NETWORK FOR PROTECTION AGAINST DISCRIMINATION

Press Release
Skopje, 19 July 2013

CIVIL SOCIETY CHALLENGES THE PUBLIC PROSECUTION OFFICE TO INVESTIGATE RACIAL DISCRIMINATION AGAINST ROMA IN THE SKOPJE CITY MALL CASE

Yesterday, on July 18th 2013, the Network for Protection against Discrimination presented the Basic Public Prosecution Office in Skopje with a petition for criminal charges against SKOPJE CITY MALL and its responsible persons, on the grounds of reasonable suspicions for having committed the criminal act "racial and other discrimination". Criminal charges are motioned for the purpose of initiating an investigation into the said case, as well as for the purpose of establishing the truthfulness of allegations about discrimination on the basis of racial and ethnic origin and initiating proceedings before the competent court in order to sanction the perpetrator of this criminal act.

Almost 4 months have passed from the day when the discrimination incident at SKOPJE CITY MALL was reported by the media (19 March 2013), but the public is still not informed whether the Public Prosecution investigated this case and initiated relevant proceedings to establish actual occurrence of the alleged discriminatory act.

In its announcement published on 22 March 2013, the Network for Protection against Discrimination strongly condemned the event in the trade center SKOPJE CITY MALL, whose management sent an e-mail addressed to the company *Land Service*, dated 9 January 2013, wherein it requested the addressed titled to refrain from deploying Roma employees on cleaning/hygiene duties in the food department. At that time, we stressed that competent institutions, including the Public Prosecution, should investigate this case, notably due to existence of serious suspicions that the responsible persons at SKOPJE CITY MALL have committed direct discrimination on the basis of racial and ethnic origin, thereby violating the personal and moral integrity, dignity and reputation of Roma people employed at *Land Service*, as well as their privacy and the right to access to employment under equal terms and conditions.

Moreover, we would like to stress that institutions competent to establish discrimination in specific cases are also obliged to respect the decisions taken by the European Court of Human Rights (the Court). Namely, the Court upholds particularly rigid requirements in relation to discrimination on the basis of racial or ethnic origin and has thus established that: "*no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures*".

In addition to the petition addressed to the Public Prosecution for initiating an investigation and court proceedings, the Network also addresses the Commission for Protection against Discrimination with a request to inform the public on the possible procedure it had initiated for establishment of discrimination and the possible outcome of this procedure.

The NGO network for protection against discriminate is aimed at developing strategic litigation in cases of discrimination by initiating cases in front of the Commission for protection from discrimination and the domestic civil courts. The legislative practice will be encouraged by providing free legal aid in strategic cases of discrimination. The network was established in December 2010 by the following organizations: Foundation Open Society Macedonia; Health Education and Research Association (HERA); Healthy options Project Skopje (HOPS); Association for Emancipation, Solidarity and Equality of Women of Republic of Macedonia (ESE); Helsinki Committee for Human Rights in RM; Coalition for Protection and Promotion of Sexual and Health Rights of marginalized Groups; ROMA SOS Center – Prilep and and the Republic Centre for Support of Persons with Intellectual Disability – PORAKA – Skopje.

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