

HELSINKI COMMITTEE FOR HUMAN RIGHTS

	КОМИТЕТИ И МАКЕДОНИЈА	КОМИТЕТ ДИ		
ХЕЛСИНШКИ	HELSINKIT	HELSINKI	HELSINŠKO	ХЕЛСИНШКИ
КОМИТЕТ ЗА ЧОВЕКОВИ	PER TE DREJTAT E NJERIUT	CUMHURIYETI'NIN	КОМИТЕТИ ВАСО	КОМИТЕТ ЗА ЉУДСКА
ПРАВА НА РЕПУБЛИКА	I REPUBLIKES SE	HELSINKI	TI- NDREPTULI-A E MANUSHENGERE	ПРАВА РЕПУБЛИКЕ
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STRATEGY OF THE HELSINKI COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA 2012 - 2014

Mission. The Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) is an NGO for promoting and protecting human rights with no political and religious orientation. MHC mission is to protect and promote human rights and freedoms guaranteed with the Constitution of the Republic of Macedonia and the international instruments for civil and political, social, economic and cultural rights as well as the 1975 Helsinki Final Document; building democratic conditions in which they can be exercised based on the rule of law.

MHC monitors the situation with human rights, provides legal aid to citizens in cases of violation or limitation of their rights and freedoms, and cooperates with other organisations and public institutions for the purpose of promotion, respect and protection of human rights and freedoms.

Vision. MHC sets of from the position that all people should have an opportunity to enjoy their fundamental rights and freedoms and to have an opportunity to protect them in case of their violation or limitation. This is the basis for democratic development and a guarantee of peace on national, regional and global level.

Programmes and activities. In the efforts for promoting and protecting human rights and harmonisation of legislation and practice with those of the European Union, the Committee:

1. organises systematic monitoring of human rights in Macedonia;
2. prepares reports on the situation with human rights;
3. drafts, translates, prepares and distributes materials related to the theory and exercising of human rights;
4. organises conferences, seminars, public events and other legal forms of civil action related to protection of human rights;
5. protects the rights of certain natural and legal persons on the territory of the Republic of Macedonia and before the international organisations;
6. provides free legal aid for certain natural and legal persons aimed at protection of their freedoms and rights.
7. works on the development of democracy, rule of law and civil society; and
8. does other things of public interest in compliance with the Law on Civil Associations.

Having in mind the critical points concluded as main weaknesses in the protection and exercising of human rights pointed out in our and other relevant

reports of domestic and international, governmental and non-governmental organisation, and for achieving our own mission and vision we have several priority objectives that will determine our main activities in the coming two years:

1. Freedom of expression

The general objective in this section will be to raise the awareness and culture for public addressing and promoting international standards in the field of human rights and freedoms, promotion of non-discrimination as the basic principle and promotion of constructive dialogue in the public sphere. This will ensure elementary conditions for overcoming the current crisis that is characterised with serious pressures on the freedom of expression and monopolising the media space by the authorities and creating pre-conditions for a live democratic public discourse that will strengthen the freedom of expression in the country, and thus the freedom of the media and the freedom of expression.

The key target group will be the public actors, victims of pressure in the area of freedom of expression, the competent state institutions, media, NGOs, political parties and all other actors that are kind of public agents concerned with the problem of hate speech. Special emphasis is placed on the regulation of hate speech that currently is not encompassed in any legal acts or mechanisms for protection from it, even though it is more and more frequently practiced in the public, political and media life.

Within this framework the following activities will be undertaken:

- Performing regular monitoring of the implementation of the abovementioned instruments by all the relevant actors in the country including the public officials, political parties and MPs and media presentation having in mind the ethics of public speech from the aspect of the use of hate speech and intolerance;
- Pointing out the negative examples of public appearances in stimulating and promoting culture of public speaking, influencing the authorities, political parties, politicians and media to foster public addressing in compliance with the ethic level of the developed democracies and in compliance with the international document and domestic laws;
- Drafting and publishing reports by a team composed of renowned journalists and public personalities with experience and credibility as well as organising press conferences about that;
- Stimulating debate and lobbying for legal regulation of hate speech, and
- Monitoring of court proceedings and organising trainings and seminars for slander against journalists, and in compliance with the jurisprudence of the European Court of Human Rights.

