



ROMA  
ORGANIZATION FOR  
MULTICULTURAL  
AFFIRMATION

# METHODOLOGY

*of data obtaining, processing and  
analyzing, documenting cases of  
violation of rights within health care  
protection and unequal access  
treatment to the health institutions*



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## **I: INTRODUCTION**

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### **Article 1**

The *Methodology of data obtaining, processing and analyzing, documenting cases of violation of rights within health care protection and unequal access treatment to the health institutions* is the basic framework for the work of the Legal Department in the area of protections and realization of the human rights, according by which relevant stakeholders take legal actions.

### **Article 2**

With the legal actions is provided an exercise of the health care and health insurance right, community care rights, women and children rights, regulating the illegalized status, right for equal access in public institutions, right for non-discrimination and equal treatment, identifying cases of violation of the rights of health care and initiating litigations on domestic level.

The legal aid is realized by:

- Contacts with the concerned institutions and the health institutions;
- Giving advices to the targeted group for appropriate use of the legal provisions within rights protection;
- Legal correspondence: writing petitions, appeals, requests, submitting applications, declarations and indictments to provide certain rights;
- Reacting by written statements to the relevant institutions if there are no appropriate actions after several initiated proceedings for violating certain rights;
- Direct cooperation with the deputy - Ombudsman from Bitola;
- Permanent contacts with the Public Prosecutor, Primary Court and judicial authorities;
- Tracking and monitoring cases reported in our office;
- Initiating legal proceedings for violation of health care and health insurance rights.

### **Article 3**

In preparation of the Methodology is applied the existing law regulation as well as the acts which are from interest in the work of ROMA S.O.S.:

- Health Care Law,
- Health Insurance Law,
- Law on protection of patients rights,
- Law on protection and prevention of discrimination,
- Law on Free legal aid,
- Community Care Law.

***Article 4***

Subjects that are observed and are embraced with this methodology are: Ombudsman Institution of the Republic of Macedonia, Ministry of Health of the Republic of Macedonia, Health Insurance Fund of the Republic of Macedonia, law offices, Commission for prevention and protection of discrimination, as well as public and private health institutions which are authorized to implement health care protection to the Macedonian citizens and judicial authorities in Republic of Macedonia.

***Article 5***

The preparation of the Methodology, taking into consideration data, analyses and the opinion of the institutions, includes: Roma Organization for Multicultural Affirmation ROMA S.O.S. Prilep, the Office of the deputy – Ombudsman from Bitola and Center for Regional Policy Research and Cooperation STUDIORUM from Skopje.

***Article 6***

With the Methodology of data obtaining, processing and analyzing, documenting cases of violation of rights within health care protection and unequal access treatment to the health institutions, the act of data obtaining, processing and analyzing is provided, in order to assess the violation of rights and the unequal treatment. Furthermore, Report for the documented cases is also prepared with an aim to further the advocacy on the case.

## **II: MEANING OF THE PHRASES USED IN THE METHODOLOGY**

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### ***Article 7***

Certain phrases used in the Methodology have the following meaning:

1. *Data* - a fact which presents word, number or picture which is obtained as a result of collecting or exchange of information;
2. *Information* - presents combination of connected data obtained through communication, observation, media or any other way;
3. *Quantitative analysis* - numerological determination of the number of documented cases of violation of rights within health care protection and unequal access treatment to the health institutions;
4. *Qualitative analyses* – it is a phrase that includes defining differences in violation of rights within the health protection rights and the unequal access treatment in the health institutions. This is performed by determining the level of right-violation and by taking suitable measures that can stop further violation of rights;
5. *Collecting information* - this is process that is structured in different phases starting from collecting, through interpretation and dissemination of the information;
6. *Monitoring* - systematic collecting and processing information that can be used for better and more precise making decisions. On the other side, it can be used to inform the public directly or as a tool for feedback information in the process of realization, evaluation and formulating policy;
7. *Health* - it is a condition of total physical, mental and social welfare and not only absence of any kind of sickness or weakness;
8. *Public Health Institution* – It is a set-up institution that works accordingly to the health care prescriptions;
9. *Violation of rights* - every unjustified act or failure to act by physical and judicial person by which they violate basic human rights;

10. *First-degree affected parties* - they are parties that have been immediately included in the process of detecting, documenting and acting on determined case when there is violation of rights within health care protection and unequal access treatment to the health institutions. They consist of:
  - Deputy - Ombudsman from Bitola,
  - Health institutions,
  - Roma community.
  
11. *Second-degree affected parties*- they are parties that will be included if the detected case can not be properly solved by working with the above mentioned first degree affected parties which are sure to be previously consulted and common decision will be brought. They are consisted of law offices and the judicial authorities in Republic of Macedonia.

### **III: COLLECTING AND ANALYZING DATA AND INFORMATION**

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#### ***Article 8***

In order to collect and analyze data and information between the involved parties it is needed to define a center (Legal Department) for reception, exchange and active analyze of data and information in order to propose concrete measures that allow:

- Easier cooperation between the institutions and the Roma community, especially to their access in the health institutions,
- Mediation in order to solve defined problems and difficulties connected with the access to the health institutions,
- Proposing legislative solutions accordingly with the norms of the relevant institutions in order to solve the perceived problems,
- Getting feedback information from every subject in the observation.

