settlements is 13.5 km<sup>2</sup>.**

The general picture for the total population, as well as the percentage comparison with the total population of the Republic of Macedonia (according to the census of the population, the households and the apartments in RNM from 2002) for the Municipality of Shtip is given in the following table:

*Table 1 Total number of residents in the municipality of Shtip according to the Census 2002*

Total population in the municipality of Shtip (gender and ethnicity)									
	Total	Macedonians	Turks	Roma	Vlachs	Serbs	Albanians	Bosniak	Other
Total	47796	41670	1272	2195	2074	294	12	11	265
Female	23876	20935	612	1039	981	153	4	6	146
Men	23920	20735	660	1156	1093	144	8	5	119
RNM (%)	2.36	3.21	1.63	4.07	21.39	0.83	0	0.06	1.26

The water supply for communal and industrial needs on the area of the municipality of Shtip is done through captured sources from individual local or group water supply systems. The water supply for communal and industrial needs is performed by JP Isar with RE Vodovod supply and sewerage with the activities: production and distribution of drinking water, collection, treatment and disposal of wastewater. Public water supply system has been built in the city and in 4 rural settlements more (Tri Cesmi, Karaorman, Dolani and Dragoevo). They are supplied by groundwater which is a result of infiltration of the river water from the river Bregalnica which through hydraulic connection with the water carrier layers accumulates in the local water basins. Out of a total of 43652 inhabitants of the city of Shtip, about 90% are connected to the water supply network. The total number of connections is 12,791, of which 11,975 are for households and 806 are for industry. <sup>8</sup>

At the local level, the role of the local self-government, the bodies and the administrative officials of the

<sup>8</sup> Information from the website of the municipality of Shtip, available at: <http://www.stip.gov.mk/index.php/mk/profil/infrastruktura/355-2009-12-18-13-02-17>



municipality is important, who act upon specific requests of the citizens on one hand, and on the other hand perform tasks for which they are authorized by law. During the research from the review of the available documentation it was seen that the municipality of Shtip has conducted a survey for measuring the satisfaction of the citizens from the services of the municipality. "In order to assess the satisfaction of the users of the services of the local self-government - Municipality of Shtip, the employed administrative clerks from the municipal center for services and information of the citizens performed a survey of the citizens - users of the services of LSGU Shtip in the period from 12.02.2018 - 10.04. 2018. 42 citizens were surveyed - users of municipal services who rated the services of the municipality with an average of 3.85 on a scale from 1 to 5." <sup>9</sup>

In the same analysis, several issues of importance for the citizens are taken into account in relation to the services and rights that are realized before the local self-government and are presented in a table, for the research we have taken into account those indicators that refer to the citizens' satisfaction the municipality of urbanism and regulation of construction land; utilities and services for minority communities.

From the Municipality of Shtip, according to previously submitted request for data important for our research we received the following data:

"In total, including the final deadline for submitting requests, 13106 requests for legal treatment of unlawful objects have been submitted to the Municipality of Shtip who were built on the territory of the municipality of Shtip, and from total number of requests for legal treatment of unlawful objects 7289 requests are solved, 4310 are pending, and 1507 were rejected. 1027 requests for legal treatment of unlawful objects were submitted by Roma in the municipality of Shtip, and looking by districts and streets the situation is as following: for "Radanski Pat" Street 370 requests were submitted, for "Kosovska" Street 433 requests were submitted, for "ASNOM" Street (location called "Mirjanina Crkva" and location called "Duzlacki Rid") 585 requests were submitted, for "Sutjeska" 272 585 requests were submitted, for "Sremska" 49 requests were submitted, for "Solunska" 57 requests were submitted, for "Oktomvri" Street 58 requests were submitted, settlement 8 Noemvriin total 673 requests were submitted."<sup>10</sup>

<sup>9</sup> Analysis for satisfaction of users of services provided by the local self-government – Municipality of Shtip, Municipality of Shtip, 2018. Available at: <http://www.stip.gov.mk/index.php/mk/sluzben-glasnik/category/6?download=412%3Aanaliza-na-zadovolstvo-na-korisnici-na-opstinski-uslugi>

<sup>10</sup> Response to request from Municipality of Shtip No. 09-4393/2 from 29.09.2020