2. Freedom and security of the individual (arrest and pre-trial detention)

The Committee on several occasions has appealed for the arrest and pre-trial detention not to be used for self-promotion of the authorities in the sense of showing some kind of alleged uncompromised fight against crime and corruption. As a result of this one sided practicing of the rule-of-law state there has been serious violation of the right to freedom, privacy and integrity of the person. This unavoidably uprooted also the integrity of the system and the trust of citizens in the institutions of the system.

Hence, the Committee will dedicate special attention to the treatment of the citizens by the police, especially in a situation when their rights and freedoms are especially vulnerable (when detained in the police station or when in pre-trial detention).

The Helsinki Committee has continuously been pointing at the need for the court authorities to respect the standards for the use of pre-trial detention as the ultimate means for ensuring the presence of the defendants, as the last measure applied if the goal cannot be achieved with a softer measure. Sadly, the court authorities continue to abuse pre-trial detention as the easiest measure for ensuring the presence of the defendant in carrying the criminal procedure instead of applying alternative measures.

Within this framework the following activities will be undertaken:

- pointing at the bad treatment of detainees and monitoring the implementation of the recommendations of the international reports by the relevant officials from the UN and Europe, including the Commissioner for Human Rights at the Council of Europe;
- undertaking proper measures and activities aimed at influencing the promotion of the right and the practice related to pre-trial detention (seminars, projects, legal initiatives, etc.);
- drafting standards for reporting on penal actions by the police, the Public Prosecutor's Office and the court; and
- enhancing the legislation and practice in order to ensure easier access to a lawyer and free legal aid when detained in a police station; creating a list of lawyers on call by their association available to the police; equipping certain stations for detention; training the officers for handling the detainees; preparing new instructions about the rights of the suspects (in many languages); equipping the stations for registering the detained persons with a possibility for investigation by the prosecutor's office and the ombudsman; equipping and training for recording all the interviews with suspects and victims, a guidebook for performing interviews with suspects, witnesses and victims, etc.

3. Elimination of police brutality

An important element in defining the democratic society is the police which will respect the rule of law that incorporates the values as respect of human dignity.

One could say that the problem with the lack of serious control of the police, and especially the lack of fundamental and efficient investigation of the police overstepping is common and especially serious for the Republic of Macedonia which in the academic literature is stated as an example of the so-called impunity. Based on the serious criticisms coming from competent international institutions one could conclude that the institutions competent for the police control have seriously failed in performing this very important role they have in a democratic rule-of-law state! The common shortcoming of the competent institutions is the lack of professionalism and absence of serious dedication to the role entrusted by the system.

From the Court in Strasbourg decisions, CPT reports and various governmental and non-governmental organisations that deal with human rights one can see that the police overstepping in the Republic of Macedonia are not only some isolated incidents of individuals. On the contrary apart from the declarative adoption of modern value paradigms as a *rule-of-law state* and *human rights and freedoms*, the police see human rights as an obstacle for successful implementation of the laws or in implementing certain policies. What is of great concern is the fact that these value

attitudes often also determine those that in a rule-of-law state need to control the police, so instead of strictly sanctioning the cases of police overstepping they sometimes try to cover them up or to sweep them under the carpet. This is a serious phenomenon of not punishing the police overstepping, and consequently the reasons for the dysfunctionality of the system which deserve special attention and serious investigation, which is the reason for the Committee to continue dedicating itself to this issue. In that sense the activities of the Committee will be focused on enhancing transparency and accountability of the police and the other bodies with special competences.

