

HELSINKI COMMITTEE FOR HUMAN RIGHTS

ХЕЛСИНШКИ КОМИТЕТ ЗА ЧОВЕКОВИ ПРАВА НА РЕПУБЛИКА МАКЕДОНИЈА
КОМИТЕТИ И МАКЕДОНИЈА КОМИТЕТ ДИ
HELSINKI CUMHURİYETİ'NİN HELSINKI
PER TE DRETTAT E HJERUT I REPUBLIKES SE MA K E D O N I S E E
INSAN HAKLARI KOMİTESİ M A C H E D O N I A
HELSINSKO HELSINKI
COMITETI BAŠO KOMITET ZA LJUDSKA
E MANUŠENGERE PRAVA REPUBLIKE
NEJAMIJA KI PRAVA REPUBLIKE
REPUBLICA NEJAMIJA KI PRAVA REPUBLIKE
REPUBLICA MAKEDONIJA MA K E D O N I J E

Наум Наумовски Борче 83; 1000 Скопје, Р. Македонија; тел/факс: + 389 2 311 9073; +389 2 329 0469
Naum Naumovski Borche 83; 1000 Skopje; R. Macedonia; tel/fax: + 389 2 311 9073; +389 2 329 0469

STRATEGY OF THE HELSINKI COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA 2018-2020

Vision

The vision of the Helsinki Committee for Human Rights of the Republic of Macedonia (the Committee) is a society in which all people can enjoy and exercise their fundamental rights and freedoms and enjoy protection in cases of infringement or limitation of such rights and freedoms.

Mission

The mission of the Committee is to protect and promote the human rights and freedoms guaranteed with the Constitution of RM and the international instruments on civil, political, social, economic and cultural rights, including the Helsinki Final Act of 1975, as well as to create democratic conditions for enjoyment of such rights and freedoms based on the rule of law.

The Committee strives to achieve its mission by acting in the following areas:

1. *Human rights*
2. *Democracy*
3. *Rule of law*
4. *Equal treatment*

Strategic goals

Over the next three years, the Helsinki Committee for Human Rights will be committed to achieving the three key strategic goals underlying the organization's Vision and Mission:

1. *Promotion and protection of human rights and freedoms*
2. *Raising citizens' awareness about their rights and freedoms and the mechanisms for their protection*
3. *Creating an enabling environment for enforcement of citizens' rights in the society as a whole.*

Programs

Taking into account the critical points identified as the main weaknesses in the protection and enforcement of human rights underlined in our and other relevant reports of domestic and international governmental and non-governmental organizations, and in order to achieve our own mission and vision, we have established several priority goals which determine our main programs over the next three years:

1. Rule of Law

Judiciary

Domestic and international reports on human rights, without exception, point out to the judiciary as the main obstacle to full compliance with the rule of law principle. Judicial independence, namely the judicial susceptance to the influence of the executive power, remains a key problem. Additionally, insufficient skills and knowledge of judges and public prosecutors, lack of transparency in the work of the judicial authorities, inconsistent case-law and the absence of efficient legal protection, particularly the limited access to justice, infringement of the right to trial within reasonable time and to fair trial, including violation of the presumption of innocence, were among the problems noted.

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In that sense, the Committee will continue to monitor civil, criminal and administrative proceedings, especially those that might have an adverse effect, due to their nature or political background, on the enjoyment of human rights of certain individuals or the social developments in a broader sense.

The Committee will continue to make efforts towards judiciary reform through active participation in all reform processes and initiatives for changes in the legal and institutional framework of the judiciary, always relying on the principles of rule of law, access to justice and equality.

Fighting corruption

Corruption and conflict of interests are underlined in all relevant analysis as phenomena that still go largely unpunished, and there is a prevailing public perception that the fight against corruption yields no satisfactory results. What is more, the Republic of Macedonia's ranking on the Corruption Perceptions Index is continually and significantly dropping.

Judicial corruption is particularly concerning, especially taking into account the latter's significance in building the rule of law system and in the actual fight against corruption in the other two branches of Government. Moreover, the increased level of corruption has a negative impact on the effective enjoyment of the guaranteed rights and freedoms of citizens and compromises their legal security.

Taking the above into account, the Committee remains committed to monitoring court proceedings which involve organized crime and corruption, as well as to providing appropriate legal assistance to victims of corruption. Also, by lobbying for increased accountability and transparency of all institutions, with special emphasis on the judicial ones, the Committee will strive to contribute to putting an end to impunity and ensure criminal liability of all those whose acts of corruption jeopardize the individual rights and freedoms and the rule of law system in the country.