2011 Year	Street	Solved
1.	Radanski Pat	210
2.	Kosovska	122
3.	Duzlacki Rid	98
4.	Avtokomanda	32
5.	8 Noemvri	4
6.	Kavaklija	26
7.	Dimo Hadzi Dimov	46
8.	Balkanska	32
2011 Year	Street	Solved
1.	Дузлачки рид	/
2.	Dimo Hadzi Dimov	/
2011 Year	Street	Solved
1.	Radanski Pat	45
2.	Kosovska	28
3.	8 Noemvri	13
4.	Duzlacki Rid	28
2011 Year	Street	Solved
1.	Radanski Pat	1
2.	Kosovska	1
3.	Duzlacki Rid	5
4.	Avtokomanda	/
5.	8 Noemvri	/
6.	Kavaklija	1
7.	Dimo Hadzi Dimov	2
8.	Balkanska	3

Табела бр. 1<sup>11</sup>

Table 1 shows the data for positive decisions upon requests for determination of legal treatment of objects built on streets and settlements where Roma predominantly live, showing decisions for 2011, 2015 and 2018, and from the shown data it could be determined that from total 1027 requests submitted by applicants Roma, 697 requests were positively solved, meaning that 68% of the requests were positively solved.

*"In the Register for submitted Requests for determining the legal status of illegally constructed buildings, there is no separate register for submitters on ethnic basis, but the Municipality of Stip regarding your request made efforts to select them on the basis of Roma submitters and to count them and provide them to you as data"* -statement from official employee in the municipality of Shtip given at interview.

From the data we received from the written response of the Municipality of Shtip, we saw that so far a total of 185 requests have been rejected, and the most common reasons for rejecting the requests of Roma applicants is incompleteness of the requests (lack of geodetic elaborate with the request), unresolved property-legal relations between the applicant for determination of the legal status of a building and co-owner of the land on which the building is built, non-compliance of the purpose of the building with the purpose of the land in accordance with urban-planning documentation, conclusion by the commission for on the spot inspection that the buildings represent a construction and functional entirety".<sup>12</sup>

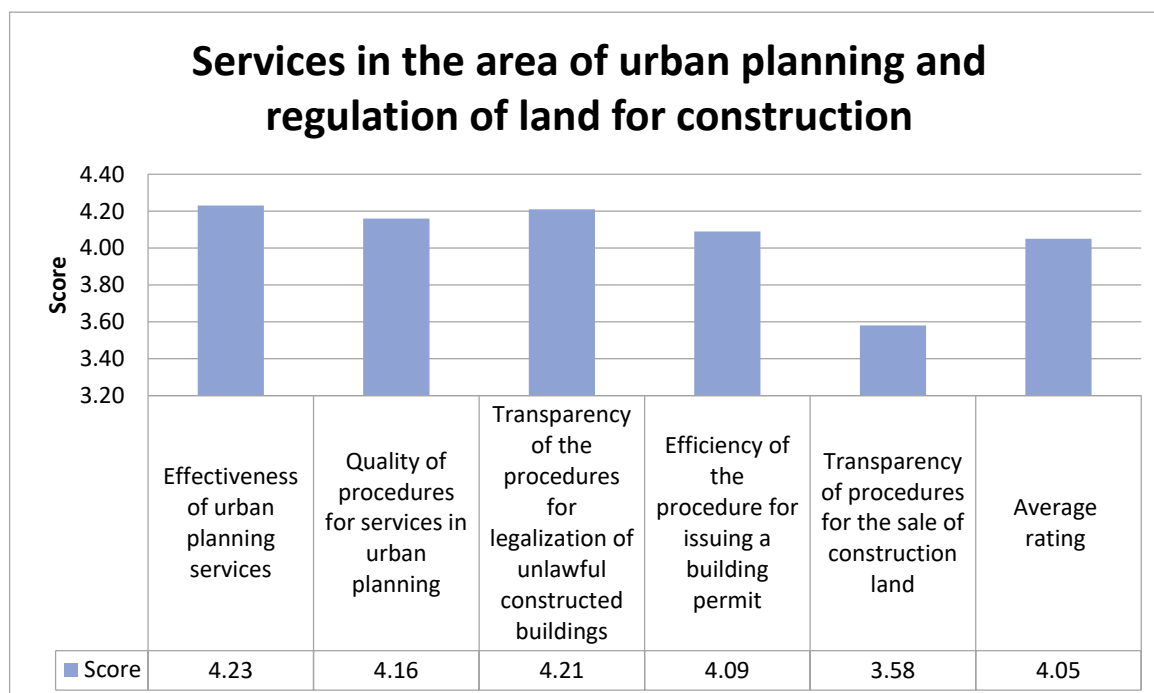
*"If the built object is on property that is owned or co-owned by other persons, and the applicant fails to provide consent from the same, the Municipality of Shtip obtains the history of the cadastre parcel and if it determines that in the moment when the object is built the RNM, if the applicant requests at its expense, the Decision is published in the Official Gazette and a national media, after which the consent of the owners, ie co-owners for issuing the decision is no longer required"; "Municipality of Shtip does not ask for consents from persons who register as users in the cadastral records of the parcel where the illegal object is built, such consent is required only from owners, or co-owners"* - statement from official employee in the municipality of Shtip given at interview.