Within this framework the following activities will be undertaken:

- proposing proper legal and systematic reforms for enhancing the institutional and civil control of the police.
- lobbying for establishing and strengthening the proper control mechanisms which also involves the broader public aimed at ensuring that the complaints and reports against police officers are properly investigated and sanctioned.
- implementing monitoring activities of the police proceedings as well those where bad behaviour by the police means violation of human rights; and
- organising familiarisation campaigns for raising the awareness among common people on issues that cover the very monitoring.

4. Protection from discrimination

We set of from the position that all people are equal before the law and have a right to equal protection by the law with no discrimination. In this sense the law needs to forbid any kind of discrimination and to guarantee to all individuals equal and effective protection from discrimination on any grounds. The general objective on a national level is introducing such changes in the legislation that will ensure full implementation of the international standards in this area. The strategic goal of MHC is further institutional strengthening of the state and creating practical pre-conditions for identifying discrimination, for limiting and sanctioning of the cases of discrimination.

4.1. As a special problem the discrimination of the LGBT citizens as well as those with no religious convictions will be reviewed. These marginalised groups are under constant pressure and live in fear of utterly stigmatising actions by the representatives of the state institutions.

Within this framework the following activities will be undertaken:

- Cooperation with the Committee for Protection against Discrimination aimed at increasing its capacities,
- Activities for informing the public about the mechanisms for protection against discrimination (with a special emphasis on the legal provisions),
- Constant monitoring of the cases of discrimination, informing the public about them and preparation of specific recommendations for action.

5. Prisons and institutions for incarceration

Taking into consideration the many years of involvement of the Helsinki Committee in the area of prisons and institutions for incarceration the Helsinki Committee will continue to observe the situation in the prisons and institutions for incarceration, all aimed at improving the way the prisoners and other persons protected in the institutions for incarceration enjoy their rights.

The Helsinki Committee has continuously acted on all submissions, complaints and requests by the convicts informing us about violations of their rights linked to their practising or improper treatment by the services. With the cases of this type also the issue of the material conditions, the equipment, professionalism and attitude of the employees at the institutions for incarceration is treated as well as the possible violations of the proceedings for voluntary and forced hospitalisation.

The Helsinki Committee in that sense will continue to cooperate with the competent public institutions, primarily the Ministry of Justice, the Directorate for Execution of Sanctions, the Ministry of Health and the Ombudsman.

The final goal of the Helsinki Committee is establishing the basic and essential cooperation with the competent institutions for allowing the NGO sector for free and unannounced performance of fact-finding missions at the prisons and institutions for incarceration having in mind both national and international regulations.

Within this framework the following activities will be undertaken:

- maintaining cooperation with the competent public institutions (convening meetings with the institutions for the purpose of deepening the cooperation and finding ways of facilitating the proceedings for performing fact-finding missions);
- continued unannounced visits to prisons and institutions for incarceration;
- after submitted a request by a prisoner or a detainee or an individual protected at an institution for incarceration there will be a visit during which there will be a meeting with the head of the institution (or the person managing it) and if necessary with the medical professional as well as with the individual that addressed the Helsinki Committee;
- drafting and publishing reports; and
- making recommendations and giving guidelines for improving the situation.

6. The rights of the children

The Helsinki Committee acts upon officially submitted motions, complaints and requests that refer to the problem of the rights of the children. The Helsinki Committee responds to the information received from the public media and the printed media.

The most frequent areas for reaction by the Helsinki Committee are the violations of the visitation rights, abuse of children, the rights of the children at the proper institutions, the rights of the children as patients, the rights of the street children and other grounds.

Working methodology

Organisation. MHC will work based on the existing Statute and within the framework of the existing organisational structure. For the purpose of fulfilling the strategically envisaged missions the Board members will be actively involved in the management of specific project activities and strengthening of the professional office of the Committee which should be strengthened with full and part time lawyers and jurists as well as with staff that will work specifically on drafting and implementing projects.