#### ***Article 9***

The information and data are obtained on a coordinated way through:

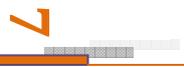
- Information and data obtained from field assistants,
- Information and data obtained from health mediator, through regular contacts with the health institutions or through fieldwork,
- Information and data reported by the institutions themselves,
- Information obtained through initiative reporting by the parties (the Roma community),
- Information and data obtained from the Office of the deputy – Ombudsman.

The information can be brought through further sources such as:

- Non - governmental organizations and associations,
- Public media,
- Internet,
- Conferences, seminars etc.

#### ***Article 10***

Once the information and data are collected through prior discussion with the client (person which right has been violated) the next step that follows is opening a File for every client and thus begins the process of gathering the necessary information and processing data. This helps the assessing of the violation of rights of health care and the unequal access treatment to health institutions. In conformity with this, further actions for solution are being taken.



The form and the content of the Pattern File for a Client are given in annex 1 within this Methodology. The File for a client is completed with information obtained by the further actions taken additionally.

### ***Article 11***

The documentation and the obtained information are stored in database in electronic form as well as in paper form (a copy). The database is used for analysis and for preparation of a Report.

### ***Article 12***

When the documentation is collected the process is transferred to be analyzed by the jurist, field assistant and the affected parties. The analysis is obtained through:

- Assessment to the collected data (in terms to data quality, importance and the source trust) through documentation review and discussion with the client for determination of the violation of the right and determination of the authority that has violated the rights;
- Choosing and deciding on how to solve the case through consultations with the client;
- Offering logistical support to the client for representing the case by himself;
- Taking appropriate procedure in a relevant institution, after the decision of how to solve the case is brought, in accordance with the degree of the violation of the right or initiation of litigation by involving law offices;
- Preparing a Report for the adequately brought decisions for further case solving, in order to reduce violation of rights within health care and the unequal access treatment to the health institutions;
- Choosing and deciding for monitoring, public and media presentation to the documented cases on violation of rights within health care and the unequal access treatment to the health institutions (graphic display of the process in annex 2).

### ***Article 13***

Every opened File for a client is used for preparation of quantitative and qualitative analysis, taking into consideration the data and the analysis of the documented cases on violation of rights within health care and the unequal access treatment to



the health institutions, this Report serves for making Quarter reports, Semi-annual and Annual reports, as well as for quantitative and qualitative analyses.

#### **Article 14**

Clear picture for the use of the legislative norm on the final users i.e. the Roma community is obtained through the quantitative and qualitative analyses determination, in the same time, taking into consideration the data and the analysis of the documented cases on violation of rights within health care and the unequal access treatment to the health institutions.

The documented cases are monitored and there are suggested new solutions to strengthen and deepen the cooperation between the institutions, only to prevent and avoid future violations of rights and unequal access treatment to the health institutions.

#### **Article 15**

The team of the Legal Department is obliged to keep all obtained information that they analyze, select and document, accordingly with the legal regulations on personal data protection and regulations on compression and classifying.

The person who has faced certain health care right violation signs a Declaration for usage of his/her personal data accordingly with the *Law on Personal Protection*, as well as a Power of authority empowering a representative in order to take appropriate actions regarding the violation of rights within health care protection. The form and the content of the Declaration are given in Annex 3 within the Methodology.

#### **Article 16**

All process phases must be subject of constant monitoring and assessment of their success.

The monitoring and revision enable forming flexible system for case documentation in the sense of solving and reducing violation of rights within health care and the unequal access treatment to health institutions that have previously been identified as a problem.

## **IV: APPLICATION OF METHODOLOGY**

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### ***Article 17***

This Methodology can be changed and supplemented according to the opinion of the members of ROMA S.O.S. Prilep.

### ***Article 18***

This Methodology and its Annexes can be implemented after the executive director of ROMA S.O.S. Prilep signs them.

**V: ANNEXSES**

**Annex 1. Form and content of Pattern File for a Client**

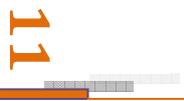
**FILE FOR CLIENT NO.**

1. Personal data

- Registration date	
- Name and surname	
- Sex:	<input type="checkbox"/> female <input type="checkbox"/> male
- Address of living	
- Date of birth	
- Contact number	
- Personal Identification Number	
- ID Number	
- Marital status:	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> lives with partner <input type="checkbox"/> divorced <input type="checkbox"/> widow <input type="checkbox"/> other _____
- Education:	<input type="checkbox"/> illiterate <input type="checkbox"/> primary (completed/uncompleted) <input type="checkbox"/> secondary (completed/uncompleted) <input type="checkbox"/> tertiary

2. Law regulation from interest in the work

- Health Care Law
- Health Insurance Law



- Community Care Law
- Law on protection of patients rights
- Legal advice
- Law on protection and prevention of discrimination
- Application to the Ombudsman
- Citizen reaction to institution
- Law on Free legal aid,
- Other \_\_\_\_\_