2. Equal treatment

Protection against discrimination

All are equal before the Constitution and the law, and all have the right to equal treatment and protection against discrimination. The state must ensure effective protection against all forms of discrimination and provide equal access to justice for all. The main goal is improving the legislation towards full implementation of the international standards in this field. The Committee's strategic goal is further strengthening of the mechanisms for protection and creating practical preconditions for identification, prevention and sanctioning of discrimination cases and enabling access to justice. The Committee will continue to monitor the work of the equality bodies, courts and other institutions in the protection against discrimination.

Continuing activities will be undertaken related to discrimination against the LGBTI community, discrimination based on ethnicity, religion, sex and gender, physical or mental disability, political beliefs or affiliation, including all other grounds. Besides acting on individual and collective complaints, the Committee will provide representation before domestic and international courts and other mechanism for protection against discrimination.

Vulnerable groups

People with disabilities, the Roma, women textile workers, women from rural areas, victims of domestic and other forms of gender-based violence also constitute ones of the most vulnerable groups in our society, for which the society is yet to undertake substantial measures for promotion of their

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social status. Education remains inaccessible for the majority of people from these groups, mainly due to the inaccessibility of school buildings for people with disabilities and girls from rural areas, as well as due to the fact that poverty and juvenile marriages lead to many school children from vulnerable groups to drop out of school.

The Helsinki Committee will continue to monitor the reforms in the social and health protection system, including the education system, in order to ensure improvement in the equal access to all goods and services provided by the state, which is a precondition for improved quality of life. Special emphasis will be put on the vulnerable groups, which are in dire need of efficient policies for improvement of their social status. Indeed, this includes employment policies for these groups of people and mechanisms for protection against infringement of their rights.

Hate speech and hate crimes

The Republic of Macedonia lacks a systematic and substantive approach to crimes motivated by prejudice and intolerance, i.e. hate speech and hate crimes. There is a visible lack of action by competent authorities to prosecute such crimes, and public awareness to report them remains low. There are insufficient preventive measures, including education on human rights and raising public awareness. Thus, the state fails to provide special protection and support of victims. The most common victims of hate speech and hate crimes are young people, who often assume the role of perpetrators as well. Over the past years, sexual orientation and gender identity, ethnicity and political affiliation have been noted as the three prevailing grounds for hate speech and hate crimes, and the number of registered cases varies depending on the social and political circumstances and the individual specifics of the case. The Helsinki Committee will continue to record hate speech and hate crime through its operative internet platforms (www.govornaomraza.mk and www.zlostorstvaodomraza.mk). These platforms enable citizens to report incident and help raising the awareness about the consequences of hate speech and hate crimes. Additionally, the Committee will continue to represent victims of such crimes before domestic and international protection mechanisms and courts, work on the promotion of the legal framework and regularly inform the public and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

3. Closed institutions and torture, inhuman and degrading treatment and punishment

Prisons, detention centers, police stations, psychiatric institutions and other closed institutions

The Helsinki Committee will continue to monitor the conditions in closed institutions and other places which restrict or deny freedom of movement, where citizens are put in the most vulnerable position and exposed to the risk of violation of their rights arising from national and international standards for human rights. The Committee will act upon all complaints regarding the conditions, treatment, health care, resocialization and exercise of all other rights in closed-type institutions, in accordance with the international standards and principles. Also, the Helsinki Committee will make additional efforts to establish meaningful and permanent communication and cooperation with the state authorities, in order to ensure its uninterrupted access to closed institutions for the purposes of inspection of the conditions and examination of individual cases of people deprived of freedom.

Police conduct

Over the past years, numerous instances of police conduct involving abuse of police powers, use of disproportionate, unlawful and unjustified force and means of coercion have been noted. With their conduct during public gatherings and protests, not to mention the spectacular public arrests of public figures, the police have positioned itself as an apparatus of repression instead of a service for protecting citizens' rights. The mechanisms of internal control and oversight of police work are hardly functional and there is no liability for overstepping police authorizations. This has led to a significant

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decline in the public trust in the police and decreased sense of freedom, safety and legal security in citizens regarding protection of their human rights. The Helsinki Committee will continue to monitor the police conduct and will provide legal assistance in individual cases of overstepping police authorizations and protection of victims against police brutality. Moreover, the Committee will stay committed to promoting professionalization of the police service, increased supervision of their work and their sensibilization for dealing with vulnerable groups of citizens.