11 Ibid

12 Ibid

**Table 5. Services in the area of urban planning and regulation of land for construction**

<b>Services in the area of urban planning and regulation of land for construction</b>	
<b>Question</b>	<b>Score</b>
Effectiveness of urban planning services	<b>4.23</b>
Quality of procedures for services in urban planning	<b>4.16</b>
Transparency of the procedures for legalization of unlawful constructed buildings	<b>4.21</b>
Efficiency of the procedure for issuing a building permit	<b>4.09</b>
Transparency of procedures for the sale of construction land	<b>3.58</b>
<b>Average rating</b>	<b>4.05</b>



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**Graphic representation:****Picture 5. Graphic representation of average scores for the questions from table 5***Table 5 and picture 5<sup>13</sup>*

The graphic and tabular presentation give us an indicator of the citizens' satisfaction with the efficiency, transparency and quality of the procedures for urban planning, legalization, issuance of building permits and sale of construction land, where it can be seen that the citizens give the highest grade for urban planning



and the lowest for the sale of construction land. According to the same source, the citizens gave high marks for the municipality in relation to the above competencies, which is different from the data and information we received from the situation on the field and the statements of the Roma citizens when holding a focus group in the municipality of Shtip, so we think that it should work on balancing and adjusting the survey criteria and giving satisfaction ratings by Roma citizens.

"The Roma settlement "Cerenja" is included in the urban plan of the Municipality of Shtip, but its development did not take place as planned. There are many reasons for that, but the most important reason is the spontaneous in the construction of the dwellings, where the basic living conditions are not provided, such as sufficient light and ventilation of the home. Unplanned development of the settlement also reduces the opportunities for urban development, which makes these settlements unsuitable for living, with small opportunities for development of the individual, family and community ... From the total number of Roma population in Stip (2,195) 80 % live in the two settlements "Cherenja" and "Tsar Samoil", the former "Radanski Pat" and "Kosovska", and about 20% live in other parts of the city." <sup>14</sup>

*„Legalizations were released 3, 4 or 5 years ago, and we still can't get an answer,“* -said a participant.

*„When we go to the municipality to ask how far is the legalization procedure that we started in 2018, we do not have any information, they will just tell us: we work, we work and that's it!“* – statement from a focus group participant.

*„They should work in the Assembly (in the Municipality), we have submitted all the necessary documents “* – statement of a focus group participant

*„From 2011 until now, we are waiting for our legalizations to be resolved,“* – said a focus group participant.

