

**MONTHLY REPORT ON HUMAN RIGHTS IN THE REPUBLIC
OF MACEDONIA**

HELSINKI COMMITTEE FOR HUMAN RIGHTS
OF THE REPUBLIC OF MACEDONIA
AUGUST 2017

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DISCRIMINATION

CITY SWIMMING POOL IN PRILEP DISCRIMINATES AGAINST THE ROMA

More than 400 people from Roma ethnicity addressed the Helsinki Committee for Human Rights and the Roma Solza Association from Prilep, claiming that on several occasions in the past month and a half, they were prevented from visiting the "Markovi Kuli" city swimming pool in Prilep. According to their statements, since the opening of the summer season for the city swimming pool "Markovi Kuli" in Prilep on 1 July 2017, the Roma from the city of Prilep have been denied entry into the city swimming pool for the first time. In the past years, no person of any ethnicity has ever been denied entry to the city swimming pool. The persons who reported these cases are of different ages and of different sexes, and each of them individually described their experience of attempting to visit the city swimming pool. From the statements it can be concluded that the individuals tried to enter the pool in different days, individually and in groups, with the family, with friends of different ethnicity and on one or more occasions. Upon attempting to enter the pool premises, people were denied entry by the security staff with the explanation that, as of this year, following the owner's order, they will not be accepting Roma people. Some of them were told that this decision by the owner should be shared with other Roma people they know as well, because none of them will be allowed to enter. Some of them who arrived at the pool with people who had a dark skin color were prevented from entering, while their friends who had a light skin color were allowed to enter.

From such allegations, it can undoubtedly be concluded that the "Markovi Kuli" city swimming pool in Prilep does not accept the Roma and that such practice has been established by the owner's order. In this case, I would like to point out that such a practice and such restrictions on these persons is a direct discrimination on the basis of skin color. According to the Law on Prevention of and Protection against Discrimination (Official Gazette of RM, No. 50/2010 of 13.04.2010) **Discrimination** is any unjustified legal or actual, direct or indirect differentiation or unequal acting i.e. permission (excluding, limitation or giving priority) related to persons or groups on the grounds of sex, race, **skin colour**, gender, belonging to marginalized group, **ethnic origin**, language, citizenship, social origin, religion or confession, education, political belonging, personal or social status, intellectual and body disability, age, family or marital status, property status, health condition or on any other grounds, while **Discriminatory behaviour or treatment** is any active or passive behaviour of any person by the public authorities, as well as by legal and natural persons from the private and public sector within the public life, which creates grounds for unjustified privilege and non-privilege of any individual or which exposes to unjustified or degrading behaviour compared to other individuals in similar situation on any of the discriminatory basis. This law prohibits any direct or indirect discrimination on any grounds and is applied by all state bodies, bodies of the local self-government unit, legal entities with public legal powers and legal and natural persons in all areas, including the access to goods and services. The law further provides for misdemeanor fines for discriminatory treatment, and it also provides for the possibility of judicial protection against discrimination for the person who is discriminated against.

Since this case involves a public public swimming pool, located on a state owned land, i.e. in the ownership of the municipality, but given under concession of a legal entity in accordance with the

Law on Concessions and Public-Private Partnership (Official Gazette of the Republic of Macedonia No. 6/2012 from 13.01.2012) as good of general interest, we consider that it is the the municipality's obligation to take urgent measures for this case. Regarding this case, the Helsinki Committee sent a letter to the Mayor of the Municipality of Prilep, urging him to take urgent measures against this discriminatory policy at the "Markovi Kuli" city swimming pool in Prilep, and to send a warning and directions to the pool's management for immediate change of this policy and equal treatment by the pool's staff towards all ethnic communities and all persons in general who want to visit the pool without any restriction or discrimination on any grounds. The Helsinki Committee also sent a letter to the pool's management, calling the owner of the "Markovi Kuli" city swimming pool in Prilep to take immediate measures for introducing equal treatment by allowing entry to the pool premises to all ethnic communities and all persons in general who wish to visit the pool without any restriction or discrimination on any grounds. Neither from the Municipality of Prilep nor from the pool's management have we received feedback, and the persons who had filed the complaint informed us that the discriminatory practice at the pool continues.

Recommendation: We strongly condemn the discriminatory practice at the "Markovi Kuli" city swimming pool in Prilep towards the Roma. The Helsinki Committee for Human Rights provides legal aid and support for this case and will undertake all measures aimed at protecting the discriminated persons and continuing the struggle for enabling full accessibility of Roma to all public facilities.

THE OMBUDSMAN ESTABLISHED DISCRIMINATION IN CIVIC EDUCATION TEXTBOOK

In his opinion on the submitted complaint about the 8th-grade "Civic Education" textbook, the Ombudsman confirmed that there was discrimination based on gender, sex, health, disability and religion in the field of education. The case was presented by the Helsinki Committee for Human Rights and initiated before the Ombudsman by the Network for Protection against Discrimination.

In a complaint filed by the Network for Protection against Discrimination because of the discriminatory content in the "Civic Education" textbook for the 8th grade, it is stated that, on pages 34 and 35, the textbook teaches about the rights of the woman, and among other things, it is said that only respected women and healthy mothers can provide healthy families and the further development of society depends on them. In the content of the same lesson, there are two illustrations, the first of which illustrates a woman in an apron who is simultaneously cooking and standing in front of the computer, and in the other one, a woman is sitting with crossed legs and a magazine in her hand while a man is vacuuming the room. The following question is given under the illustrations: "Which one of these women has gained her rights?" These illustrations are not even remotely suitable for the lesson's topic, nor can we answer the question "Which one of these women has gained her rights?", since neither of the two illustrations shows the way in which the women have fought for and gained their rights. Further in the same lesson, the authors review women's roles in the time of Adam and Eve who lived in paradise, which represents favoritism towards the Christian religion as opposed to all other religions existing in the Republic of Macedonia, which makes this content discriminatory on the basis of religion and religious convictions of women and students who are of different religion or those who are not religious.

Trying to explain women's rights through religion, the authors state that "it is believed that the woman committed the first sin in heaven. She tasted the forbidden fruit, tempted Adam and she has been suffering ever since. In the "Genesis" by Moses, God says to the woman: "I will increase your suffering when you will be pregnant, you will suffer pain while you give birth to children, you will be under the authority of your husband and he will be your master".

The attempt to explain women's rights through a religion supported by a quote in which a woman's obedience to her husband is obligatory, apart from representing discrimination on the basis of religion and religious convictions, it also promotes discrimination towards women and gender prejudice. Additionally, this constitutes a violation of the principle of secularity in education, since religious texts are presented as legitimate sources of information on women's rights.

After the conducted procedure and the established existence of discrimination, the Ombudsman submitted a Recommendation to the Ministry of Education describing the non-statutory violations and giving specific instructions for the actions that should be taken by the ministry. The Ministry of Education and Science accepted the Ombudsman's recommendations and decided to withdraw the disputed textbook from the curriculum.

Recommendation: We welcome the Ombudsman's opinion and the decision issued by the Minister of Education to withdraw the textbook from the curriculum, and we hope that this practice will continue in the future for all textbooks with discriminatory content. At the same time, we ask the Ministry of Education and Science to include the Network for Protection against Discrimination in the processes of revision of textbooks and teaching contents in order to ensure participation in the process and prohibition of discrimination in education.

HATE SPEECH

SPREADING XENOPHOBIC SPEECH IS UNACCEPTABLE

During August 2017, the Helsinki Committee noted a significant increase in the appearance of speech that promotes and encourages hatred directed towards refugees and migrants who, as part of the world refugee crisis, travel through the Republic of Macedonia. The xenophobic Speech, which is mostly found on social networks, has appeared as a reaction to the proposed Strategy for Integration of Refugees and Foreigners in the Republic of Macedonia by the Ministry of Labor and Social Policy for 2017-2027. Following the proposed Strategy, a public discussion was initiated by political parties stating that thousands of refugees will be settled in the state, for the purpose of which residential buildings will also be built. Xenophobic messages and speech that fuel and encourage hatred were also noted in the officials' public speeches. At the same time, several civic initiatives emerged, such as "You should come out too" (Izlezi i ti) and "Awakening" (Budenje), whose messages were exclusively aimed at spreading fear and panic among citizens because of the presence of refugees and migrants. The social network posts of these civic initiatives were accompanied by comments with hate speech, which involved humiliating and insulting refugees, as well as calls for their extermination.

Over the course of the month, the Helsinki Committee sent complaints regarding 4 cases to the Ministry of the Interior – the Department of Cyber-crime Investigations, in which it urged the

Ministry to watch the cases of internet hate speech closely, as well as the posts that arise and incite hatred towards refugees.

Recommendation: The Helsinki Committee warns that incitement and spread of hate speech on the bases of ethnicity, nationality and religious beliefs towards refugees and migrants, especially by public figures and civic initiatives, is unacceptable. We ask the Ministry of the Interior to carefully monitor cases of hate speech, which can easily transform into hate crimes.

FREEDOM OF EXPRESSION

THE VIOLENCE AGAINST MEDIA WORKERS CONTINUES

During August, violence against media workers continued in the case of the attack on the "NOVA TV" journalist team, as well as the incident with the team of the "Kurir" internet portal. The first case – the attack on the "NOVA TV" journalist team – was about targeting "a politically hostile" medium and resisting journalists who work in the filed of informing the public. Regarding this case, the MOI determined the identity of the attacker¹, and the Basic Public Prosecutor's Office – Skopje opened a case for the event that took place on 23 August, whereby the appointed prosecutor issued orders and instructions aimed at fully clarifying the event, followed by a meritorious public prosecutor's decision.² The second case was about removing the "Kurir" cameraman during a public session of the State Election Commission. Besides condemning the case of assault on the "NOVA TV" journalist team by the Journalist Association of Macedonia, the conviction for that and the incident with the "Kurir" cameraman came from the Agency for Audio and Audio-Visual Media Services (AVMU).³

Recommendations: The Helsinki Committee welcomes the timely initial actions taken by the Ministry of Interior and the Public Prosecutor's Office and calls for a prompt and decisive completion of the criminal cases. We would like to point out that the Government of the Republic of Macedonia with Plan 3-6-9 has committed itself to protect the media workers from such attacks and, without any delay, to bring the perpetrators to justice, thus ensuring effective protection of the right to freedom of expression and freedom of the press.

TEXTILE WORKERS

WRONGFUL TERMINATION OF A TEXTILE WORKER

The Helsinki Committee for Human Rights received a request for free legal aid from a textile worker from Probistip who was wrongfully terminated by her employer. According to the employee's claims, the employer fired her from work without a notice period due to guilt and personal reasons. Namely, the worker received a written warning from the employer stating that the employer is not satisfied with the way in which she performs her work duties. Prior to receiving this warning, the worker had no knowledge that the employer was dissatisfied with her work and was never even verbally warned. The written warning included a deadline of 15 days during which

¹ <http://fokus.mk/mvr>

² <http://www.pravdiko.mk/ojo-skopje>

³ <http://www.avmu.mk/index.php><http://www.avmu.mk/index.php>

she had to correct her performance. Upon receipt of the warning, the worker requested a written explanation from the employer about his dissatisfaction, which would specify the part of her work that the employer finds dissatisfying and in what way she should improve the work in order to correct the faults in the performance of the work obligations, but did she never received a reply from the employer. Only a few days later, the worker suffered an injury at the work place and went on a sick leave. When she returned from the sick leave, she was not permitted to enter the premises of the factory, that is, at her job, on the grounds that she was dismissed and that she was no longer working at the textile factory.

The Helsinki Committee notified the State Labor Inspectorate – Probistip Regional Unit about this case. We found the unprofessional attitude of the inspector with whom we communicated regarding the case very concerning; we received a response that the Regional Unit of the inspectorate from Probistip will not act on the case and that the same was being acted upon by inspectors from Skopje. The explanation for this decision, according to the inspector's claims, is because it was a "problematic worker" who "tells lies". Furthermore, during the telephone conversation, the inspector repeated several times that the employee was terminated in accordance with the law and that there were no violations of her labor rights, although, at the beginning of the conversation, she informed us that she did not act on the case, and hence the objectivity and impartiality of the inspector are questionable.

Recommendation: The Helsinki Committee strongly reacts to the wrongful termination of the textile worker and the passive behavior of the State Labor Inspectorate – Probistip Regional Unit. We urge the State Labor Inspectorate – Probistip Regional Unit, to act in accordance with the legal regulations for future cases and in the course of supervision and determination of possible irregularities to be guided by the legal regulations, and not from the subjective and biased beliefs of the inspectors handling the cases.