

HELSINKI COMMITTEE FOR HUMAN RIGHTS



QUARTERLY REPORT ON HUMAN RIGHTS IN THE REPUBLIC OF MACEDONIA

OCTOBER-DECEMBER 2012

CONTENTS

PUBLIC EVENTS AND VIOLATIONS OF DEMOCRATIC PRINCIPLES

- March for Tolerance “STOP Misogyny, Transphobia and Homophobia”
- Citizens Initiative “AMAN”
- Attack on the Constitutional Order | 24.12.2012 | Macedonian Assembly
- Hate Speech
- Violations of the Principle of Secularity of the State
- Lustration
- Law on Civil Liability for Insult and Defamation

POLICE TREATMENT AND CLOSED INSTITUTIONS

- Torture of Prisoners in the Detention Center Skopje

DISCRIMINATION

- Constitutional Initiative on Family Law

COURT CASES

- Dushan Ilievski (Dushko “the Milkman”) and Others
- Domestic Violence
- Ljube Boskovski and Others (“Rover”)

ECONOMIC AND SOCIAL RIGHTS

- Strike of Healthcare Workers

LGBT SUPPORT CENTER (*Special report*)

JANUARY 2013

PUBLIC EVENTS AND VIOLATIONS OF DEMOCRATIC PRINCIPLES

MARCH OF TOLERANCE “STOP MISOGYNY, TRANSPHOBIA AND HOMOPHOBIA”

On 17.11.2012, the Helsinki Committee held the “March for Tolerance” where for the fourth time the International Day of Tolerance was marked. This year the march was dedicated to three social groups in the Republic of Macedonia who for the past year were subjected to public discrediting, discrimination and hate speech: women, transgender persons, as well as persons with homosexual orientation i.e. gay men and women under the motto “STOP Misogyny, Homophobia and Transphobia”. The committee on several occasions informed the public that a campaign is led in the media for demotion of the social status of women through an indirect attack on the right of choice, imposing a sense of guilt for the decreased nation’s birth rates, homophobic and transphobic propaganda which directly suggests that the members of the LGBT community cannot contribute to the development of a “healthy nation”. As a result of this campaign “The March for Tolerance” began with a physical attack on two activists for human rights, during the preparation of the stands for NGOs who supported the event.

The Committee welcomes the appropriate security of the event, and the prompt reaction of the police for finding the person that committed the assault. The Committee expects that proceedings should be initiated against this person which the Committee will monitor in its entirety and will give more information about this unfortunate event.

In addition, the Committee and representatives of the coalition “Sexual and Health Rights of Marginalized Communities” publicly called upon the Prime Minister of the Republic of Macedonia Nikola Gruevski, the Minister for Labor and Social Affairs Spiro Ristevski, the Minister for Internal Affairs Gordana Jankulovska to condemn the violence which we consider resulted from the hate speech and the homophobic campaign in which they participated through public statements. Unfortunately, the violence was condemned only by the Minister for Internal Affairs whereas the Minister Spiro Ristevski did not perceive his role and contribution to the incitement of violence towards the LGBT community based on his statements.

CIVIL INITIATIVE “AMAN”

The Helsinki Committee for Human Rights acts upon the request for legal assistance submitted by representatives of the Civil Initiative “Aman”, it monitors the activities related to the initiative and provides communication with the appropriate institutions in accordance with the laws of the Republic of Macedonia. The activists of this civil initiative terminated the weekly protests in order to demand institutional solutions to the requests that resulted

from the movement. In this respect, on 18.10.2012 they initiated proceedings for the collection of 10,000 signatures in accordance with the Law on Referendum and Other Forms of Direct Expression of the Citizens¹ in order to make changes in the Energy Law².

The Government of the Republic of Macedonia abused the undefined deadline by which it should inform the body of the state administration in charge of recording the electoral right or in this case the State Election Committee through the Article 67, paragraph 1 of the Law.

Although the initiative was appropriate, approved by the President of the Parliament and two parliamentary committees within legal deadlines, the Government did not inform the State Electoral Commissions to act upon the initiative, whereby the deadline of 3 months for collecting 10,000 signatures was significantly shortened. The procedure began on 06.12.2012 and lasted to 30.01.2013. The Helsinki Committee is preparing a detailed analysis of the Law on Referendum and Other Forms of Direct Expression of Citizens, the role of the State Election Committee and a comparative analysis for conducting civil initiatives in European countries, in order to offer improvement of the legal frame, a more simple access for the citizens and active participation in adopting decisions of public interest through the forms of direct democracy i.e. access to the civil and political rights guaranteed by the Constitution.

**ATTACK ON THE CONSTITUTIONAL ORDER | 24.12.2013 | MACEDONIAN
ASSEMBLY**

The Helsinki Committee monitors the latest events on the Macedonian political scene with concern. Representatives of the Committee on 24.12.2012 during the protest of the “People’s Front” on one side and sympathizers and members of the opposition on the other side, from the very beginning monitored the developments in the role of observers from the aspect of respecting the rights and freedoms of citizens during a public gathering. At the same time, the Committee declared with a public statement that on this day a blow was given to the democratic order of the Republic of Macedonia. This position is based on several bases:

1. Forceful expulsion of the media from the Parliament’s gallery who have appropriately announced their presence in order to monitor the public debate for the adoption of the Budget of the Republic of Macedonia for 2013.
2. Use of physical violence on male and female MPs from several parties of the opposition by still unidentified officers from the Ministry of Internal Affairs in an attempt to block the adoption of the Budget after debate was denied and amendments proposed by the opposition were not adopted.
3. Non-initiation of proceedings/investigation by relevant institutions about the events in the Assembly hall.

¹ Official Gazette of the Republic of Macedonia No. 81/2005.

² Official Gazette of the Republic of Macedonia No. 16/2011 and 136/2011.

4. Use of disproportionate physical force on citizens that broke through the police cordon, but also selective detention and use of unnecessary forceful measures on two citizens during the protests of the opposition party SDSM and its sympathizers on one side and the “People’s Front” on the other side.

The Committee determined with concern that with these actions the Constitutional order of the Republic of Macedonia is disrupted and the developments represent an unseen precedent in contradiction with the basic principles of the legal state and the rule of law. It is especially troubling that the MPs from the opposition stated that they were forcefully thrown out from the Assembly hall by members of the special police units.