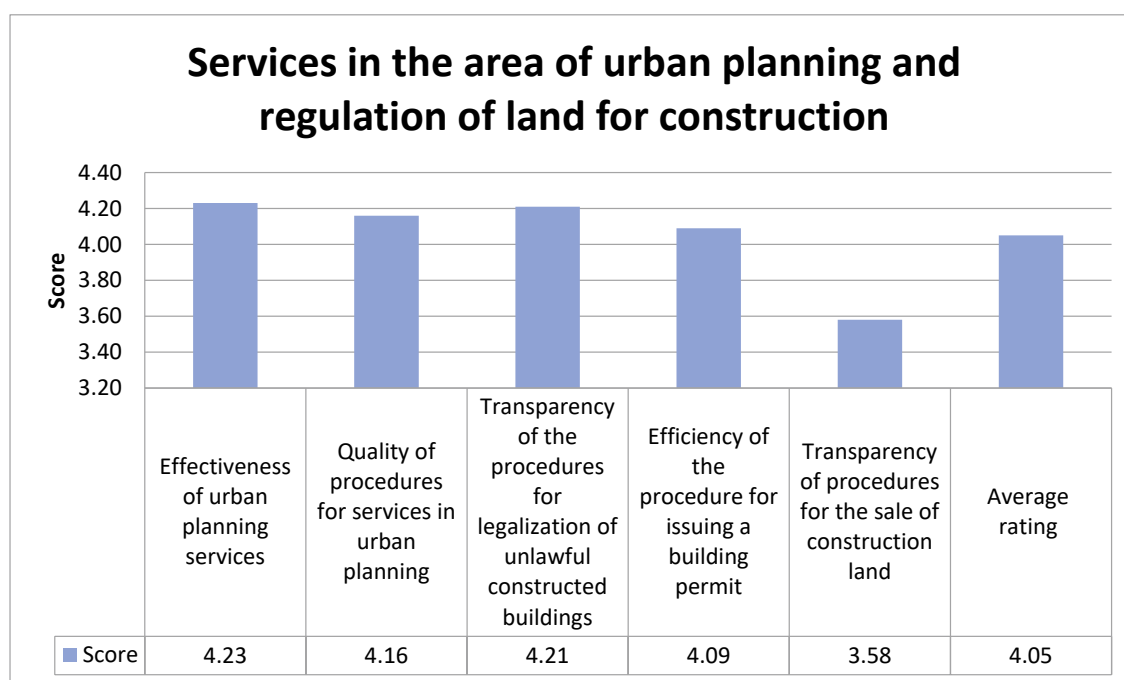
*“The backwardness of the legalization procedure is usually due to the numerous requests submitted, and the existence of a small number of teams of clerks acting on the case, and also the reason is the submission of incomplete requests by the applicants, which contributes to slowing down the process.”* - Statement of an official from the municipality of Shtip after the held interview.

<sup>14</sup> Initial Study on Roma Housing in the municipality of Shtip, Habitat Macedonia, March 2017. Available at: [http://www.habitat.org.mk/doc/studii/STIP\\_mak\\_FINAL.PDF](http://www.habitat.org.mk/doc/studii/STIP_mak_FINAL.PDF)



**Table 5. Services in the area of urban planning and regulation of land for construction**

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Efficiency of the procedure for issuing a building permit	<b>4.09</b>
Transparency of procedures for the sale of construction land	<b>3.58</b>
<b>Average rating</b>	<b>4.05</b>



**Graphic representation:**

*Table 6 and picture 6<sup>15</sup>*

As for the presentation in the table where data for evaluation of the satisfaction of the citizens in the municipality of Shtip are presented for the communal services it can be seen that there is a decrease in the level of the evaluation which coincides with the findings from the focus group.

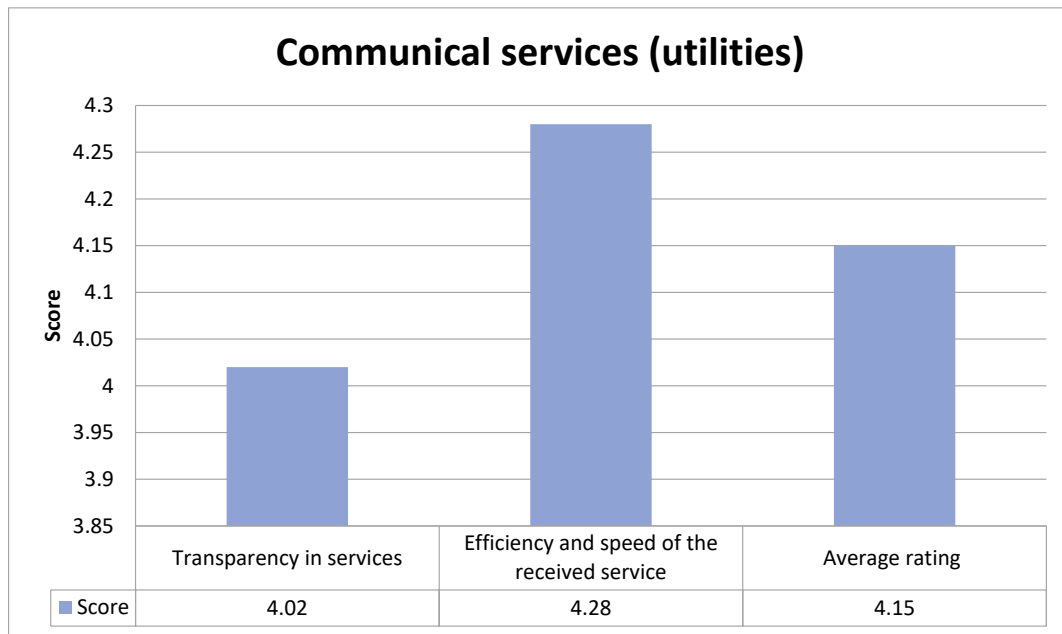
*„In our neighborhood you can not go through the garbage, as soon as it is a Roma neighborhood there is a landfill. You can not cross the street from the garbage. There is no container, they collect garbage every ten days. To go to work you need to change two pairs of shoes, otherwise you can not leave home” – a statement from a participant in a focus group.*