In the course of the coming years we are going to work on the idea of membership and Committee membership. Having in mind the expressed desire and interest of a significant number of experts in the field of human rights and other areas close to it as well as aimed at building sustainability of the Committee a membership

system and a circle of persons that will support directly the activities and actions of the Committee will be established.

In the coming period attention will be dedicated to the development of the committee's youth and training for voluntarily activities. Furthermore, monitoring network should be renewed and a new circle of training and additional training for the monitors in other cities in the state need to be initiated.

Activities. The activities of the Helsinki Committee are based on competence, objectivity, impartiality, non-discrimination on any grounds, which is the basis also of the comments of the Committee on the situation with human rights. The Helsinki Committee reacts in cases of violation of human rights that are guaranteed with international documents and protected with the Constitution, the laws and the institutions in the Republic of Macedonia.

The activities that the Helsinki Committee will undertake and perform in the coming years should ensure:

- Informing, encouraging and mobilising the citizens, encouraging and mobilising the citizens/public/media for reacting in the direction of promoting and protecting their individual rights, as well as the rights and the freedoms of others;
- Promoting and advocating for human rights and freedoms before the governmental institutions and developing sensibility of the public about their violation and establishing socially acceptable mechanisms for their prevention
- Cooperation, raising the awareness i.e. influencing judicial and administrative bodies aimed at fulfilling their functions in compliance with the standards adopted by the state with the ratification of the international agreements.

The activities are systematised with the following activities:

1. Case activities (interventions in specific cases);
2. Monitoring the legislation from the aspect of human rights and drafting reports and communiqués;
 - 2.1. Motions to the Constitutional Court of the Republic of Macedonia for initiating a procedure for assessing constitutionality and legality as well as the applications to the European Court of Human Rights;
 - 2.2. Providing opinions, notifications and suggestions to legal projects;
3. Monitoring in performing the state obligations in compliance with the undertaken obligations that stem from the international documents:
 - regular month reports;
 - special analysis of certain phenomena;
 - reports on the missions for establishing the facts in certain events;
4. Education and promotion;
5. Round tables as forms for debating on certain issues linked to the status of human rights;
6. Public relations (press conferences and briefings).

Cooperation and partnerships. On an international level the common activities with the neighbouring and other Helsinki Committees will be continued and deepened within the framework of constant and new networks of NGOs that work in the field of human rights and with the representatives of the UN, the Council of Europe and the OSCE Mission in the Republic of Macedonia.

On a national level the MHC will make efforts to increase the cooperation with:

- the NGOs on the territory of the Republic of Macedonia (by providing assistance, direct cooperation and joint work on projects);
- with academic institutions (law faculties, faculty of security, investigation institutions);
- other structures and associations (trade unions, professional associations and development agencies)
- state bodies with controlling function (the Ombudsman, the Standing Inquiry Committee, the Sector for Internal Control at MOI, the Directorate for Monitoring the Execution of Sanctions).
- offices that offer specific services in the field of social affairs (Centres for Social Welfare).

Financing. MHC will work on the pluralisation of the financing sources in order to provide means for different programmes that stem from the established goals of the Committee. Afterwards MHC will start looking for more long-term sources of financing that would enable continued construction of capacities for acting and building a strong core of experts that will ensure proper operation of the Committee.

A unique feature of MHC within the framework of civil society in the Republic of Macedonia is its role of the guardian of the rights and the freedoms. This function MHC can continue performing in the coming period only if it maintains the financial independence in regard to the state and to any of the political parties or structures in the Republic of Macedonia.

The uniqueness in this sense has already been seen by many of the political structures and especially by the citizens and the media and the opinion of MHC is used as a constant controlling benchmark regarding the developments linked to human rights and freedoms.

This position of MHC enables also both direct and indirect support by the smaller NGOs (especially organisations that work with sensitive and marginalised groups and those who are exposed to hostile attitude by both the state and the public).