The Committee indicates that in accordance with the Rules of Procedure of the Assembly, the President of the Assembly in order to maintain order can give orders to remove an MP, but not whole parliamentary groups. If order cannot be maintained in the Assembly hall he should first give two verbal reprimands and if that does not contribute to maintain peace, he should announce a short break of the session.

The Helsinki Committee determines the factual condition through photo and video materials of the described events, made on 24.12.2012. Also, the group of MPs turned to the Committee, gave statements and filled a request for legal assistance. A request for information of public character is sent to the Assembly of the Republic of Macedonia in order to ascertain all aspects before publishing the final position of the Committee which will be presented in the form of a special report.

HATE SPEECH

The Helsinki Committee monitors the media, social networks and statements made by high public office holders and representatives of political parties in continuity, and at the same time it has found that these last few months hate speech has increased and has resulted in physical violence which becomes a part of the everyday life in the Republic of Macedonia. Additionally, the Committee considers that the violence is a result of expressed hate speech that is not being condemned and that passes without any significant remarks by the institutions such as the Ombudsman, the Commission for Protection against Discrimination, the Standing Inquiry Committee for Human Rights in the Assembly of the Republic of Macedonia and other relevant institutions.

In absence of specific measures to combat hate speech, the Helsinki Committee established that:

1. Hate speech based on ethnicity is most common especially in the internal disagreements between the coalition partners VMRO-DPMNE and DUI³ in the

³ The Committee noted an increase in physical violence expressed among the youth after the celebration and the marking of 100 years of independence of the Albanian state and the
(footnote continued)

Government of the Republic of Macedonia which reflect with expressed physical violence among the young population in the public transport, high-schools and social networks.

2. The hate speech based on sexual orientation marks an increase after the aggressive campaign led by the media against the LGBTI community (described in detail in item 1.1 of this report) by high office holders. And in this case, hate speech resulted in physical violence towards activists of the “March for Tolerance”.

3. The political hatred is present especially after the great political unrest between the two biggest parties from the Macedonian block, VMRO-DPMNE and SDSM. Despite the fact that the Committee found political labeling and hate speech towards activists of the civil initiative “Aman”, the political hatred escalated with violence between sympathizers and members of parties during the protests before the Assembly of the Republic of Macedonia on 24.12.2012 when several citizens were injured.

ATTACK ON THE PRINCIPLE OF SECULARITY OF THE STATE

Taking into consideration the unequivocal secularism i.e. separation of the church from the state, constituted as sovereign, independent and civil and democratic state, whose founding value is to establish rule of law and division of power to legislative, executive and judicial, the Committee calls upon the representatives of the two major religious communities and their legal entities Macedonian Orthodox Church (MOC) and the Islamic Religious Community (IRC) to refrain from interfering in politics, polity and provoking interreligious division between citizens of the Republic of Macedonia.

This reaction of the Committee is founded on recent statements of the head of MOC HH Stefan and the head of IRC Reis Sulejman Ul Ulema Efendi Rexhepi and on the calls to the believers for national unification. These statements and the opinions of religious leaders on the undisputed sovereignty that arises from the Constitution of the Republic of Macedonia and international law can be wrongly interpreted and can increase the ethnic tensions among the citizens that are members of the Macedonian and Albanian ethnic community.⁴ At the same time the neglect of the rest of the religious groups, the close connection of religion

contradictory positions of the parties on the basis of adopting the Law on the distinctive rights of the members of the security forces of the Republic of Macedonia.

⁴ Article 19 of the Constitution of the Republic of Macedonia regulates that the Macedonian Orthodox Church as well as the Islamic Religious Community, the Catholic Church, the Evangelical-Methodist Church, the Jewish community and other religious communities and religious groups are separated from the state and are equal before the law. This clearly shows that in the Republic of Macedonia there is no state religion. The state is secular and the religion is separated from it. It means that the state has no right to interfere in religious matters nor does the church has the right to interfere in state affairs. With the Law on bodies of state administration the Commission on Relations with Religious Communities and Religious Groups is founded as a special civil service body. This body has the status of a legal entity. Article 29 of this Law stipulates that the Commission on Relations with Religious Communities and Religious Groups takes care of the legal status of the religious communities and religious groups and the relations between the state, the religious communities and the religious groups.

with national unity of separate ethnic groups, statements by religious leaders and calls to citizens can cause a deep division on a religious basis, deepen the already great ethnic division and contribute for the violation of sovereignty which, according to Article 2 of the Constitution of the Republic of Macedonia stems and belongs to all citizens equally.

LUSTRATION

On September 3, 2012 the Helsinki Committee submitted an initiative to the Constitutional Court for initiating proceedings for evaluation of the constitutionality of the so called Lustration Law.⁵ Part of the initiative is the proposal for adoption of a decision for halting the performance of actions taken based on the Law and with the purpose to avoid consequences to the citizens, difficult to overcome. Until the finalization of this report the Constitutional Court of the Republic of Macedonia did not adopt the proposed decision. In the meantime, the Commission for Data Verification continued to publish names of alleged collaborators with the bodies of state security on its web page, before such status has been confirmed by the Administrative Court which in the meantime annulled two decisions adopted by the Commission.

On December 17th 2012, the Venice Commission at the Council of Europe published its legal opinion (*amicus curiae*) concerning the Lustration Law.⁶ In the document it is stated that the legal opinion is prepared by request of the President of the Constitutional Court of the Republic of Macedonia, sent to the Venice Commission on September 7th 2012, i.e. four days after the submitted Initiative by the Helsinki Committee. During the analysis of the legal opinion, the Helsinki Committee established that the Venice Commission referred to all of the provisions challenged by the Committee. The opinion is conceptualized in four main parts that refer to: 1) the period during which the Law is applied, 2) the entities that it covers, 3) the procedural guarantees of persons for whom the procedure is being initiated and 4) publication of their names on the internet. The main conclusions that arise from the document (drawn based on international standards, case law of the European Court for Human Rights and a comparative study of the legislation and case law in other European countries that implement or had implemented the lustration process) are:

- 1) Through introducing lustration measures after a longer period from the start of the democratic processes in one country there is a risk that doubts would be raised about the true goals of such measures. Revenge must not overcome the protection of democracy.
- 2) Applying lustration measures for entities that are employed in private companies or companies with mixed ownership surpasses the goal of the lustration.