3. How did you obtained the information on the case?

4. Please give an explanation of the problem and requested assistance.

5. Clarify your approach or provided assistance.

A) visit of a health institution

*With who* \_\_\_\_\_

B) visit of the family in their home

B) transfer of the case to the health mediator

Γ) Other \_\_\_\_\_

Applied Law regulation:

6. How was the case solved?

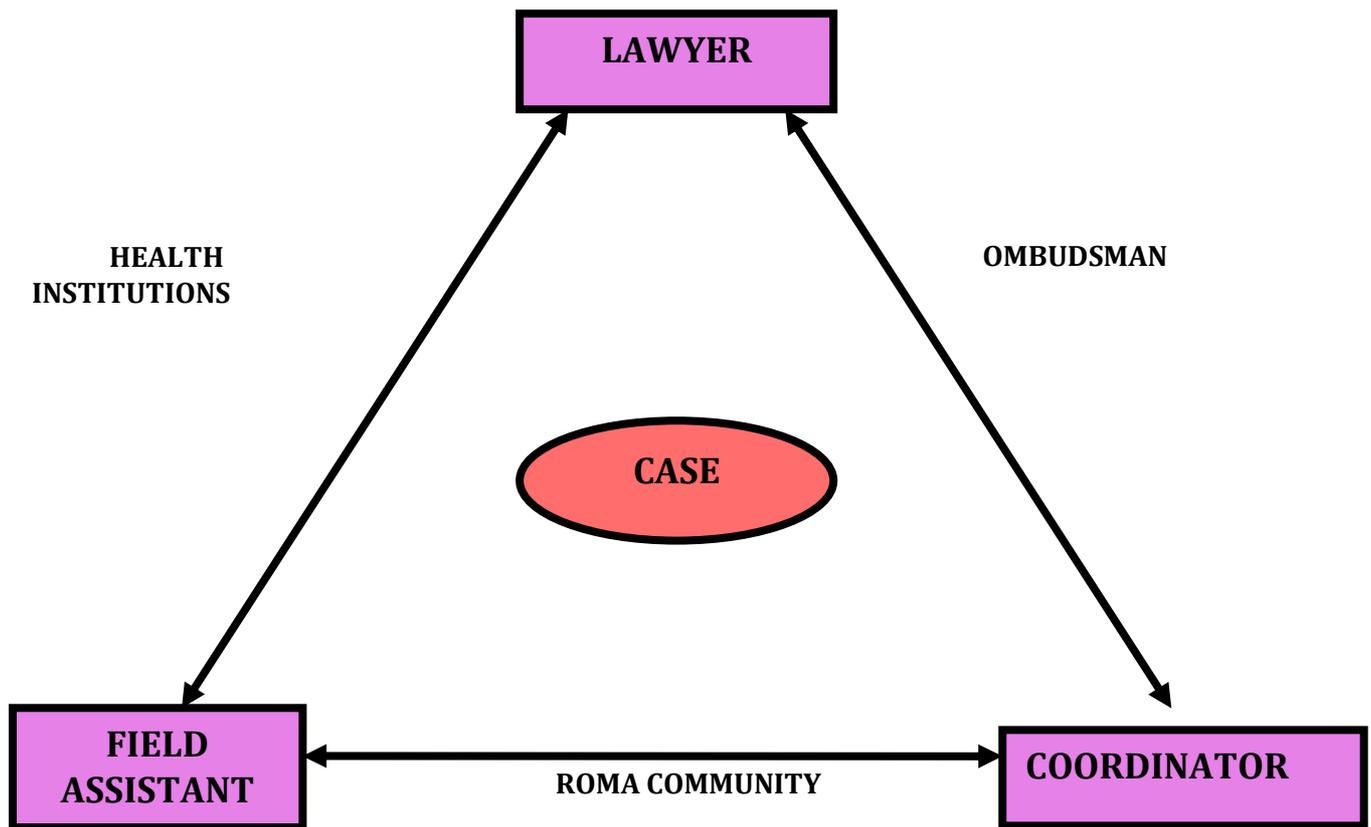
7. Challenges and success emphasized by this case.

The case was document by: \_\_\_\_\_

The case was verified by: \_\_\_\_\_

Place and date: \_\_\_\_\_

**Annex 2. First degree affected parties within documenting and acting on detected case**



**Annex 3. Form and content of client's Declaration**

**DECLARATION**

I underneath signed \_\_\_\_\_ from \_\_\_\_\_, address \_\_\_\_\_, ID number \_\_\_\_\_ and Personal Identification Number \_\_\_\_\_, give consent to the person \_\_\_\_\_ engaged by the authorized representative Nesime Salioska, in ROMA S.O.S. Prilep located on st.Dabnicka no.31 Prilep, in my name/family name to undertake actions for

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

I also give consent to ROMA S.O.S. freely to use, process and analyze my personal data (according the Law on Data Protection, Official Gazette of RM, 7/05 and 103/08), where there is a need.

**for ROMA S.O.S. Prilep**

**Nesime Salioska**

\_\_\_\_\_

**for the Client**

\_\_\_\_\_

Place and data: \_\_\_\_\_



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