<sup>15</sup> Ibid

**Table 2. Services for minority communities**

Services for minority communities	
Question	Score
Transparency in services	4.02
Efficiency and speed of the received service	4.28
<b>Average rating</b>	<b>4.15</b>

Graphic representation:



**Picture 2. Graphic representation of average scores for the questions from table 2**

*Table 2 and picture 2<sup>16</sup>*

As can be seen from the table presentation of services for minority communities, we believe that there is a shortcoming in the survey by not stating which minority communities were taken into account in the survey, so it can not be determined how satisfied the Roma population is with the services of the municipality itself.

*„I think that the non-governmental organizations help the most, they helped me to regulate my legal stay in the country. Furthermore, an NGO helped us to apply for legalization. If they had not informed us, we would have been left homeless.”* -a statement from a participant in a focus group.

*„We have no information that there is a distribution of social housing in Stip”,* - participant of the focus group.

*„There are Roma settlements that are not urbanized yet, and are not part of urban planning,”* – said a participant.

*„We have submitted a report on legalization, and we have not decided on legalization, we want to get a property certificate, one room, but to know that it is mine”* – said a participant in a focus group.

*„Because the name of the street has changed, if I want to change my ID card, they ask for a property certificate, because I do not have a property certificate and the legalization has not been completed, I can not even get a valid ID card. And what will you do without a personal documentмент?”* – statement of a participant.

<sup>16</sup> Ibid

„Some of the identified problems in the requirements for the legalization procedure, through an assessment of 2013, include the following: (a) many Roma lack personal documentation (legal standing) in order to be able to initiate the legalization procedure of their houses; (b) the requirement of a geodetic report imposes a financial burden which in many cases is beyond what poor applicants can bear; (c) resolving the land ownership issue, if land is not owned by the occupant, is also a financial burden for many applicants; (d) there is a lack of awareness among the Roma and less educated about the requirements and the procedures of the project; (e) there have been cases of abuses in the implementation of the law by some municipal authorities, e.g., favouring members of one political party, or requesting bribing for completing the procedure; and (f) as already mentioned, the general constitutional requirement of zoning compatibility and urban planning priorities makes several settlements ineligible for legalization.“<sup>17</sup>

When we talk about the right to adequate housing at local level, we would like to emphasize the importance of planning and adopting Annual Programs for regulation of construction land and its importance in meeting the expectations of citizens. On the web site of the municipality is placed the Program for regulation of construction land on the territory of the municipality of Shtip for 2018. As a location that is subject of regulation of construction land is considering both, built and the undeveloped land in the area of municipality of Shtip with the settlements, as well as the area for residential and other construction determined with GUP for city of Shtip, as well as valid DUP's for the city. Here we would like to emphasize the importance of public announcement on the website of the municipality in order to enable all stakeholders to get acquainted with its content and obligations for regulation of construction land, because it is open for amendments that can be incorporated in it and eventual other tasks for realization if needed.<sup>18</sup>

"The Roma settlements in the municipality of Shtip are characterized by dense distributed houses, with small green areas and not enough places for rest and recreation. The streets are mostly paved, with a high percentage of paved sections, while utilities are at a satisfactory level. Access to basic health services is good, but educational institutions are remote and no transportation is provided for students."<sup>19</sup> This situation characterizes the Roma settlements and from the field information, it can be seen that adequate housing for Roma is far from a modern urban environment to which the municipality should strive.

Regarding the communal services for public cleaning, according to the data of the Public enterprise "Isar" Shtip which manages with maintenance of public cleaning in the municipality of Shtip has established a plan regime of garbage collection in the city, which is divided into regions. In an area where the streets belong, Radanski Pat, Kosovska Street, "Solunska" Street, part of "ASNOM" Street, the regime for garbage collection is 2 days per week, as follows: st. Radanski Pat, Sremska Street, 11 Oktomvri Street, Wednesday and Thursday, Kosovska Street and Solunska Street, Wednesday, and November 8 Street, on Monday and Thursday"<sup>20</sup> Such data suggests that a regime has been established, but according to the situation on the ground and the density of the population, the adequacy of such an agenda should be checked

17 Formalizing the Informal, Challenges and Opportunities of Informal Settlements in South-East Europe, United Nations, 2015. Available at: [https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Formalizing\\_the\\_Informal\\_Challenges\\_and\\_Opportunities\\_of\\_Informal\\_Settlements\\_in\\_South-East\\_Europe.pdf](https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Formalizing_the_Informal_Challenges_and_Opportunities_of_Informal_Settlements_in_South-East_Europe.pdf)

18 Programme for Regulation of land for construction on the territory of municipality of Shtip for 2018, No.09-719/2, municipality of Shtip, 2 February 2018. Available at: <http://www.stip.gov.mk/index.php/mk/sluzben-glasnik/category/64-2018-izvestai?download=415%3Aprograma-za-ureduvanje-gradvezno-zemjiste-2018>

19 Initial Study for Housing on Roma in the municipality of Shtip, Habitat Macedonia, March 2017. Available at: [http://www.habitat.org.mk/doc/studii/STIP\\_mak\\_FINAL.PDF](http://www.habitat.org.mk/doc/studii/STIP_mak_FINAL.PDF)

20 Response to request from Municipality of Shtip No. 09-4393/2 from 29.09.2020



# Conclusions

According to our research, we could see that Roma before the entry into force of the Law on treatment of Illegal objects usually did not have the right to ownership of the building in the cadastre records, and mainly exercise their right to housing by registering the right of ownership of the building in which live and obtain a title deed in the procedure for determining the legal status of an illegally constructed building, because this procedure was more accessible, financially feasible, unlike the procedure for obtaining a building permit, which is rarely decided due to the complexity of the whole procedure.

Roma most often are dissatisfied with the legalization procedure due to the slowness of the whole process, which is a result of the large number of cases handled by the municipality, as well as the need for a larger number of officials who will actively act on the requests and cases.

Roma settlements are partially urbanized, and most often face the problem of cleanliness, infrastructure, as well as narrow streets, houses are built close, and there is a lack of green areas, as well as space for sports and recreation.

The municipality has mechanisms to deal with these problems, and it is obvious that these mechanisms are used, but when it comes to the Roma population there are bigger challenges, and the municipality should take measures to harmonize the DUPs, and other planning documentation, after the completion of the legalization process, which would enable not only the realization of the basic right to housing with the existence of a dwelling, but also adequate housing with all the preconditions for a quality urban space of existence.

# Recommendations

- **When preparing Annual programs for regulating construction land and when urban planning documentation is adopted for certain planning scope, the responsible persons in the municipality to take into account the real needs of the municipality and the citizens while respecting the legal solutions in this area with purposeful planning and spending funds.**
- **Substantive inclusion of Roma residents from all settlements where Roma live in conducting surveys and analysis for the satisfaction of the users of the services of the local self-government - Municipality of Shtip and in conducting the surveys to use appropriate methods and criteria that will be explained in a understandable way manner and language for the Roma residents. Redesign of the survey model for services for the minority communities with inclusion and presentation of each minority community individually which would gain insight for the Roma community in the municipality of Shtip.**
- **To consider the possibility to propose and adopt amendments to the Law on treatment of unlawful constructions in order to provide an opportunity for persons who for various reasons have not submitted so far to do so and submit a request.**
- **To continue the validity of the Law on treatment of unlawful constructions, given that it is in force until 2021, and having in mind the unsettled property relations of the applicants for determining the legal status, it is expedient to complete the procedures on the submitted requests to continue the validity of the Law itself**
- **Updated publication of Annual programs for regulation of construction land on the website of the municipality**
- **Regular cleaning of municipal waste and maintenance of municipal waste containers.**
- **In the future, when adopting the urban plans in the Roma settlements, to take into account the placement of green areas, as well as space for sports and recreation**

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