⁵ Law on Determining a Condition for Limiting the Performance of a Public Function, access to documents and publishing the collaboration with the bodies of state security (Official Gazette of the Republic of Macedonia No. 86/2012).

⁶ Available at: [http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD\(2012\)028-e](http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2012)028-e)

- 3) Absence of the person against whom a lustration procedure is conducted during the procedure at the Commission for Data Verification is not in accordance with their rights to a defense and especially with the right to “equality of arms”.
- 4) The name of the person that is considered a collaborator should be published solely after a final court decision.

These conclusions are just a confirmation of the argumentation that the Helsinki Committee used while preparing the Initiative with which it challenged the Lustration Law before the Constitutional Court of the Republic of Macedonia. After the legal opinion was submitted to the Venice Commission it remained unclear what is the reason as to why the Constitutional Court did not schedule a session during which the Initiative of the Committee would be reviewed. In order to determine the reasons for the prolongation, the Helsinki Committee will submit a request for inspection of the records in the case for which there is an ongoing procedure to the Constitutional Court of the Republic of Macedonia.

LAW ON CIVIL LIABILITY FOR INSULT AND DEFAMATION

For a longer period it was reported to the public about decriminalization of defamation and insult and about adoption of a new law with which the alleged defamation or insult will be proven with a civil procedure. In the whole process of adoption of the law, except for the Association of journalists of the Republic of Macedonia, no other association of citizens took part in the adoption of this law. The draft-law did not refer only to the responsibility for defamation and insult to the journalists and the media, it also covered the internet, and with it all of the citizens that use their right to free expression through it. Despite the wide range of possible liability for defamation and insult, i.e. despite the fact that it was a law of greater interest, the Assembly of the Republic of Macedonia decided not to conduct a public debate⁷ and to adopt the law in a non-transparent and undemocratic manner.

Due to this, a Front for Free Expression was founded by the civil organization Helsinki Committee for Human Rights, the Center for Media Development (CMD), Metamorphosis – Foundation for Internet and Society, Civil, Foundation Open Society Macedonia (FOSM), NGO Infocenter, “Sexual and Health rights of Marginalized Communities” Coalition and the Macedonian Center for European Education (MCEE). This Front strongly opposed the draft-law with which the freedom of expression of the citizens was directly limited and that is why the non-governmental sector demanded to be included along with the citizens with their own proposals and opinions in the process of its adoption. Despite these demands, the procedure for adoption of the draft-law continued and the draft-law was adopted with insignificant changes, due to which an initiative is in preparations for the evaluation of the constitutionality of certain provisions of the law, especially Article 23 with which a provisional judicial measure is allowed to be adopted which consists of a ban for further

⁷ According to Article 145 of the Rules of Procedure of the Republic of Macedonia concerning a draft-law which is of general interest, the Assembly may decide in terms of that law to conduct a public discussion and to appoint a competent working body that will organize the public debate

publication of the statements for which it was not yet established in that part of the judicial procedure that they are defamatory and insulting, which leads to censorship, which is forbidden by the Constitution of the Republic of Macedonia.

POLICE TREATMENT AND CLOSED INSTITUTIONS

TORTURE OF PRISONERS IN THE DETENTION CENTER SKOPJE

During the month of October, 2012 a group of anonymous persons submitted a complaint to the Helsinki Committee in which it was stated that employees of the detention center in Skopje tortured more than three detainees. According to the findings of the complaint, on September 17th, 2012 from 08:50 pm to 11:00 pm three prisoners in the detention center Skopje were restrained with handcuffs to the radiators and were left in that position for a longer period. In addition to the complaint, photographs that confirm the abovementioned findings were submitted.

The Ombudsman was notified about this case. He was investigating the case and established elements of a punishable offense after which he urged the Ministry for Justice to take suitable measures. The Minister for Justice Blerim Bexheti stated to the media that detainees suffered abuse and that appropriate measures will be taken immediately after which suitable criminal charges will be pressed against the perpetrators of this punishable act, in order to prevent an international scandal because as it was stated, the persons that were abused were citizens of the Republic of Albania.

The Directorate for Execution of Sanctions told the media that criminal charges will be pressed against unknown persons that photographed the event without authorization. Concerning this, the Helsinki Committee considers that the charges are pressed in order to frighten the officials in the closed institutions so that cases of torture are not reported. On the other side, if the employees in these institutions go unpunished, in case it is established that they violated human rights, it would mean that they want to hide these violations of human rights from the public. According to Article 364 paragraph 1 of the Criminal Code of the Republic of Macedonia, not reporting this criminal act represents a criminal act by itself.⁸

The Helsinki Committee reminds that according to Article 142 paragraph 1 of the Criminal Code of the Republic of Macedonia the acts described in the complaint are punishable to one to five years in prison.⁹ The ban on torture is founded in Article 3 of the European

⁸ Article 364 (1) an official that knowingly fails to report a criminal act about which they found out during the performance of their duty, if for that act according to the law a 5 year prison sentence can be pronounced or a harsher punishment, and if the offense is prosecuted ex officio, a fine will be determined or a one to three years prison sentence.

⁹ Article 142 (1) A person who, while performing his duty, as well as the person that is specified by an official or upon their consent, will use force, threats or other illicit means or illicit manner with the
(footnote continued)

Convention for Human Rights and Basic Freedoms, whose signatory is the Republic of Macedonia.

DISCRIMINATION

CONSTITUTIONAL INITIATIVE ON FAMILY LAW

With the amendments on the Family Law from 11.07.2008,¹⁰ in the section that refers to domestic violence, for the first time protection from domestic violence is provided for persons that have close personal relations. Based on this, the legislator in Article 94-b paragraph 3 defined close personal relations as relations between persons of opposite sex that are or were in partner relations, but do not live in an extramarital community. The Helsinki Committee considers the thus defined category of close personal relations that covers close personal relations solely between persons of different sex, as discriminatory towards the rest of the persons that have close personal relations with persons of the same sex, due to which they cannot have a special legal protection from family violence. On the occasion of the International day against homophobia, May 17th 2012, the Helsinki Committee submitted an initiative to the Constitutional Court of the Republic of Macedonia for initiating a procedure for evaluation of the constitutionality of Article 94-b paragraph 3 of the Family Law.

Acting upon the submitted initiative, the Constitutional Court of the Republic of Macedonia adopted a decision with which it rejected the initiative and established that in the disputed Article 94-b of the Family Law, not a single category of citizens that can be potential victims of family violence is exempt from protection from family violence, because the potential victims of family violence (including same sex partners) can be persons in a “common household”. Thereby, the Constitutional Court established that with this initiative the Helsinki Committee for Human Rights sought to expand the contents of the disputed provision, for which the Constitutional Court is not competent. However, the initiative of the Helsinki Committee for Human Rights was not about the persons living in a “common household”, it was about the discriminatory definition of the term “close personal relations” as relations between persons of different sex who are or were in partner relations and do not live in an extramarital community, i.e. they do not live under the same roof, which is a broader category than marriage, family and extramarital community and the term “common household” covers only the persons that live under the same roof. Based on this it can be deduced that the persons that have same sex close personal relations and do not live under

intent to extort a confession or any other statement from the accused, witness, expert or other person, or will cause severe physical or mental suffering in another person in order to punish them for a criminal act that they committed or for which they or another person is a suspect, or to intimidate them or to force them to forfeit some of their rights, or will cause such suffering due to any form of discrimination, shall be sentenced to one to five years in prison.

¹⁰ Family Law (Official Gazette of the Republic of Macedonia No. 84/2008).

the same road are left without special legal protection from domestic violence and due to this the disputed provision is discriminatory for a certain group of citizens and it is in contradiction with the Constitution of the Republic of Macedonia.

The Helsinki Committee for Human Rights considers that the Constitution of the Republic of Macedonia is only competent to check the harmonization of the laws with the Constitution and thereby according to the Constitution it is obliged to act and decide about the constitutionality of the disputed legal provisions which was not the case with this initiative.

COURT CASES

DUSHAN ILIEVSKI (DUSHKO “THE MILKMAN”) AND OTHERS

After more than two years, in November 2012, the trial of Dusan Ilievski (known to the public as Dusko “the milkman”), his brother and father ended with an acquittal. The members of the family Ilievski were prosecuted for the alleged crime of "illegal production and sale of narcotic drugs, psychotropic substances and precursors", i.e. growing more than 200 marijuana plants. During the trial it was established that plant in question is wild cannabis i.e. hemp which without additional processing does not possess the properties of a narcotic drug. Since the Public Prosecution has failed to prove that the family members Ilievski themselves planted, grew or cultivated hemp, the defendants were acquitted of the charges.

Dushan Ilievski became known to the public as the President of the Association of Pelagonia farmers “Pelagonia-renewal”, known for the efforts of farmers through protest to receive a response about the devaluation of the dairy Swedmilk and whether the representatives of the current Government had a role in those actions. The pressures on Dushko began in 2009 when a search for illegal weapons was conducted in his family house which resulted with finding a “trophy” family rifle and revoking the firearms license. Then the Department for Internal Affairs Bitola pressed offense charges against him and over 20 other protesters for alleged disruption of the public order and peace during the protest in front of the municipal building in Bitola. All of the persons charged were acquitted from misdemeanour responsibility by a court decision.

Then criminal charges for marijuana cultivation in 2010 followed. The Helsinki Committee reacted to the unnecessary detention against the three accused persons who were separated from the rest of the members of their family for 11 days. After they were released from detention, the members of the family had their travel documents revoked and thereby had their freedom of movement restricted outside the country’s borders. This case will be remembered for the flagrant violation of the principle of presumption of innocence by state

officials and bodies whose responsibility is to protect this principle. Namely, the Prime Minister Nikola Gruevski after Dushko's arrest stated that he was notified by MIA that it was a case of nurtured and cultivated marijuana. This statement was reported by most of the media in Macedonia and a part of them joined the violation of the principle of presumption of innocence by their manner of reporting.

The Helsinki Committee reminds that no one may be found guilty without establishing the guilt with a court decision. The Committee once again refers to the constitutional principle of presumption of innocence as well as the case law of the European Court for Human Rights through which it is established that the authorities must refrain for presumption of guilt. This especially applies for statements given by ministers and the police,¹¹ as well as high officials (such as the Prime Minister).¹² Additionally, the Court in Strasbourg ruled that leading a viral media campaign about suspects or accused persons and prejudicing their guilt is also not allowed according to the European Convention on Human Rights.¹³

The Helsinki Committee welcomes the verdicts of the Court of First Instance and the Appeal Court in Bitola and the impartiality of the respective court councils during the independent handling of this case. On the other hand, the Committee regrets any inconvenience that Dusko "the milkman" suffered in the last three years. Due to the lack of will among several attorneys that Dusko contacted for representation in the proceedings for compensation for unjustified detention, as well as other pecuniary (destroyed crops and lost profit) and non-pecuniary damage (psychological suffering, injury to reputation and honor etc.), the Helsinki Committee, at the request of Dusko, has agreed to provide free legal aid.

FAMILY VIOLENCE

The Helsinki Committee for Human Rights, according to the legal aid program, assists victims of family violence and monitors court proceedings for criminal act committed during acts of family violence. Acting upon the request of Individual X, victim of family violence, for monitoring the criminal procedure where she is the damaged party due to a physical injury inflicted by her brother and nephew, while performing domestic violence, the Helsinki Committee for Human Rights monitored the process and established violations of the procedure by the Appeal Court Skopje. Namely, the procedure in front of the Court of First Instance was initiated based on an indictment of the Public Prosecution Skopje which was a representative of the indictment.

However, due to absence of the public prosecutor during the main search, who was duly summoned, the damaged party, i.e. her attorney took over the representation of the indictment in accordance with Article 454 paragraph 1 of the Law on criminal procedure. On 04.07.2012 the court adopted a public decision with which the accused were pronounced guilty for a criminal act physical injury according to Article 130 paragraph 2 in relation with

¹¹ *Alenet de Ribemont v. France* (15175/89), 10 February 1995, §41.

¹² *Butkevicius v. Lithuania* (48297/99), 26 March 2002, §53.

¹³ *Craxi v. Italy* (34896/97), 5 December 2002, §98.

paragraph 1 in relation with Article 22 of the CC, due to which it pronounced an alternative measure probation.

Unsatisfied with the verdict, the damaged party through her attorney submitted a complaint to the Appeal Court which decided to reject this complaint as impermissible with the explanation that the damaged party had the right to overturn the verdict solely due to the decision of the court for the expenses of the criminal procedure. The Basic Public Prosecution also submitted a complaint about the section concerning criminal sanctions but it was rejected as unfounded and the first instance verdict was confirmed. However, Article 455 paragraph 7 of the Law on Criminal Procedure stipulates that if the public prosecutor was not present at the hearing (Article 454 paragraph 1), the damaged party has the right as a plaintiff to submit a complaint against the verdict, regardless if the public prosecutor makes the same complaint.

From the above mentioned it follows that the Appeal Court unfoundedly denied the damaged party the right to appeal and to justify her allegations for the determined alternative measure – probation. On the basis of this case and in order not to repeat these kinds of omissions in the procedures, the Helsinki Committee for Human Rights appeals to the public prosecutors as representatives of the indictment in cases of criminal acts committed during family violence, as well as to the judges to act with due attention towards these cases so that the victims of family violence could receive an efficient and effective legal protection and exercise their rights that belong to them according to the legal regulations.

LJUBE BOSKOVSKI AND OTHERS (“ROVER”)

Acting in accordance with the work program in which the monitoring of the criminal procedure is one of the activities, the Helsinki Committee for Human Rights started to monitor the trial for the murder of Marjan Tusevski and Kiro Janev committed in 2001. Fifteen persons are accused of double murder out of which three as perpetrators and the other 12 for assisting in murder. The seventh person accused in this court process is the former minister for internal affairs Ljube Boskovski, who was performing the function of Minister for Internal Affairs when the murder was committed and he is charged with assisting the committing of the criminal act by removing the obstacles for committing and promised concealment of the criminal act.

Having accepted the proposal of the prosecution to examine the witness - a person with hidden identity that goes by the pseudonym “FF15”, the court scheduled the examination of this witness on 28.12.2012. Valuing the importance of the protected witnesses in criminal procedures and the manner of conducting their examination, Prof. Dr. Gordan Kalajdziev sent a notification that he will monitor the hearing in the role of a scientist, as criminal procedure professor at the Faculty of Law “Iustinianus I”, at the university of St. Cyril and Methodius. The Public Prosecutor as, a representative of the indictment and a proposer of the witness, gave a positive opinion that the expert public should be involved in the examination, whereby the public prosecution showed will for greater transparency in the

procedure of examination of the protected witness. However, the council decided to completely exclude the public, as well as the expert public.

We think that the constant decisions of the councils to exclude the public in cases where there are protected witnesses, leave no space for establishing whether the principle of fair and lawful trial is exercised. We especially do not consider as justified the exclusion of the expert public which would only monitor the special manner of examining the protested witness in order to establish the implementation of the legal provisions with which the manner of protection of witnesses in the Republic of Macedonia is established and its influence on the principle of a fair and lawful trial.

Therefore, we appeal that in the future the councils allow the presence of the public, especially the expert public in procedures where there are protected witnesses and to seize the opportunity established in Article 305 paragraph 2 for a hearing where the public is excluded as well as certain officials, researchers and public workers.

ECONOMIC AND SOCIAL RIGHTS

STRIKE OF HEALTHCARE WORKERS

After the submitted application for legal assistance of representatives of the Independent union of clinical centers and other healthcare organizations in the Republic of Macedonia, the Helsinki Committee addressed the Minister of Health Nikola Todorov in written and stated its remarks regarding the violation of the rights of healthcare workers on two bases:

- 1) The fee-for-success model and
- 2) obstruction in the exercise of the right to strike

1) Fee-for-success model

After the performed analysis of the new Healthcare Law of 2012, the separate collective agreements (for the rights, obligations and responsibilities of the employees and the employer of the members of the Independent union of clinical centers and other healthcare organizations in the Republic of Macedonia, as well as for payments and salary allowances), the Employment Contract between the healthcare workers and the employers and the Decision of one of the management boards of PHI for implementation of the fee-for-success model in the calculation of the salaries, adopted by conclusion of the Government of the Republic of Macedonia, we had a remark about the implementation of the fee-for-success model.

Namely, it is our opinion that the new fee-for-success model cannot be implemented without being firstly submitted for review to the biggest healthcare workers union – the Union of Clinical Centers and other healthcare organizations in the Republic of Macedonia. After reviewing, giving its opinion and permission and after the harmonization of the text

with the relevant legal provisions, the Ministry and the Union together should prepare a new collective agreement based on:

1. Article 164 of the Law on Healthcare in which it is established that the healthcare workers have the right to a salary under conditions and criteria defined by law, collective agreement and employment agreement. Although Article 219 (2) of the abovementioned Law stipulates that the salary is determined based on an “act” that does not allow the Ministry for Health to exclude this important change in the calculation of wages in a collective agreement. A confirmation of this is the applicable separate collective agreement, section for salary, other rights based on salary and salary allowances from 13.03.2009 concluded between the Independent Union and the Ministry for Health, where the area of “salary and fees” is regulated.

2. Article 15 stipulates that the Employment Agreement contains a provision about the amount of the salary that belongs to the employee for performing his work in accordance with the law, collective agreement and employment agreement, as well as that in the agreement the employer’s general acts are listed which determine the work conditions of the employee. Thereby, in order to launch the implementation of the fee-for-success model, the same it should be included in the collective agreements and the decision for its implementation must be mentioned in the Employment agreement, which is not the case in the applicable agreements. The applicable employment agreements must be amended due to the application of the fee-for-success model and this is also reinforced with Article 12 of the Separate Collective Agreement which stipulates that the employment agreement determines the criteria for the results of the work.

The abovementioned refers to the legal obligation of the Ministry, for such an important change in the methodology of the calculation of wages to first include all of the parties concerned and especially the biggest union in the process of preparation and implementation of the new fee-for-success model. After this regular procedure may and must follow changes and amendments to the applicable collective agreements and employment agreements.

After the written statement, the Minister for Health Nikola Todorov organized a meeting with the Independent Union of Clinical Centers and Other Healthcare Organization in the Republic of Macedonia, during which according to the news reported by the media the topic of discussion was the amendments to the collective agreements, as opposed to the original position of the Minister that the amendments must be made only with a decision.

2) Obstruction in the exercise of the right to strike

The Helsinki Committee would like to remind that the constitutionally guaranteed right to strike may be restricted only under conditions defined by law and every other attempt to pressure, the denial that the healthcare workers are on strike at all and the emergency, reinforced and comprehensive surveillance of the strikers represents an illegal and unacceptable form of interference of the state in the rights of citizens. The right to strike is one of the basic human rights, guaranteed with the Constitution of the Republic of Macedonia and it is closely regulated with the Labor Law, Law on Healthcare and the Separate Collective Agreements. Although the strike of the healthcare workers is subjected

to a special regime that results from the duties of the state to provide healthcare at all time, if emergency medical help and minimal function of the healthcare institutions is provided, no one has the right to obstruct that strike or prevent it from taking place.

Although the Ministry for Health, the State Sanitary and Health Inspectorate, the medical, dental and pharmaceutical chambers have the legal opportunity and obligation to supervise the lawfulness, expertise in the work and also to perform an inspection, they in no way should obstruct or prevent the strike from taking place. In the applicable collective agreement it is established that the employer is obliged to provide a working environment where the worker will not be abused or exposed to unwanted behavior and outside pressures, as well as to guard the dignity of the employees from their superiors, colleagues, the employers themselves and other persons (Article 46). Furthermore in the Collective Agreement it is established that the employer i.e. the Director or some other body and the representative of the employer must not use threats against the union (Article 64). The union and the union representatives have the right to protect and promote the rights and interests of the members of the union at all time during the course of the work in a procedure before the employer, if there are indications and it is necessary to protect the rights (Article 65)

This implies that the right to strike within the legal frames is inviolable and all external pressures and threats are impermissible and against the law. Because of this, in order for the citizens to receive necessary medical services and to protect the rights of healthcare workers, the Helsinki committee appeals:

1. To stop the obstruction, pressures, threats, political labeling, the negative media campaign, the division among healthcare workers and their unions related to holding the strike of the healthcare workers.
2. Urgent talks to start with the Independent Union and all of the parties concerned with the final goal to find a mutual and acceptable solution that will result in amendments to the existing collective agreements and employment agreements.



QUARTERLY REPORT FOR LGBTI RIGHTS IN THE REPUBLIC OF MACEDONIA

OCTOBER – DECEMBER 2012

CONTENTS

INTRODUCTION

- The Centre as an upgrade to the LGBTI-related activities of the Helsinki Committee
- General atmosphere and pressures

VIEW OF THE PUBLIC

- Homophobia
- Media space
- Legal aid and support

MANNER OF OPERATION AND PROJECTS

- Shadow report
- Publications
- Support Groups

INTRODUCTION

The Centre as an upgrade to the LGBT-related activities of the Helsinki Committee

The entire work and activities of the Helsinki Committee for human rights of the Republic of Macedonia in relation to the LGBT population in Macedonia has upgraded itself to a more advanced form, the LGBTI Support Centre. This branch office of the Helsinki Committee was officially opened on 23.10.2012 in the Old Bazaar in Skopje.

The Mission of the LGBTI Support Centre is strengthening the LGBTI community for self-advocacy, as well as changing the legal and social status of LGBTI people in the Republic of Macedonia. Apart from the main objective of the Support Centre - advocacy for the LGBTI community and organizing self-support groups, the Centre also offers help to other formal and informal associations and organizations working in the domain of human rights.

General atmosphere and pressures

The LGBTI Centre started operating during a period of clearly defined institutionalized homophobia and transphobia, which is reflected in the statements of people managing the state institutions. There is an obvious synergy between the actions of state institutions and their head persons, with the religious communities and pro-government media, which represents a large front dedicated to suppression and deprivation of rights of the LGBTI people. All this is confirmed with clear cases of physical assaults as well as domestic violence toward LGBTI people, organizations and activists, which shall be elaborated in more detail further in this report.

This strong institutionalized homophobia increased and defined the support of the LGBTI population by the organizations and activists working with human rights, interpreting this campaign as an absurd which must stop.

The cooperation with the relevant police stations Beko and Bitpazar is undeniable, they do their job professionally and protect the events organized by the Helsinki Committee and the Support Centre, for which we are thankful.

VIEW OF THE PUBLIC

Homophobia

In the Republic of Macedonia, the homophobia and transphobia are still at a high level, which is reflected by expressing opinions on the social network, the attacks on the Support Centre, hate speech in the media, attacks on activists in the organized March of Tolerance and having no reactions by the government institutions, no condemnation of the spreading of hate toward a certain group of people and promoting exclusion in the society, as well as violation of the country's laws. On the contrary, the Minister of labor and social policy, who

raised the question on so-called "gay marriages" in a period when no one had raised such an initiative, instead of promoting diversity of the society where he is the most responsible for such matters, he stigmatizes the LGBTI population, stating that it does not belong to a "healthy nation"¹⁴.

Subsequently to the statement of the minister Spiro Ristovski, there was a strong wave of an obvious government campaign containing homophobic statements and disrespect toward the rights and dignity of the LGBTI population in Macedonia. The statements of representatives of government authorities only strengthen the idea and status of the LGBTI population as a deviation in society. The campaign was supported and enhanced by articles in pro-government media, who forgot or ignored the responsibility they had on the statements and articles they publish, with which they undoubtedly provoked the anger and homophobia in the citizens, which resulted in violence.

After the statements of the government representatives, the Minister of labor and social policy, the Minister on internal affairs and the Prime Minister¹⁵, opinions were also shared by certain groups which supported the government statements regarding same-sex marriages, which was raised as an issue by the Minister, with no background initiative, and was only an expression of a personal opinion and the opinion of his political party, which is completely absurd, considering the fact that this issue has never been raised by the LGBTI community in the country. It seems as an attempt to twist the debate and avoid discussing actual problems in the realization of rights of the LGBTI people. The integrity of the community was violated, during the statements given by these groups, on their opposition to gay marriages, because each of the groups reacted to a question that had never been raised, while no one commented on the current initiatives of the activists and organizations, such as adding sexual orientation in the Law on prevention and protection against discrimination, adding same-sex relations in the category of close and personal relations, in order to gain recognition of domestic violence among same-sex partners, as well as gay and trans people which are unprotected by their families, regulating the rights and obligations of same-sex couples which seem to be completely forgotten in Macedonian legislation.

Religious communities, together with the state institutions, joined the avalanche of statements against gay marriages and adoption of children by same-sex partners, within the organized campaign¹⁶. With statements which promote hate speech and present traditional religious heteronormative values as the only correct values, they are trying to use religion in order to influence the status of a group of citizens in a secular country. This is not the first

¹⁴ <http://www.netpress.com.mk/mk/vest.asp?id=111348&kategorija=1>
<http://www.plusinfo.mk/vest/61329/Ministerot-Ristovski-kje-ja-tuzhi-LGBT-zaednicata>
<http://www.facebook.com/notes/%D1%81%D0%BF%D0%B8%D1%80%D0%BE-%D1%80%D0%B8%D1%81%D1%82%D0%BE%D0%B2%D1%81%D0%BA%D0%B8/%D1%80-%D0%B5-%D0%B0-%D0%BA-%D1%86-%D0%B8-%D1%98-%D0%B0/493536564003427>

¹⁵ <http://vlada.mk/node/4747>

¹⁶ <http://denesen.mk/web/2012/12/20/go-progonuvaat-isus-za-bozik-a-gi-idealiziraat-homoseksualnosta-pedofilijata-i-narkomanijata/>
<http://www.sitel.com.mk/gragjanite-i-instituciiite-se-protiv-gej-brakovi>
<http://www.islamska-zaednica.com/forum/index.php?/topic/4207-%D1%87%D0%BE%D0%B2%D0%B5%D0%BA%D0%BE%D1%82-%D0%B5-%D0%BF%D0%BE%D0%BB%D0%BE%D1%88-%D0%BE%D0%B4-%D0%B6%D0%B8%D0%B2%D0%BE%D1%82%D0%BD%D0%BE/>

time that the religious communities attempt to intervene in the state system, when it comes to the LGBTI community.

Statements against gay marriages and adoption of children by same-sex partners were given by:

1. The Minister of labor and social policy Spiro Ristovski
2. Macedonian World Congress¹⁷
3. Islamic religious community, Catholic Church and Macedonian Orthodox Church
4. The Union of pensioners' associations in Macedonia¹⁸
5. SDSM, a party in opposition¹⁹
6. Independent syndicate for education, science and culture of the Republic of Macedonia (SONK)²⁰
7. NGOs from Struga: "Ezerka" and its Youth Centre, "Enhalon", "Rurban kult", "Punte", "Varvara", "Association for persons with hearing impairment" and "Svetlina"
8. National sports federations
9. The Minister of internal affairs Gordana Jankulovska²¹

The homophobic atmosphere which was created was followed by several physical attacks.

On the day of the opening of the LGBTI Support Centre, on 23.10.2012, the event was held peacefully, but only a few hours after the closing of the event, several masked persons attacked the centre, and their identities have not yet been revealed. The glass at the entrance was broken, resulting in pecuniary damages which disabled the operation of the Centre for the following days. The information was shared by the media, while the institutions were silent and none of them condemned the attack.

Due to these attacks and the evident government campaign against LGBTI people, the March of Tolerance, held 4 years in a row, was once again organized, and for the second time it was dedicated to women's rights and LGBTI rights in the Republic of Macedonia, which were the subject of the homophobic campaign. Before the beginning of the March, while the stands with promo materials were being set by unprotected activists, even though the event was reported in the City of Skopje and Police Station Beko, there was an assault²² on two persons which were lightly injured, by a masked person who was later arrested. The institutions are still silent even though this attack may be interpreted as a violation of basic human rights, a violation of the right to freedom of expression and freedom of assembly.

¹⁷ <http://mkdnews.com/вeстн/македонија/1968-сМК-тн-отфра-хомосексуалните-бракови>

¹⁸ <http://kurir.mk/makedonija/vesti/88264-SZPM-Istopolovite-brakovi-se-nepрифатливи>

¹⁹ <http://www.time.mk/read/NONE/c49ce0d0cd/index.html>

²⁰ <http://kurir.mk/makedonija/vesti/88291-SONK-Istopolovite-brakovi-ne-se-dobra-sredina-za-odgleduvanje-deca>

²¹ <http://www.netpress.com.mk/mk/vest.asp?id=111761&kategorija=1>

²² <http://24vesti.com.mk/incident-na-start-na-marshot-na-tolerancijata>

On 17.12.2012, there was another attack on the Support Centre which was an unsuccessful attempt to set it on fire. The attack has been reported to the police and it is being processed. The institutions are still silent.

Media space

The media access of activists and organizations working with LGBTI rights is limited, selectively shown and frequently twisted. There is an obvious relation of certain media and the government, by which the flow of information is disabled or non-objective and only offers a one-side view of the situation in Macedonia. Apart from the limitation of media space, certain media have directly participated in the homophobic campaign, with subjective information based on their own personal views.

The newspaper “Večer” published scandalous pornographic front pages in the attempt to strengthen and uphold the initiated homophobic campaign, which is a violation of norms on the content of information published by a medium and is even punishable as a crime. Article 193 of the Criminal Code²³ forbids showing any type of pornographic content to a child, and the front page of “Večer” as a newspaper is more than available to children. Article 179 clearly states that the person who shall ridicule and publicly subject to ridicule the members of the communities, shall be punished. In fact, with the titles and pictures published in order to humiliate an entire community, violating the dignity of its members, with titles such as “Chicks with condoms”²⁴, “We want grandchildren, not faggots”, and publication of a pornographic image depicting a sexual act between two men are all violations of this article by an influential medium in our society, yet it remains unpunished.

The guaranteed right to freedom of expression is probably interpreted by certain media as the freedom of hate speech and publication of inaccurate data, presented as facts. The media have also published articles where homosexual people are presented as animals, and it is claimed that many people, on behalf of freedom of action, shall decide to have homosexual orientation, as well as that those people are unaware of what they are and that they are a disgrace to science and humanity. In other texts, there are statements of placing homosexuality in the same category with pedophilia, even though there is obviously no connection. There are also seemingly unifying texts, which present an unambiguous unity of all citizens and institutions against gay marriages, which gives the public a false picture of the situation. Heteronormative behavior in a traditional family environment is proclaimed as the highest moral value, while forgetting about the alternative ways of life as a free choice of citizens in a secular, democratic country.

There are several articles which present a neutral picture given by the media, for example about the opening and the first incident, and also for the visit of the Euro-Ambassador Aivo Orav and the Ambassador of the Kingdom of the Netherlands, Maria Henriette Schurman²⁵.

²³ <http://www.moep.gov.mk/WBStorage/Files/KRIVTcen%20zakonik.pdf>

²⁴ <http://www.vecer.com.mk/default.asp?ItemID=35CB0BF2F31A9B4590D5921185428452>

²⁵ <http://vesti.alfa.mk/default.aspx?mId=36&eventId=57279>

(footnote continued)

Yet, the dominant picture in Macedonian media in regard to the LGBT community, according to the aforementioned situations, is a product of personal attitudes and an attempt to manipulate the public opinion.

Legal aid and support

The LGBTI Support Centre offers free legal aid as part of the Helsinki Committee, for LGBTI people whose rights have been violated. Within the short period of existence of the Centre, we already have three cases of domestic violence and several more which tackle other problems but are still under discretion due to the fear of prejudice of the institutions. There is an evident need of legislative regulation and its adjustments to everyday problems of this population, because the lack of sufficient practice in the institutions is no excuse for not protecting the rights of an entire community.

After the Constitutional Court rejected the initiative of the Helsinki Committee on assessment of the constitutionality of Article 94-b paragraph 3 of the Law on family, where LGBTI people are not covered by the provisions for protection from domestic violence, the Centre received a complaint for domestic violence by one partner of a same-sex community. The victim suffered both psychological and physical violence from his partner. Fortunately, the police reacted, and with the given support, the Helsinki Committee managed to prevent radical development of this case.

Two more complaints by community members were submitted, stating that they were subject physical and psychological maltreatment by their parents due to their sexual orientation. They were locked inside, beaten, ill-treated, dragged to medical facilities, and in one case, the victim was evicted from the house without any financial means for completion of the mandatory secondary education. The victim was forbidden to have any contact with her brother who is 10 years old, which legally provides him with a choice on which family members he shall maintain contact with. One of the cases is currently processed by the Social Welfare Centre, while the other complaint was withdrawn by the victim.

There is an urgent need for protection of the persons with different sexual orientation and gender identity, not just from the environment, but also from the institutions themselves, which, due to the lack of concrete legislation, are in a position to process cases upon their own interpretation, which creates insecurity and inefficient rule of law. The institutions have to process these cases regardless of their personal attitudes and opinions. There is a need for protection by the state for these persons, who should not be left at the mercy of the relevant authorities represented by individuals acting by their own opinions on sexual orientation and gender identity.

MANNER OF OPERATION AND PROJECTS

<http://www.skopjeinfo.mk/gradot/442321536/otvoren-privot-centar-za-poddrska-na-lgbti-zaednicata-vo-skopje-foto>
<http://kanal5.com.mk/default.aspx?mId=37&egId=13&eventId=98065&AspxAutoDetectCookieSupport=1>

The Centre works mostly via support groups, but also performs other actions.

Shadow Report

In January 2013, a Shadow Report on the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe was prepared, in regard to the measures for combating discrimination on the grounds of sexual orientation and gender identity.

The Report, created during intensive communication with relevant state institutions, depicts a lack of legal protection and effectiveness of existing legislation in the Republic of Macedonia, regarding the rights of people with different sexual orientation and gender identity. The Recommendations of the Council of Europe are entirely ignored, which ruins the image of a country with Constitutional representation as a democratic and social country, whose citizens are equal in dignity and rights. In the following period, the Shadow Report prepared by the Helsinki Committee and the LGBTI Support Centre in cooperation with ILGA Europe shall be promoted and fully available for the domestic and international public.

Publications

In December 2012, the Centre issued a publication – Handbook for parents of LGBT children, a translation of the original version created by PFLAG from the USA. The Handbook is created by parents of LGBTI people and is intended for everyone, but it shall be particularly useful for parents of LGBTI people in Macedonia and in the work of the Support group of parents which is in its initial phase.

Support groups

The LGBTI Support Centre has formed 4 support groups in order for them to function independently and to autonomously build their policies as part of the operation of the LGBTI Centre. The groups are the following:

- Lesbian and feminist support group
- Transgender support group
- Gay man support group
- Support group for parents of LGBTI people

The lesbian and feminist support group works for strengthening the lesbian community in Macedonia by self-advocacy and change in the legal and social status of the lesbians in Macedonia, as well as increasing their visibility, via active participation of the lesbian community in the fight for realization of its own rights and freedoms. One of the fundamental goals of the group is pluralization of women's movements and organizations, strengthening of the feminist movement in Macedonia and changing its current monotonous

perception by the general public, via awareness-raising activities for women, regarding their rights.

The group works towards increasing public visibility and political relevance of lesbian and feminist activism, strengthening the capacities of our newly-formed group which is a tool for increasing visibility of lesbians in order to increase their political awareness, increasing their interest and strengthening the capacities for lesbian activism. Energizing the Macedonian feminism concept by representing it through the scope of its modern structure and conception. There have already been two meetings of the support group, and the next event is being planned to include a film projection and debate with experts in the field of feminism.

The transgender support group works for strengthening the transgender community in Macedonia by self-advocacy and change in the legal and social status of transgender people in Macedonia, as well as increasing their visibility, via active participation of the transgender community in the fight for realization of its own rights and freedoms. The transgender group comprises transgender people, transsexual people and all people whose gender identity does not fit within the set social norms.

There was a training on the topic of transgender people, in cooperation with Transgender Europe, held in the Centre on November 30th and December 1st 2012. The lecturers were guests from Belgrade, among which there was one activist, one psychologist, one psychiatrist and one lawyer. The first day of the training was dedicated to the support group, hence, the members were provided with training on activism and self-advocacy, and they could also ask questions regarding the legal and medical phase of the gender affirmation procedure. The second day was dedicated to expert-level training of several psychiatrists, psychologists and one sociologist from Macedonia, while the lecturers were the psychiatrist and psychologist from Belgrade. The goal of the training was gathering and connecting the medical workers and creating a sensitized group which would provide an opportunity to start the gender affirmation procedure in Macedonia, without the need to travel abroad and additional costs. The training was successful, and the support group and the experts shall continue to meet. This training was an extension of the training from February 2012, when the same activist, a Board member of Transgender Europe, held a training session in the offices of the Helsinki Committee, after which the Trans group was initially formed and several meetings were held.

It is important to say that the mother of one of the transgender people, together with her child, was present and participated on this training on her own initiative. She showed great enthusiasm and interests for further trainings and activities within this group, as well as the Parents' group. The Gay Man support group and the Parents' group are in the establishment phase. The Parents' group for now only consists of a few parents of transgender children, i.e. only three interested parents. No meetings have been held yet, however, the aforementioned publication, the Handbook for parents, has been created for the needs of this group. The Handbook and the support by the Centre shall be available in the future as well, in order for the group to start and function successfully, which we believe is essential for the community.