Torture and other forms of inhuman and degrading conduct or punishment

Absolute prohibition of torture, inhuman and degrading conduct is one of the international human rights imperatives, which is not always respected in the Republic of Macedonia. Numerous cases of violation of this right have been registered over the past years, both substantive (nonrecognition of torture) and procedural (ineffective investigation) in nature, in all types of closed institutions, including public institutions where corporal punishment has been noticed, such as special institutes, housing facilities for people with disabilities, and even state hospitals. The fact that no effective judgement regarding this criminal offence has even been passed in the Republic of Macedonia speaks for the law-enforcement bodies' misconduct in cases of torture. Tolerance and absence of punishment of this phenomenon may be interpreted as its condonance. Therefore, the work of the Committee will be directed towards provision of legal assistance and representation of victims of torture, increased pressure on authorities to hold accountable and punish perpetrators, as well as promotion of victim rehabilitation policies.

4. Social justice and cohesion

Social justice

Social justice is an underlying principle for peaceful and prosperous coexistence within and among nations. We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, disability, sexual orientation or gender identity.

In the Republic of Macedonia, we register numerous violations of citizens' economic and social rights, which is a result of the deepened poverty in the country, the high unemployment rates, but also the slow reforms in the areas of social and health protection and education.

Workers' rights

Violation of workers' rights of vulnerable groups imposes the need for greater action by the Committee in terms of provision of legal assistance for protection of the right to work. In this context, the Committee will monitor the policies for improvement of the access to employment of vulnerable groups and the efficiency of the protection mechanisms in cases of labor rights violations. The Helsinki Committee will work more actively with trade unions and workers' rights representatives in the community in order to disclose cases of workers' rights violations and to strengthen the local advocacy capacity of workers to organize and negotiate equitable and dignified working conditions and to eliminate child labor, forced labor and discrimination. In this regard, the Helsinki Committee will especially retain its focus on women textile workers from across the country as one of the most vulnerable groups in our society.

Deinstitutionalization

It is of essence that the state promptly adopts and seriously starts implementing a new deinstitutionalization strategy in order for the most vulnerable people, housed in the institutions of the system, to finally receive the appropriate non-institutional care.

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The Helsinki Committee will continue to actively participate in the promotion of the deinstitutionalization strategy. Following the adoption of the new strategy, the Helsinki Committee will be actively involved in monitoring the implementation of the strategy, especially in the part regarding provision of non-institutional care to people with disabilities.

5. Migrant, refugees and asylum seekers

Human rights apply to all people, everywhere in the world and with no time limit. Starting from this principle, in line with the international documents on human and constitutional rights, the Helsinki Committee promotes unrestricted enjoyment and protection of human rights of all people on the territory of the Republic of Macedonia, and not only its citizens. Faced with the challenges and consequences of the biggest refugee crises in history and with the failure of the state to guarantee and protect the refugees' rights, the Helsinki Committee will focus on advancement and protection of the rights of refugees and migrants who reside in or transit through the country. Apart from monitoring and informing the public about any violations of the refugees' human rights, the Helsinki Committee will also work on raising citizens' awareness about the refugees' status and the problems they are faced with in order to alleviate the xenophobia and the intolerance directed towards them and to facilitate the process of their integration.

6. Free Legal Aid

The Helsinki Committee, as an authorized association for providing preliminary legal aid, through everyday direct communication with citizens, provides legal aid in the form of legal advice, initial council and, if necessary, filling-out application forms for free legal aid in civil and administrative proceedings related to social, health, pension or disability insurance, labor relations, child protection, protection of victims of domestic violence, protection of victims of human trafficking and granting the right to asylum, and property law issues to persons who, regardless of their financial standing, are not in the position to obtain access to justice and judicial protection. In practice, the implementation of this law revealed many shortcomings and flaws of the current law and in the entire free legal aid system in general. The Committee, through proposals and recommendations, is working on improving the text of the law, so the new Law on Free Legal Aid enables, in practice, access of a greater number of citizens to justice, judicial protection and quality and fair trial.

7. Youth

The work with the youth within the Helsinki Committee is organized through the Helsinki Committee Youth Group. It is an informal, nonpolitical and nonreligious group of young people who volunteer to participate in the work of the Group that functions on the principles of equality, non-discrimination, tolerance and impartiality. The main purpose for the establishment of the Youth Group was to provide young people with access to information and educational contents on the observance, promotion and protection of human rights and freedoms of all people. Moreover, membership in the Group enables them to get familiar with and take active participation in social problems and developments related to human rights and freedoms.

Through the coordination of the Youth Group, the Helsinki Committee will continue to encourage youth activism and active participation of the young in the democratic processes, as well as strengthen their capacities in terms of observance, promotion and protection of human rights and freedoms.

LGBTI Support Center

The LGBTI Support Center has been functioning as part of the Committee since 2012 and, acting upon the needs of the LGBTI Community, has develop activities grouped in three programs:

