HELSINKI
COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA

ANNUAL REPORT for 2017

of the Helsinki Committee for Human Rights of the Republic of Macedonia

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INTRODUCTION

This past year was marked by critical moments which strengthened our society, but at the same time posed a risk to democracy, the rule of law and the exercising of human rights. The civil society organizations that monitor, investigate and inform about the abuses and violations of human rights and freedoms, the exercising of authority and the functioning of the legal system, were under constant attack like never before. Luckily, this attempt to shrink the space for action of the CSOs did not reap the desired results for the ones who ordered it, although the CSOs that were critical of the previous government were subjected to financial controls by both, the Public Revenues Office and the Financial Police at the request of the Public Prosecutor. The controls occurred in continuity until June 2017, and we are still expecting the final outcomes of the investigations.

This report covers the events immediately after the parliamentary elections which took place in December 2016, after a long period of political crisis during which human rights were brutally violated. At the same time, it covers the long-lasting process of change that began after the elections and the change in government. The report gives an overview of the situation with human rights in the country, the measures undertaken for the purpose of their protection, but also provides a summary on how the state has acted in the areas that are in the strategic focus of the Committee, both from the aspect of the services provided to the citizens, as well as in terms of legislation and policies.

The report explores the areas in which citizens exercise their civil and political rights, social and economic rights, the closed institutions and police conduct, the rights of vulnerable groups, people with disabilities, the Roma and the LGBTI community. The report, in separate sections, addresses the phenomena that have, for the most part, been the cause of human rights violations - discrimination, hate speech and hate crimes.

Considering the fact that in the reporting period, possibly the most severe act of violence in the handing over of power in the history of independent Macedonia took place - the violent raid into the highest

legislative body, the Parliament, and the physical violence against the MPs from the new majority on 27 April, a separate part of the report focuses on these events, for which the Committee submitted a special report to the Primary Public Prosecutor's Office, where 28 criminal acts were identified.

After the new Government of the Republic of Macedonia was established, a reform process started that can generally be assessed as inclusive, due to the involvement of CSOs both in the preparation of the Plan 3-6-9 and the implementation of the proposals in the Blueprint Document for Urgent Democratic Reform, and in the working groups that were formed in the relevant ministries. This report gives an overview of the reform process and its implementation with appropriate recommendations on how to overcome the weaknesses in the system.

In addition to the identified violations of human rights and the conclusions about inadequate policies and practices in the actions of the state administration and judicial authorities, the Committee gives its recommendations on how to overcome the situation in all the areas where the exercising of and respect for human rights can be improved.

JUDICIARY

Judicial reforms

In the area of the judiciary, 2017 was marked by the beginning of the judicial reforms, a process in which the increased role, participation and contribution of CSOs, including the Helsinki Committee for Human Rights in the overall process, should be emphasized.

The findings of the Reinhard Priebe Expert Group Report from June 2015 were largely reaffirmed in the second report, which provided additional assessment, recommendations and specific guidance on the reform processes that were presented in the second half of September 2017. This report was also permeated by the conclusion that the non-functionality of the key justice and state institutions is still visible to the extent that it is preventing consistent implementation of laws and legal competencies. The findings of this report, as well as the many years of experience in the field, have largely shaped the activities of the Helsinki Committee in the reform process.

It is particularly important that the publication of the Government's reform plan, better known as Plan "3-6-9", containing an overview of the priority measures and activities necessary for the implementation of the urgent democratic reforms, was preceded by the presentation of the CSO's proposal for urgent democratic reforms, which included corresponding recommendations for reforms in this area. The Helsinki Committee actively contributed to the preparation of the Judicial Reform Strategy, together with the accompanying Action Plan for the period 2017-2022, which was adopted by the Government in November 2017.

The process of preparation of the Strategy, as well as a large part of the legal solutions, was rather inclusive, whereby after the publishing of the draft legal texts to most of the changes that resulted from the Strategy on the Single National Register of Regulations (ENER), or by means of the direct meetings and consultations in the Ministry of Justice, the CSOs were given the opportunity to contribute to improving the legal solutions with their suggestions and comments.

However, the course of the overall process was initially impaired by its structure which was too extensive and not conducive to efficient operation, and then by the manner of quick scheduling of the meetings of the Judicial Reform Council under the Ministry of Justice, the members of which turned out to be both insufficiently and inadequately familiar with all the steps that were supposed to be taken, nor given the opportunity to autonomously influence the course of the reforms by setting the agenda of the most burning issues and offering appropriate expert suggestions and solutions. On the contrary, after the reaction of some of the members of the Council, who indicated that their membership was more in the direction of "approving" the reforms that had already been formulated and they served their resignations, this Council stopped working.

It remains questionable to what extent the new Council for Monitoring the Implementation of the Strategy for Judicial Reform, which was soon formed as a substitute to the Reform Council, and was chaired by Prime Minister Zoran Zaev and where the members were the Presidents of the Supreme Court, the Court of Appeals in Skopje and the Primary Court Skopje 1, as well as the Public Prosecutor of the Republic of Macedonia and the Special Public Prosecutor, would be able to truly lead and control the processes and have a corrective role in case things stray from their set course. However, an asset in the newly created body will be the membership of a representative of the Blueprint Judiciary Group, which includes a number of civil society organizations, including the Helsinki Committee, who through their continuous work in the field of justice, the acquired expertise and experience can be active stakeholders in the overall reform processes.

(In)dependence and (Im)partiality of the Judicial Council and the Public Prosecutors' Council

During 2017, the Judicial Council and the Council of Public Prosecutors continued to elect judges, i.e. public prosecutors without any substantive changes, in the absence of debates, and without explanations for the (non)selection of the candidates with the highest number of points or with an equal number of points.

An additional critique was caused by the way judges got promoted, as well as the election of the court presidents. In that sense, the election of Judge Jovo Vangelovski as the old-new president of the Supreme Court in March 2017 caused great disapproval as he had been compromised in the aired wiretapped conversations.

After the many situations that pointed to the scandalous and controversial work of the previous president of the Primary Court Skopje 1, Vladimir Panchevski, in November 2017, Judge Ivan Dzolev was elected as the new president, which was largely approved by the expert public.

Nevertheless, the last election of judges by the Judicial Council, following the local elections, in November 2017, also led to harsh reactions, primarily from one part of the judges who had applied for these positions, especially due to the fact that the first time the Article of the Law on Courts was bypassed and the candidate for a judge at the Skopje Court of Appeal with the highest number of points ended up not being elected. This election once again emphasized the sense of mistrust in the work of the Judicial Council and was just another case in point which created doubts as to whether any serious reforms in the operation of this body can be expected in a situation when it seems that the same practice of non-transparent and unelabourated decision-making seems to continue on the issues of election and promotion of judges.

With regards to the establishing of liability of judges, in December 2018 the Judicial Council once again dismissed the Appeals Judge Mitrinovski, for whom the Court in Strasbourg ruled that the procedure for his dismissal in 2011 was not lawful. The Council acted upon the instructions of the European Court of Human Rights and, at the request of the applicant, repeated the procedure after the Court in Strasbourg assessed that the applicant of the motion for dismissal of Mr. Mitrinovski, the President of the Supreme Court, Vangelovski, also participated in the voting as a member of the Council, whereby the decision for dismissal was assessed as biased. With this, the violation is considered to have been annulled and the execution of this judgment could be expected to be closed before the Committee of Ministers.

The establishing of the Council for Determining Facts and initiating a procedure to determine liability of judges in 2015 with the task of handling complaints and motions against judges as a separate investigative body in order to separate the individual stages in the procedure for determining the disciplinary responsibility of a judge (initiating a procedure, conducting an investigation and deciding on the disciplinary responsibility of the judge) was assessed as an unnecessary step by the expert public from the very beginning, which was further confirmed through the work of the Council so far. Both the Plan "3-6-9" and the Strategy for reform of the justice sector, envisaged its termination. For the beginning of 2018, the Parliament announced the adoption of the Law on Cessation of the Law on the Council Determining Facts and initiating a procedure to determine liability of judges. This implied restoring the competence for conducting disciplinary proceedings to the Judicial Council, taking into account the given remarks and instructions of the international institutions with regards to the reforms of the judicial system. According to the amendments in the part of the initiation of proceedings against individual judges by the Judicial Council, the members of the Judicial Council who have initiated the procedure as "prosecutors" should not be involved in the decision-making as "judges". This solution is in line with the views of the Venice Commission and the established practice of the European Court of Human Rights.

Despite the election of the new President of the Council of Public Prosecutors, Kole Shterjev, no serious changes in the functioning of the Council have been observed. Despite the positive step for the dismissal of the previous Public Prosecutor, Marko Zvrlevski, in August 2017, the procedure for the election of the new prosecutor Ljubomir Joveski, formerly a member of the Council, was not completely transparent, having in mind the record high number of applicants for this position and the inaccessibility of the specific criteria that his election was based on, i.e. the given favorable opinion by the Council of Public Prosecutors, after which he was elected as a new Public Prosecutor of the country on 25 December, 2017.

ACCMIS-system

The actions of individual judges and presidents of courts were under serious suspicion in the context of possible misconduct of the ACCMIS system for the automatic distribution of cases in the courts, and in particular with regard to the distribution of cases arising from the wiretapped calls within the competence of the SPPO, which were assigned to only a few judges from the Primary Court Skopje 1. These suspicions were very prominently expressed in the second expert Priebe report as well. According to him, the system may have been manipulated in several ways: 1) redistribution of "ineligible" judges in other departments at times when sensitive subjects were to be allocated; 2) judges who wanted to avoid pressures going on sick leaves or other types of leaves of absence during periods of distribution of such cases; 3) the possibility that the differences in the procedures conducted under the old and new LCPs will be taken advantage of in order to facilitate the manipulation of the system, and 4) the abuse of the system through direct access of the authorized persons, such as the presidents of the courts.

Since a thorough supervision of the functioning of ACCMIS has never been carried out, in the autumn of 2017, a separate Commission was established in the Ministry of Justice to investigate any possible abuse of the ACMIS system. Upon completion of the inspection of the functionality of the information system and supervision of the application of the provisions of the Court Rules of Procedure in the courts, that is, in the ACCMIS system for 2016 and 2017, conducted on the 5th and 10th of October this year in the Primary Court Skopje 1, on the 9th of November in the Court of Appeals in Skopje and on November 17, in the Supreme Court, the final report was presented, after which action is yet be taken to determine the specific individual responsibility for the abuses and in to overcome the identified weaknesses in and bottom.

Special Public Prosecution

In the first quarter of 2017, the SPPO continued to be prevented from fully and uninterruptedly conducting its legal competences for processing all cases arising from the so-called "Bombs", and the necessary cooperation with most relevant state structures was lacking. This period was marked by obstructions and non-cooperation with the PPO by the competent state bodies, such as the Ministry of Interior, but also by hindering the procedures in the Primary Court Skopje 1. In addition, the prosecutors from the PPO were also fined with money fines of 2,000 EUR each, imposed for alleged "elementary disregard of the court" during a court hearing held on the case of the violence that occurred in the Municipality of Centar.

The mass redeployment of judges in the Primary Court Skopje 1 was also obvious. Having started in the time of the previous President, Panchevski, this practice continued in February 2017, when the acting President Tatjana Mihajlova redeployed twenty judges, including some of the few judges who had authorized SPPO's requests for search warrants or for pre-trial detention, from the criminal to the misdemeanor department without consulting them in any way. The newly-appointed President of the court, Stojanche Ribarev, continued with a similar practice and adopted a new, controversial Annual Work Schedule for 2017, but things were somewhat corrected after the election of Ivan Dzolev as president, who made a new schedule in December 2017 and redeployed the experienced staff to prosecute organized crime cases. In any case, such frequent "rotations" of judges from one department to another may be detrimental to the conducting of the criminal proceedings initiated by the SPPO. Similar redeployments took place in the Supreme Court, where the former President Lidija Nedelkova was deployed in the department on trials within a reasonable time, despite her long-standing experience in criminal matters.

Among the numerous obstructions, the Primary Court Skopje 1 refused to issue an order to search the computer systems of the telecommunications operator, which was explained away due to the alleged vagueness and insufficient accuracy of the request. At the

same time, a large number of the submitted proposals for imposing detention measure for the suspects in the crimes arising from the wiretapped materials were rejected, especially when it came to former senior state officials. Moreover, only one search warrant for the Titanic case was issued by the court, while all other requests for issuing search warrants for former and current senior officials were rejected.

Particularly controversial were the decisions of the Supreme Court's Council of 26 July 2017 rejecting the complaints of the attorneys of Goran Grujovski and Nikola Boshkovski in the "Target" and the "Fortress" cases related to the illegal wiretapping and destruction of the equipment in the PSIA, whereby the orders of the Skopje Court of Appeal for 30 days of detention were upheld. This was unprecedented and led to accepting a suspensive effect of the appeal, leaving room for the escape of the defendants, which is why the judges were held responsible, as this was obviously a way to find a loophole in the law to the detriment of justice.

The obstructions gradually decreased in the second half of 2017. And in the fourth report on the work of the SPPO for the period from 15 March to 15 September 2017, it was noted that what distinguishes this period from the others is exactly the issuing of indictments for most of the open investigations, that is, 18 indictments were issued for a total of 19 cases against 120 people for 168 criminal acts, of which seven new investigative procedures were opened in the reporting period against a total of 25 natural persons and investigations were undertaken against four legal entities.

However, the different treatment of wiretapped materials contained in the so-called "Bombs" by the domestic courts in the procedures initiated by the SPPO brought into question the impartiality in the administration of justice, as well as the legal certainty.

The Skopje Court of Appeal allowed the evidence obtained from the wiretapped materials to be treated as evidence in the criminal procedure twice - in the case for the Municipality of Centar, as well as in the "Trista" case, whereby it accepted the appeals of the SPPO and altered the decisions of the Primary Court Skopje 1, in which the evidence in these cases is separated from the case records as unlawfully obtained evidence.

On the other hand, in September 2017 the Primary Court Skopje 1 set aside the wiretapped conversations from the evidence in "Toplik", "Tenderi" and "Tortura" with an explanation that the conversations were obtained illegally and constituted a violation of the rights and freedoms stipulated in the Constitution of the Republic of Macedonia, which made them inelligible in the respective procedures.

Finally, despite the positive trends, by the end of 2017, the further status of the Special Public Prosecutor's Office remained unclear despite the proposals for its conversion into a separate department of the PPO that would have extended mandate for acting in other highly-profiled cases of organized crime and corruption, which creates uncertainty with regards to the full realization of its competences in future.

Public Prosecution

In the course of 2017, the Helsinki Committee continued to file criminal charges to the Public Prosecutor's Office and request that it initiate ex-officio proceedings for cases of violation of human rights and freedoms. However, this institution remains to be largely passive and closed, which is further accompanied by a failure to comply with the legally established deadlines in accordance to the Law on Criminal Procedure, which stipulates a period of 6 months to conduct an investigative procedure, which starts from the date of issuing the investigation order.

In addition, in most of the cases indicating overstepping of police powers and excessive use of force by the police, as well as hate crimes and hate speech, as well as all the other cases, there has been no response as to the course of the investigation, or the criminal charges were rejected on grounds that the crime in question was not a crime to be prosecuted ex officio.

Given the continued practice of failing to conduct effective investigations in cases of improper conduct of authorized police officers,

the impending finalization of the efforts undertaken at the initiative of the Council of Europe has been announced, and in cooperation with the Ministry of Interior, the Public Prosecutor's Office and the Ombudsman, for the purpose of establishing an external, independent mechanism for oversight of unlawful police action and excessive use of force by the police. It has been announced a package of legislative changes in seven laws is to soon be put on the parliamentary agenda, through which the legal framework for establishing of this mechanism should be provided (the Law on Police, the Law on Internal Affairs, the Law on Execution of Sanctions, the Law on the Ombudsman, the Public Prosecution Office, the Law on Public Prosecution and the Law on Courts).

By establishing the of "Prosecution Plus" i.e. a separate department within the PPORM and another department in the Ombudsman's Office, the deadline for the establishing of which is 60 days after the drafting of the legal framework, the efficiency of the treatment in such cases should be increased and violations of the Convention should be prevented, but there are still a number of steps that need to be taken in order for this mechanism to finally start functioning.

The non-recognition of elements of hate speech by the Public Prosecutor's Office in a number of cases has allowed for further repetition of those crimes, especially in the case of Milenko Nedelkovski, in relation to which the proceedings before the PPORM are still ongoing, but without any more specific outcome. At the same time, in 2017, criminal charges were brought against the former mayor of the Municipality of Karposh and president of the GROM party in connection with his explicit hate speech directed at the members of the LGBT community, made during one of his public appearances within the election campaign for the local elections in October 2017, but the Prosecutor's Office failed to provide any specific answer regarding the criminal charges filed in this case as well.

The selective justice and bias in the work of the PPORM came to light through several procedures that were conducted against the former president of the Primary Court Skopje 1, Panchevski, the Mayor of the Municipality of Centar, Zhernovski, as well as against some other public officials, especially in terms of the timing of initiating the investigations and the manner in which they were conducted, which casts doubt on

the possibility of political instrumentalizaiton and further undermines the already low level of public trust in this institution.

On top of this, for a longer period of time no activities were taken by the Public Prosecutor's Office for prosecuting the organized crime and corruption in connection with the events in the Assembly of the Republic of Macedonia on April 27, 2017, when a large crowd of protesters raided the Parliament building, including some with a suspicious criminal record who had masks on their heads and, with their aggressive behavior, threatened the life of some of the deputies.

The identified perpetrators were suspected of three types of criminal offenses, including participation in a crowd preventing an official from performing official duties, participation in a crowd that would commit a crime, and causing general danger. Contrary to this, the Special Report on these events prepared by the Helsinki Committee for Human Rights pointed out that in fact, a total of 28 different serious crimes in accordance with the Criminal Code had been committed, and the aim of the report was to assist the competent judicial authorities, and above all PPORM in the qualification of these crimes.

Taking into consideration that these events took place, among other things, due to the failure of the security system, i.e. they were assisted by the failure to act on the part of the police officers present at the crime scene, it was obvious that this was the result of an unlawful order and abuse of official position. In that sense, the Helsinki Committee for Human Rights has called for responsibility of the perpetrators, but also of the presumptive commissioners of these events.

A total turning point in the previous work of the Public Prosecutor's Office came with the arrest of 36 people, including several MPs whose immunity was revoked on November 28, 2017, after the PPOPOCC issued an order to conduct an investigative procedure against 36 people on grounds of reasonable suspicion they had committed a crime. The prosecution asked for an order for detention to be imposed to all of them, but what is striking is that, unlike the previous "lighter" incriminations that they were associated with, such as participation in a crowd, this time all these persons were charged with a Terrorist endangerment of the constitutional order and security, a crime that Article 313 of the Criminal Code stipulates an imprisonment of at

least ten years for. This casts additional doubt on the impartiality and consistency of the actions of the public prosecution authorities, from both the aspect of the long, seven-month period between the crimes and the taking of specific actions for conducting an investigative procedure, as well as the difference in the gravity of the incriminations.

Overall, the actions of the Prosecution can be assessed as extremely inefficient and non-transparent, which means that it continues to fail in its role as a protector of the rights and freedoms of citizens.

Repealing the Law on Determining the Type and Prescribing the Length of the Penalty

After the strong criticism it encountered since its adoption, especially in terms of violating the principle of free judicial scrutiny as a guarantee of independence, the Constitutional Court in 2017 finally brought a decision by which it repealed Law on Determining the Type and Prescribing the Length of the Penalty, on the grounds that this law seriously interfered with the independence of the judiciary and violated the principle of separation of powers, as it interfered with the legislative and the judicial power, which should be independent. The decision states that the Law is contrary to the legally envisaged free assessment of the evidence and the judicial conviction, which were formalized in it, no consideration was taken for the individualization of the sentence.

This law was previously criticized in the light of the fact that it led to an increase in the guilty pleas at the main hearing; procedures for issuing a penal order were often applied; milder sanction for more serious crimes; stricter sanctions for minor offenses; lack of uniformity of the court practic, etc. On grounds of this, appropriate legal interventions, including complete abolition of this law, as well as appropriate amendments to Article 39 paragraph 3 of the Criminal Code were recommended.

Law on Pardons

After the government reviewed and adopted the Law on Pardons during the 40th session held in November 2017, the road for its further consideration and adoption was opened, which is expected in early 2018.

The draft law indicates the significance of the right to pardon (mercy) of the state to the perpetrators of criminal acts in order not to initiate criminal prosecution against them or to pardon or commute the sentence of the already sentenced persons. At the same time, it is pointed out that the purpose of the adoption of this law is re-socialization of the perpetrators in order for them not to repeat the crimes in future, which is connected with the announced beginning of the application of the probation, and in preventing the negative outcomes and prevention of the criminal infection that would arise from the overcrowding and bad and inhumane conditions in the penitentiary institutions, as they have been assessed by international organizations and in the financial unburdening of the budget in relation to the sustenance of the prison population.

This brief law defines the categories of persons who will be pardoned from serving the prison sentence, stating that the convicts who were sentenced to imprisonment of up to six months were completely released from serving their sentence, while the convicts who have been sentenced to imprisonment of more than six months shall have their sentence commuted by 30% of the total imprisonment stated in the a final verdict, and convicted persons who have been sentenced to a single prison sentence (for more than one crime) with an effective verdict shall have their sentence commuted by 30% in the part of the previously established sentences under the pardon. The proposed law also specifies that if the single prison sentence for a crime that is not subject to pardon is established, the convict will be released from serving the sentence by 30% only in relation to the previously determined separate sentences covered by the Law on Pardons.

Article 3 clearly states that the amnesty does not apply to persons sentenced to life imprisonment and lists the crimes that will be exempted from the process, such as the criminal offense of murder (Article 123

of the Criminal Code); acts against the elections and voting (Article 158-165-c of the Criminal Code), acts against the sexual freedom and sexual morals (Articles 186, 187, 188, 189, 191, 193, 193-a, 193-b and 194 of the CC); acts against the state (Article 305-327 of the CC); acts against the public order (Article 394-a-394-d, from the Criminal Code); as well as acts against humanity and international law (Articles 403-418-a and 418-c to 422 of the Criminal Code).

At the same time, it is envisaged that the procedure for applying this law to convicts serving prison sentences shall be initiated ex officio by the penitentiary-correctional institution, while for those persons who have not started serving the sentence of imprisonment - the court who brought the first-instance verdict initiates the procedure ex officio, at the request of a public prosecutor or at the request of the convicted person. An appropriate right to appeal against the amnesty decision is also envisaged within 24 hours from the receipt of the decision, which can be submitted by the convicted person and the person who can make a complaint on behalf of the convicted person.

Fight against corruption

In the reporting period, the Helsinki Committee for Human Rights continued to monitor the corruption-related events, both through the initiated and conducted court proceedings in this area, as well as through the cases reported to the legal team of the Committee, within the framework of the program for providing free legal aid.

An additional step in the direction of strengthening the political will for suppression of corruption and holding the holders of the highest political positions responsible for any illegal practices was made through the initiative started by the Committee for the signing of a Declaration on the Fight against Corruption.

In fact, as part of the observation of the International Day Against Corruption (9 December) and the International Human Rights Day (10 December), the Helsinki Committee for Human Rights organized an

event attended by the highest representatives of the central and local government, as well as the political leaders of the coalition partners in the Government, where a joint statement was signed. Through this statement, they expressed their commitment in the fight against corruption and committed themselves to zero tolerance for corruption in the government, as well as in their own political parties.

The Anti-Corruption Declaration was submitted to all ministries and civil society organizations, after which it was signed by a total of 61 public office holders, expressing their ongoing commitment to fight corruption. The list of signatories includs the Public Prosecutor of the Republic of Macedonia, Ljubomir Joveski, the Special Public Prosecutor for Prosecution of Crimes Arising from the Contents of the Illegal Interception of Communications, Katica Janeva, 18 Ministers and one Deputy Minister in the Government of the Republic of Macedonia, the Mayor of the City of Skopje and the Mayors of 35 municipalities.

However, the Helsinki Committee continues to make additional efforts in this direction through its regular activities, such as monitoring of the situation in the judiciary and regular provision of free legal assistance in its offices, especially taking into account the indicators that point to the detrimental effect of corruption on human rights and freedoms.

Strategic Litigation before the European Court of Human Rights

The Helsinki Committee's long-standing work in the field of strategic advocacy by submitting individual applications to the European Court of Human Rights (hereinafter: "ECtHR" or "the Court") came to fruition in 2017. In fact, over the course of the year, two judgments were passed by the Court in favor of the applicants, represented by the Helsinki Committee, and in both judgments a violation of the European Convention on Human Rights was found (in the following text: "ECHR" or "the Convention"). These are the judgments in the cases "Karajanov v. the Republic of Macedonia" and the "Orthodox

Ohrid Archidioese (Greek-Orthodox Ohrid Archidioese of the Peć Patriarchy)".

Karajanov v. RM (application no. 2229/15), judgment from 6 April 2017

After the verdict in the case of Trendafil Ivanovski of 21 January 2016, this is the second case in which the ECtHR deals with the lustration in the Republic of Macedonia. This time the application was submitted in connection with the applicant's lustration procedure, who was a former journalist and editor of a newspaper who, with a decision of the Commission for the Verification of Facts of 2013 ("Lustration Commission"), was declared a collabourator of the secret services, which was later confirmed by the judgments of the Administrative and the Higher Administrative Court. The ECtHR finds a violation of his right to an equitable procedure because he did not have the opportunity to effectively present his case, and the two courts at both instances that acted in the administrative dispute initiated by him did not exercise their full competence in determining the facts and applying the law, did not conduct a meritory examination of the case, nor were there any exceptional circumstances that would justify the failure to hold an oral hearing in the presence of the applicant at any stage of the proceedings, bearing in mind that disputable factual and legal issues were at hand that were not of a purely technical nature. The administrative courts in particular failed to give a substantive explanation as to the authenticity of the evidence against him and his arguments that the dossiers that the Commission's decision was based on referred to a completely different person, i.e. that a case of mistaken identity was in question, although they acted in full jurisdiction.

At the same time, the Court found a violation of Article 8 of the Convention (Right to respect for the private and family life) due to the announcement of the Lustration Commission's decision on the Commission's website on the day of its adoption, i.e. before it had become final and effective. In its decision, the ECtHR particularly took into account that such an announcement did not serve any of the legitimate goals, such as protecting the national security, the public security, the economic well-being of the country and the rights and freedoms of others. Moreover, the applicant was aged 77, was not

a holder or a candidate for public office, the position of the Venice Commission of the Council of Europe of 17 December 2012 stated that the legal provision for publishing the names of the lustrated persons before the decisions became effective is contrary to Article 8 of the Convention and may have harmful consequences on the person's reputation which may not be remedied by a later correction, and the decision of the Constitutional Court of the Republic of Macedonia C no. 42/2008, dated March 24, 2010 was also in line of this.

The applicant was awarded 4,500 EUR in compensation for the non-pecuniary damage, as well as an additional 1,000 EUR to cover the costs and expenses of the proceedings.

Orthodox Ohrid Archidioese (Greek Orthodox Ohrid Archidioese of the Peć Patriarchy), application no. 3532/07, decision from 16 November 2017

This judgment of the ECtHR found violation of Article 11 (freedom of assembly and association) in relation to Article 9 (freedom of thought, conscience and religion) of the Convention because of the refusal of the competent authorities to register the Orthodox Ohrid Archidioese (OOA) as a separate religious community. The ECtHR found that the requirements of the OOA to be registered were rejected for formal reasons and on two other grounds: that the applicant's association was formed by a foreign church or state, and that its proposed name was problematic, especially since it was very similar to the name of the MOC-Ohrid Archidioese, which has a historical, religious and moral right to continuously use this name.

In its analysis, the court recognized broad space for assessment by the state in its relations with the religious communities and emphasized the need for it to reconcile the interests of the various religious groups that coexist in a democratic society, all while remaining neutral and impartial. It further noted that that the reasons presented in respect of the formal deficiencies for registration were neither relevant nor sufficient. Moreover, the Court emphasized that the national authorities should pay particular attention to ensure that the protection of the national popular opinion does not come at the cost of the detriment of minority views, no matter how unpopular they are, and the role of the authorities in a conflict situation between or

within the framework of religious groups is not to eliminate the cause of tension by eliminating pluralism, but to ensure that the opposing groups manage to tolerate one another.

The Court reiterates that the preventive measures to suppress the freedom of assembly and association cannot be justified, and that at no stage of the domestic proceedings had it been stated that the applicant had advocated for the application of violence or any other anti-democratic means to achieve its aims. It was therefore concluded that the way in which the domestic authorities refused to recognize the applicant association was not necessary in a democratic society and that it constituted a violation of Article 11 of the Convention, interpreted in the light of Article 9.

Otherwise, the applicant association was awarded EUR 4,500 in compensation for non-pecuniary damage, as well as resimbursment of costs and expenses in the amount of EUR 5,000.

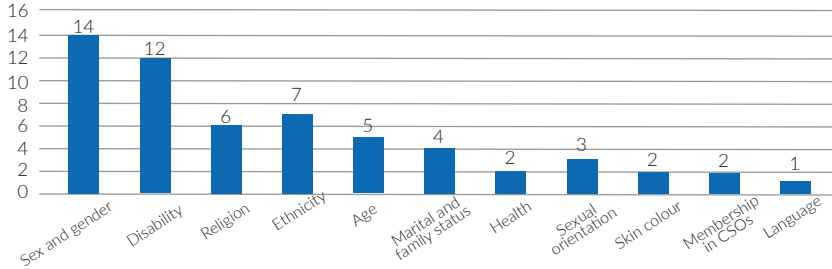
EQUAL TREATMENT

Discrimination

Over the course of 2017, the Helsinki Committee for Human Rights continuously monitored the situation in the area of discrimination on the entire territory of the Republic of Macedonia in order to prevent and protect against discrimination by providing legal assistance to victims of discrimination, strategic litigation of specific cases, informing the public about cases of discrimination and about the actions and efficiency of the mechanisms for protection against discrimination. Apart from the received reports of cases of discrimination, the Committee also acted on cases recorded through media monitoring, the social networks, job advertisements and by monitoring of the situation in society at large, along with the existing policies and practices.

A total of 58 cases of discrimination were found over the course of the year, which are indicative of the systemic problems for the Roma, the people with disabilities and women, particularly the women from the minority ethnic communities.

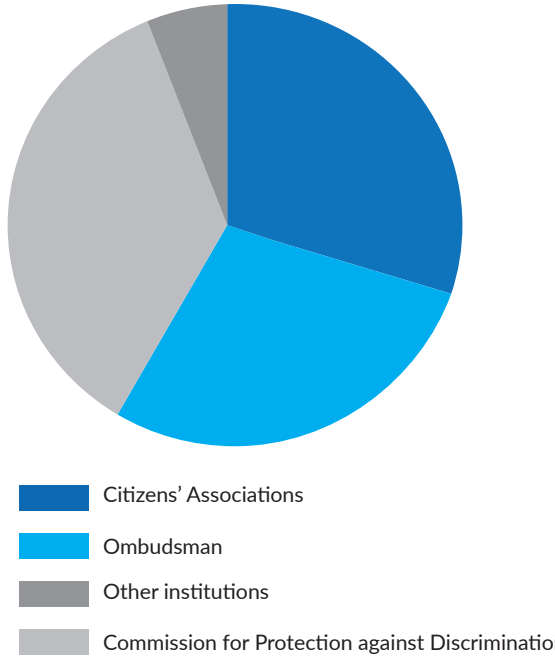
Based on the statistical data, it is evident that most of the cases refer to discrimination on grounds of sex and gender, disability and ethnicity.



With regards to the areas where the discrimination occurred, the most common are labour relations, closely followed by health care, education and access to goods and services.

When it comes to raising the awareness about the existence of discrimination, citizen associations are still most active in this part. The Ombudsman and the Commission for Protection against Discrimination have improved the reactions and reports in situations involving discrimination in the public sphere, while the remaining institutions remain passive in this part.

Statistical overview of registered responses from institutions in cases of discrimination.



Discrimination in labour relations

In this area, there were cases of discrimination in both the access to employment and the termination of employment. Cases were registered of uneven application of the provisions of the collective agreement for the economy related to the supplement for an annual vacation which left women using maternity leave in a disadvantaged position. In various individual cases, the inspectorate found that due to the use of maternity leave, these women were not entitled to the supplement for annual vacation, that is, treated the maternity leave as a termination of employment. The term maternity leave itself, or as stipulated in the Law "Absence from work due to pregnancy, birth and parenthood", indicates that it is a matter of absence, and not termination of employment, and cannot be arbitrarily interpreted. Such interpretations and the uneven application of the provisions for a supplement for an annual leave are contrary to the principles of non-discrimination and equal opportunities and treatment of men and women, taking into account that most of the workers using maternity leave are women. The Helsinki Committee asked the Ministry of Labour and Social Policy to harmonize the interpretation of the provisions on the supplement for annual vacation so that in the future that there will be no other violations of the labour rights of women using maternity leave.

Regarding job advertisments, which the Committee constantly monitors, despite all the previous reactions, it is evident that the practice of setting discriminatory employment conditions in job advertisments continues. Through the monitoring of job vacancies, it was noted that many of the job vacancies require either males or females for a certain job or require persons to be at a certain age, or set conditions for both in terms of gender and age. Over the course of the year, the Committee had a case for which a complaint was submitted to the Commission for Protection against Discrimination, and that the Commission adopted a positive opinion on, establishing multiple direct discrimination, ie discrimination on more than one ground. Despite such opinions from the Commission for Protection against Discrimination, advertisements with discriminatory employment conditions still appear on the Employment Websites. Increased education of employers and employment intermediaries in the area

of permitted conditions of employment is needed, which will not restrict access to employment on any grounds, and the Committee will constantly refer to it in the forthcoming period.

Discrimination in healthcare

This year too, the Committee observed cases of discrimination in the access to healthcare services, as well as the treatment that the citizens do (not) receive. One of the cases involved a person who is a protégé of the PI Special Institute – Demir Kapija, operated for cancer, which needed to be prescribed a post-operative treatment due to his deteriorating health. The first time, the protégé was taken to the Oncology Clinic in October by two nurses employed at the Special Institute Demir Kapija, whereby the doctor did not admit the nurses and examine the protégé, and only asked to see the medical history they had brought. The protégé was not even admitted to the doctor's office or given any treatment, as she told them he should be treated elsewhere. The report that the doctor gave to the nurses stated that that the patient had severe mental retardation, is non communicable and nonverbal, and due to those difficulties and his general health condition, any further treatment is counter indicated. Two months later the parents decided to go to the doctor's themselves with the entire documentation, in order to ask for their son to be admitted for examination and to be given possible treatment due to the apparent deterioration of his health, that is, the prolonged weight loss. The doctor initially refused to receive them, but still allowed them to enter her office for a talk. She told them "not to bring him there again" and not to come anymore. After this, the parents left and immediately reported the case to the Helsinki Committee.

For the needs of the parents, the legal team of the MHC held a meeting with the director of the Oncology Clinic, where they informed the director of the discriminatory behavior of the doctor and asked their son to be immediately provided with the necessary health care. After the meeting their son was examined by another doctor from the

Oncology Clinic, he was prescribed the necessary therapy, and the committee's legal team prepared criminal charges against the doctor who discriminated against him and refused to provide him with health care.

Discrimination in the access to goods and services

In the course of 2017, several cases of discrimination in the access to goods and services were reported on various grounds. Particularly worrying is the fact that in two cases discrimination of persons of Roma on grounds of ethnicity and skin color took place in two different cities, and we have information of discriminatory practice in another city. One of the cases occurred in a swimming pool in the Skopje residential area of Aerodrom, and the other in a swimming pool in Prilep. In both cases, the discriminated persons were not allowed to enter the pool due to their skin color, which limited their access to goods and services of public character.

In the first case, after an unsuccessful attempt to enter the pool, the applicant went again to the same pool with his family. His wife and his daughter were allowed access to the pool because they have lighter skin, while he and his son were not allowed in by the pool staff. For the documented case, the legal team of the MHC, for the needs of the party prepared a complaint to the Commission for Protection against Discrimination, after which the Commission adopted a positive opinion and established discrimination. After receiving such an opinion and consulting with the MHC team, the damaged party decided to seek judicial protection against discrimination.

In the case of the pool in Prilep, as many as 120 people who were prevented from entering the pool contacted the Helsinki Committee. During their attempts to enter the pool, these people were sent back by the security guard with the explanation that starting from that year, upon the order of the owner of the pool, they will not allow Roma in. Some of those who arrived at the pool together with people that did not have dark skin were prevented from entering, but their friends with

a lighter skin color were allowed in. In this case too, the Commission for Protection against Discrimination adopted a positive opinion and the procedure continues before a domestic court. Another case of discrimination in this area was against a person with physical disability who was denied access due to inaccessibility for wheelchair users at the "Centar" swimming pool, and court proceedings are to be initiated.

Discrimination in education

Several cases of discrimination against different categories of persons were noted in this area too, including discrimination against persons with disabilities in their access to education, but also during the educational process, segregation as a more severe form of discrimination against Roma children, as well as discriminatory content in textbooks.

After performing insight into the textbook "Civic Education" for the eighth grade of primary school, discriminatory content based on sex, gender, health, disability and religion was detected. Among other things, the textbook teaches about women's rights and says that only respected women and healthy mothers can provide healthy families, which is something that the further development of society depends on. In this case, the Helsinki Committee, in cooperation with the other organizations from the Anti-Discrimination Network, submitted a complaint to the Ombudsman in which it was asked to establish discrimination and recommend withdrawing the disputed textbook from the curriculum. After the conducted procedure and the established discrimination, the Ombudsman submitted a Recommendation on the manner acting upon the established violations to the Ministry of Education, which contained specific instructions for the actions of the competent ministry. The Ministry of Education and Science accepted the recommendations of the Ombudsman and decided to withdraw the disputed textbook.

Discrimination in exercising one's right to vote

During past election cycles, the Committee often received information from people with physical disabilities stating that they have problems in exercising the right to vote because the polling stations are inaccessible. There was also a lot of information by blind people who stated that they feel dependent and insecure when voting because they vote with a companion. The conclusion was that not only physical accessibility was in question, although a large number of polling stations do not even offer that, but also the inaccessibility to the very act of voting for the blind. The situation with limited access to polling stations and ballot papers unadjusted for blind people results in violation of the right to vote and the secrecy of the voting and also constitutes discrimination on grounds of disability. It was decided that in order to have a basis to change things, it is necessary to determine the state and treatment of these people during the election process.

A decision was made to use a method of proving discrimination called situation testing[1] in order to prove the discriminatory treatment of the state towards persons with disabilities in exercising their right to vote. The choice was to conduct situation testing for people in wheelchairs and blind people. The testing showed that the polling stations were inaccessible to people in wheelchairs and people with poor vision and visually impaired people who do not know the Braille alphabet. A novelty in the last election process was the handing a voting instruction for voting to the visually impaired in the Braille alphabet, which should enable the blind person, that is, a visually impaired person to vote independently and secretly, but still, a greater number of the blind, that is, the visually impaired people are not familiar with this alphabet.

In both cases the Committee initiated proceedings before the Commission for Protection against Discrimination for establishing discrimination on grounds of disability of persons in wheelchairs exercising their right to vote, as well as blind persons and persons with sensory disability. The proceedings are still under way.

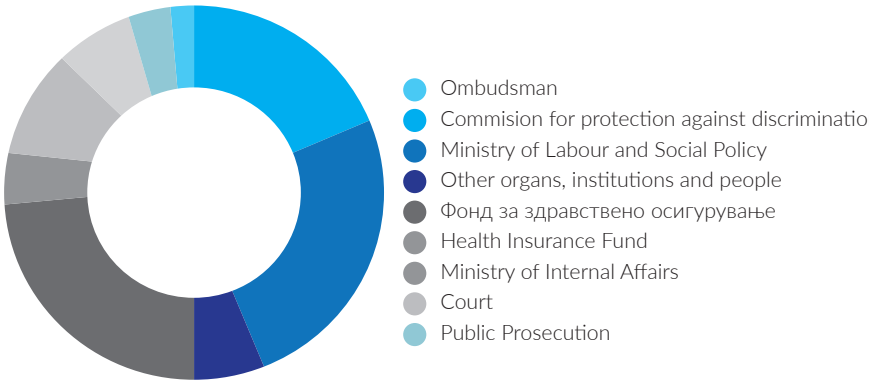
1 "Situation testing - a method to prove discrimination", Neda Chalovska, 2014 http://mhc.org.mk/system/uploads/redactor_assets/documents/894/Metod_za_Diskriminacija_MKD.pdf

Institutions and protection against discrimination

With regards to the efficiency of the institutions that initiated the procedures for protection against discrimination, compared to the previous years, this year an increased number of initiated procedures before the Commission for Protection against Discrimination was observed. The Commission has shown a positive trend in adopting an increased number of positive opinions on initiated procedings, compared with the procedures initiated in previous years.

This year the trend of good cooperation with the Ombudsman also continued, an institution that acts urgently and within the legally prescribed deadlines in all the initiated procedures for protection against discrimination.

A novelty compared to previous years is the direct communication with the individuals and institutions who occur as potential discriminators in certain procedures. In 13 cases, the Committee directly addressed the potential discriminators in writing, asking them to terminate their discriminatory practices.



Hate Speech

In a multicultural, multiethnic and diverse state, hate speech based on prejudice, stereotypes and disrespect for diversity is a phenomenon that has a devastating effect on the entire society. This is exactly the case with the Republic of Macedonia. In the absence of any public condemnation by the highest state officials and bodies and proper reaction on the part of the prosecution authorities, over the course of 2017, a fertile soil for spreading ethnocentric, xenophobic and homophobic hate speech flourished and caused irreparable harm to the individual victims and socially vulnerable groups. If we analyze the registered cases and occurrences of hate speech in the public space, it will be noted that the main proponents of hate speech are politics and the daily affairs, and to a large extent hate speech is also triggered by individual events and occurences that stand out from the daily goings-on and are deemed provocative by the public.

The deepening political crisis, the turbulent political developments over the course of 2016 and during the post-election period at the start of 2017[2] caused significant outbursts of hate speech on the Internet and in the public space, on grounds of political affiliation. Caused by the nationalist and ethnocentric rhetoric of some political structures, hate speech contributed to the creation of a polarized society that resorts to hatred and violence. The establishing of the new government, the holding of anti-government protests against the so-called "Tirana platform" and the "introduction of bilingualism"[3], the election of an Albanian as president of the Assembly of the Republic of Macedonia, were several of the main political events in the first three months of the year which lead to the build up of hate speech on grounds of ethnicity. The culmination of the socio-political crisis occurred in late April 2017 with the violent raid of protesters in the Parliament of the Republic of Macedonia and physical attacks on several MPs, including the leaders of the main political parties and the newly elected prime minister of the country.[4] During the summer period (June, July and August), the most prevalent type of hate speech was the xenophobic speech against the refugees and migrants passing through the Republic of Macedonia, which appeared in response to the proposed National Strategy for

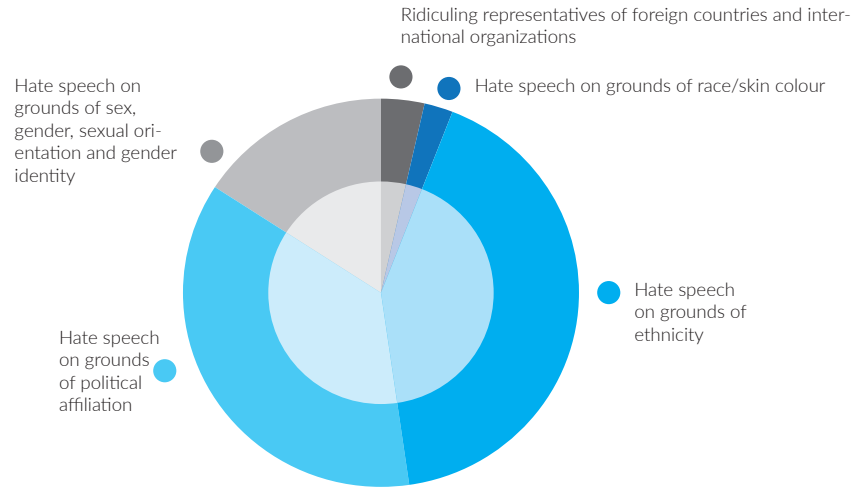
2 Following the early parliamentary elections which took place on 11.12.2016
3 Politically constructed phenomena supported by VMRO-DPMNE (now in opposition)

the Integration of Refugees and Foreigners. Once again, the issue was abused for political purposes, spurring a xenophobic hate-speech fueled public debate, intended to cause hatred and intolerance among citizens. In anticipation of the local elections scheduled for 15 October 2017, towards the end of the year, hate speech on grounds of political affiliation and ethnicity was re-fueled as a regular tool for creating discord in society.

Given the fostering of conservative values in society during the previous years which were based on prejudice and intolerance towards the LGBT community, the continuous occurrence of hate speech on grounds of sexual orientation and gender identity is not surprising. Several cases of hate speech on this ground, related to isolated events were registered during the year, which were frequently expressed by public figures.

During 2017, the Helsinki Committee continued to register cases of hate speech on the Internet and in the public space, through the internet platform www.govornaomraza.mk. Unlike the previous year, in 2017 fewer cases of hate speech were registered, i.e. a total of 110[5] applications. Of these, 62 cases, in 7 different categories were verified.

Registered hate speech reports



4 On the violence in the Assembly on 27.04.2017, http://mhc.org.mk/analysis/578#.WqUlpOjwbIU

5 Over the year, 136 reported cases of hate speech were registered on the web-platform www.govornaomraza.mk

Most of the reported cases were on grounds of ethnicity (58), the second in line by the number of reports are those on grounds of political affiliation (48), and third in line are the cases registered on grounds of sexual orientation and gender identity, i.e. 26 cases. However, in the analysis of individual cases and the consideration of individual elements of hate speech,[6] it was noted that cases with the greatest "severity" were those on grounds of sexual orientation, having in mind that they are most often committed by public figures (politicians, journalists and etc.) and in a public space where they influence a larger audience. From the registered cases, we distinguish the most significant ones as follows:

Hate speech against Roma in a primary school in Bitola

In January 2017, the Helsinki Committee received a report of hate speech in the form of graffiti sprayed on the walls of the primary school "Gjorgi Sugarev" in Bitola.[7] The graffiti contained swastikas, insulting words and calls for death of the Roma community. In addition to the fact that the graffiti itself was hate speech, its consequences were even more detrimental considering the fact that this particular school is attended predominantly by children from the Roma ethnic community in Bitola. The Helsinki Committee immediately addressed the school's administration and filed criminal charges against unknown perpetrators. After the fierce reaction of the Roma community and the public, the graffiti were quickly removed by the competent authorities. The Helsinki Committee welcomed the prompt reaction and urged for it to be set as an example of acting in all future cases of hate speech encountered in the public space, in order to reduce the harmful effects on the individuals and the targeted group.

6 The content of the expressed words, the context, intention of the speaker and the negative effects it may cause

7 http://govornaomraza.mk/reports/view/791

Hate speech on grounds of sexual orientation and gender identity

Over the course of June 2017, the Pride Weekend was observed for the fourth time in the Republic of Macedonia, whereby numerous events were organized aimed at raising the awareness of the citizens about the rights of LGBT people, as well as the promotion and protection of their rights. Unfortunately, the sharing of information about events within the Weekend of Pride caused a significant number of incidents involving hate speech on grounds sexual orientation and gender identity on the Internet. Numerous comments containing offensive and degrading words, calls for violence and "extermination" of the LGBT people were noted in the media posts on the events related to the Pride Weekend. Thus, for example, in one case, hate speech was noted in the comments on a post by Milenko Nedelkovski, who had been known for spreading homophobic statements in the past too[8]. Although his post did not contain explicit hate speech, it was blatantly provocative and suggestive, which could also be perceived in a significant number of comments to the post which contained hate speech.

A prominent case that caused a surge in the homophobic and offensive speech towards transgender people in the country was also the media announcement for the completion of the first sex change operation in the Republic of Macedonia.[9] Despite the compliance with the journalistic standards and objective reporting on the medical procedure by the media, the calls for violence, insults and the labeling of transgender people as "freaks" in the comments on internet portals and social networks have not subsided. In a similar context and form, hate speech was observed in relation to the news of recognition of the third (neutral) gender in Germany which was reported in November 2017.[10] The Helsinki Committee sent numerous appeals to all Internet media and portals to monitor and remove the comments with hate speech on the posts on their pages, in order not to spread such speech further, which, according to the practice of the European Court of Human Rights, is considered their responsibility.[11]

8 http://govornaomraza.mk/reports/view/903
9 http://govornaomraza.mk/reports/view/900
10 http://govornaomraza.mk/reports/view/917
11 On the liability of internet-media when it comes to hate speech comments on their posts, Delfi vs. Estonia, application no. 64569/09 https://strasbourgobservers.com/2015/06/18/delfi-as-v-estonia-grand-chamber-confirms-liability-of-online-news-portal-for-offensive-comments-posted-by-its-readers/

Fierce public reactions and increased number of cases of hate speech on grounds of sexual orientation and gender identity were also triggered during July 2017 when MP Branko Manojlovski from the political party DUI raised the issue of recognizing same-sex marriages. Unfortunately, those statements of support resulted in a backlash in the public. In addition to hate speech in the Internet, provocative speech and indirect hate speech filled with homophobic statements was also observed in the public speeches of the political representatives of right-wing parties, who in the past expressed their views against the LGBT community. By supporting and using this speech, the daily life and safety of LGBT people are at risk. The Helsinki Committee expressed its concern and urged politicians and public figures to condemn hate speech instead of using it themselves.

The most significant case of hate speech based on grounds of sexual orientation was recorded at the end of the year, i.e. in October 2017. Shortly before the local elections, the candidate for Mayor of the Municipality of Karposh, Skopje and the incumbent Mayor of the Municipality, Stefcho Jakimovski, used hate speech against the LGBT community at a public rally. In his address to the citizens and in an attempt to discredit his opponent, Jakimovski pointed to speculations that he was homosexual. At the same time, he called the LGBT community "the most dangerous mafia that wants to be installed in the Municipality of Karposh". The impact of this speech towards the LGBT community is particularly worrying given that in the period prior to the holding of this speech, propaganda materials with homophobic content were scattered throughout the municipality. The Helsinki Committee publicly condemned the politician's speech, pointed out to his responsibility to the public and filed criminal charges in the Public Prosecutor's Office. [12]

12 http://mhc.org.mk/announcements/650?locale=mk#.WqVFCejwbIV

Xenophobic hate speech against refugees

The Republic of Macedonia found itself deeply affected by the global refugee crisis over the past 3 years, as a transit country on the Balkan route that the refugees and migrants embarked on, on their way to the Western European countries. As the course and dynamics of the refugee crisis in the world and throughout the country changed, so did the reaction of the Macedonian citizens. In certain periods, exceptional solidarity was shown, but at certain points in time there was also huge impatience and intolerance.

In this context, in July 2017, on the occasion of the publication of the draft strategy for the integration of refugees and migrants, a public debate on the admittance of refugees and their integration in the country was opened in Macedonia. Taking advantage of the political context in the country and in complete disregard of the real situation, the opposition party opened a heated debate in the Assembly regarding the action measures envisioned by the Strategy for the next 10 years, stating that more than 200,000 refugees would be admitted to the country. In doing so, certain political leaders resorted to direct and indirect hate speech against refugees, calling them "harmful" to society and undesirable to the state, as well as presenting the harmful consequences to the country if it opened the doors to such a number of refugees. This rhetoric caused a strong sense of fear, hatred and intolerance among citizens against refugees. Moreover, triggered by political factors, several civil initiatives emerged and started collecting signatures in order to hold referenda at the local level through which individual municipalities would declare themselves against receiving refugees and offering them residence. The whole campaign was filled with xenophobic hate speech, both in the public space, on the Internet and on the social networks.[13]

The political background of such propaganda and the abuse of the refugee issue became apparent when 12 municipalities made decisions to hold the referendum against refugees on the same date of the scheduled local elections. The State Election Commission adopted a decision that did not allow holding local referendums on the same

13 http://govornaomraza.mk/reports/view/907
http://govornaomraza.mk/reports/view/910
http://govornaomraza.mk/reports/view/911

date as the local elections, whereby the public debate on this issue was completely closed and extinguished.

Having in mind the above examples and the prevalence of hate speech in our society, the statistical indicators of the actions taken by the primary public prosecutor's offices and the primary courts in the Republic of Macedonia for the crimes from the Criminal Code under which spreading and inciting hate speech in the public space can be prosecuted. By sending requests for information of public character, the Helsinki Committee addressed all the primery public prosecutor's offices and primary courts in order to start and act upon the already initiated procedures in accordance with the following articles of the Criminal Code: Article 179, Mocking the Macedonian people and members of the communities, article 319, Inciting hatred, discord or intolerance on a national, racial, religious and other discriminatory grounds Article 394-d, Spreading racist and xenophobic material through a computer system, Article 407-a, Approval or justification of genocide, crimes against humanity or war crimes, and Article 417, paragraph 3, Racial and Other Discrimination. From the responses received, the following is evident: during 2017 no case was filed in any of the primary courts in the Republic of Macedonia regarding the said crimes. When it comes to the basic public prosecutor's offices, cases related to hate speech were registered in Kumanovo and Skopje. The Public Prosecutor's Office Kumanovo reports that during 2017 two cases were established according to Article 319 of the Criminal Code, where appropriate actions were taken and the prosecution proposals were submitted by the competent public prosecutor to the Primary Court in Kumanovo. It is characteristic that in both cases the perpetrator was a child, therefore a proposal for pronouncing a corrective measure had been submitted to the court. The Primary Public Prosecutor's Office in Skopje reported that in the course of 2017, 42 written notifications had been submitted to this prosecutor's office under Article 394-d and 2 notifications of criminal offenses under Article 319, whereby the prosecution took action. At the same time, it reported one criminal proceedings were conducted in accordance with Article 394-d, while one criminal charge under Articles 394-g and 319 had been rejected.

Taking into account the numerous cases registered by the Helsinki Committee, as well as the general impression about the prevalence

of hate speech in the public, the minimal actions on the part of the primary public prosecutor's offices and the primary courts in the state are worrying, as well as the lack of a legally effective court verdict on these crimes. The absence of criminal prosecution and accountability inevitably leads to tolerance of hate speech and its continuous repetition.

Hate crimes

In the period between 1 January and 31 December 2017, the Helsinki Committee registered a total of 70 incidents and hate crimes, a number which is identical to the number of hate crimes registered in 2016. Moreover, most of the incidents that were registered on the portal www.zlostorstvaodomraza.mk, were registered immediately after they were reported by the media or in the newsletter of the Ministry of Interior.

At the same time, out of the total number of 70 registered incidents, 58 incidents were verified, while 12 incidents remain unverified. The majority of incidents were verified by requesting information and getting official responses from MoI, as well as regular monitoring of the daily newsletters of the Ministry of Interior and the media reports on separate incidents. The unverified incidents were nevertheless included in the report due to the occurrence of bias indicators, including: victim/witness perception; comments made on the spot; the difference between the victim and the perpetrator on ethnic grounds; pattern/frequency of previous incidents; the nature of the violence; the absence of other motives; and location and timing. The majority of the unverified incidents occurred in ethnically mixed neighborhoods and schools, in buses or in the vicinity of bus stops, in particular bus routes used by members of different ethnic communities, etc.). Moreover, the unverified incidents have also become recognizable by the type of incident (e.g., assault on a bus or at a bus station, group fights, a larger group of juveniles attacking one or more victims).

Regarding the motive for committing the hate crime, there is a certain increase in the number of incidents that were committed on grounds of the political affiliation of the victim, and they make up exactly 50% of the total number of incidents. 43% of the incidents belong to the category of incidents committed due to the ethnicity of the victim, while 3% were committed on grounds of religious affiliation, and only 3% due to some other motive. It should be noted that no incident was recorded exclusively due to the sexual orientation of the victim. At the same time, with the extinguishing of the migrant crisis, the status of a refugee or a migrant cease to be a visible motive for this type of crimes.

The increase in this kind of hate crimes was particularly striking before and during the elections. These types of incidents were on the rise before and during the election cycles. In the same way that an increase in this type of incidents was registered before and during the early parliamentary elections in 2016, an increase in this type of incidents was observed in the first and second round of the local elections campaign in October 2017.

Therefore, unlike July when not a single hate crime was recorded, and August, when a total of 4 crimes were recorded, the number of crimes dramatically increased in August (7) and reached its culmination in the heat of the campaign and immediately after, in October, when the highest number of hate crime incidents on a monthly level for the entire year was recorded (as many as 18). In fact, after the end of the elections, the number of incidents dropped to 5 again in November.

The first incident due to political affiliation or political conviction was committed on the day of the start of the election campaign in September 2017, and similarly to the majority of the other registered incidents, it involved demolishing of party headquarters. By the end of October, the damage to the party headquarters continued on a daily basis, whereby the party headquarters of several political parties were damaged, and during the election campaign, incidents involving physical violence were also noted. Thus, during the physical attack, the candidate for mayor of the Municipality of Shuto Orizari was injured, while on the evening of October 15, on the day of the second round of local elections, a case was registered of a person threatening the candidate for mayor of the Municipality of Karposh and the citizens

gathered at the party headquarters with a knife. In Sveti Nikole, a couple was physically attacked and injured immediately after the SDSM celebration in the city center.

Otherwise, mainly young people continue to appear as perpetrators of hate crimes. Most of these incidents include violence (26), destruction of property (24), bodily injury (22), and some of them a cold weapon attack (2), firearm attack (1), causing general danger (1), endangering the safety (1) and destroying symbols (1).

The trend of having most of the incidents registered in Skopje (50) continues. It is followed by Bitola (4), Prilep (3), Kavadarci (3), Kumanovo (2), Kicevo (2), Ohrid (2), Sveti Nikole (2), Veles (1) and Shtip (1).

Only 20 incidents were followed by a reaction, either by an official (16), a citizen association (3) or any other entity (1).

The number of only 15 detected perpetrators by the Ministry of Interior, as well as only 5 criminal charges filed against some of the perpetrators is devastating and once again reaffirms the necessity of increased activity on the part of the Ministry and the Public Prosecutor's Office for the purpose of more efficiently tackling this phenomenon, especially considering its far-reaching harmful social implications.

CLOSED INSTITUTIONS

Over the course of 2017, the trend of exposing convicts to bad and inhuman conditions while serving their sentences continued, which is in complete opposition to the treatment standards established with all the relevant international human rights instruments.

Despite all the systemic problems that persist within the penitentiary system, it is obvious that the communication between the Helsinki Committee for Human Rights and the competent Directorate for Execution of Sanctions has improved, which is reflected in the timely submission of the requested information on matters under the competence of the Directorate and in the responsiveness and open cooperation regarding the requests for visits and talks with convicts who have turned to the Helsinki Committee, ie requests for visits for the purpose of gaining insight into the conditions available in the corresponding penitentiary institutions.

Overcrowded prisons and inadequate treatment

The total number of detained and convicted persons who were in one of the thirteen closed institutions of this type as of mid-November 2017 was 3045 persons. This represents a decrease of 11.6% compared to the 3446 persons that had been officially registered by April 12, 2016. Out of them, 2809 were convicted of serving prison sentence and 236 were detained.

The total capacity for convicted persons and detainees is 2576 versus the number of 2809 persons, which means that there is overcrowding of almost 109%, ie on average 109 people are accommodated in a space adequate for one hundred people. The situation in the Idrizovo Penitentiary, which officially has the capacity to accommodate 1,094 convicted persons, is the most alarming, with 1786 prisoners

accommodated there, which significantly exceeds the spatial capacity and leads to overcrowding of 163.25%. Moreover, according to the Committee for the Prevention of Torture within the Council of Europe, its real capacity is less than half of what is officially stated and is fitting for not more than 900 convicted persons.

From the comparison of the official data referring to the spatial capacity corresponding to the number of convicted persons placed in the adequate penitentiary institutions outside Skopje, high overcrowding was also observed in the prisons in Strumica (136%), Shtip (134.6%) and in Tetovo (126.5%).

In addition to prison overcrowding, unhygienic and inadequate conditions are continuously recorded, along with insufficient staffing, lack of training and non-professionalism among prison officers, which is manifested through excessive use of force, poor living conditions and lack of sufficient work, sports and other types of activities which has also resulted in an increase in the violence among the prisoners themselves. Overall, such treatment of the convicts and the absence of any resocialization programs will have far-reaching negative consequences after the release of the convicted persons.

Healthcare

The situation with the inadequate healthcare, as well as the burdened access to a doctor and the inadequate distribution of medications remains alarming, since, in most of the prisons, it is done by some of the convicts, who are assigned this task by the prison administration, instead of a doctor. In particular, the absence of a gynecologist and adequate medical care for the convicts in the Women's ward of the Idrizovo Penitentiary is particularly serious. In general, many of the prisoners, when it comes to for health services that can not be provided to them on the premises of the prison (for example, in the field of dentistry), are advised to seek the service out of the prison and at their expense, despite the fact that most of them are not able to afford such a service. An additional problem is that most often

the referral of persons to specialist medical examinations, ie hospital treatment outside the institution in which they serve the sentence of imprisonment, are not acted upon, or are postponed, which directly affects the subsequent deterioration of their health and they are deprived of their legally guaranteed right to healthcare.

Deaths

The high number of deaths of people serving sentences in prison is particularly worrying. Only in the course of 2017, a total of 19 deaths were registered in all penitentiary institutions, 14 out of which were in the Idrizovo Penitentiary, 2 in KDP Shtip and 1 in the open sections of the "Kumanovo" Prison in Kriva Palanka, in the "Skopje" Prison and in the "Prilep" Prison each. In addition, 3 people died out of the institution while using days off, and from the remaining 16, 2 died due to suicide by hanging, and the remaining 14 due to their deteriorating health, regardless of whether the death occurred in the institution itself, or in a hospital facility (or on the road to it). At the same time, it is worrying is that out of all the deceased persons, as many as 4 people were of Roma ethnicity.

The Helsinki Committee continuously monitors the events related to deaths in prisons and expresses concern over the lack of adequate medical care and treatment for the chronically ill prisoners left to themselves, which is a common cause of a significant deterioration in their health and even leads to death. In addition, some of the deceased prisoners have suffered from illnesses of addiction to drugs and other narcotics, but they did not receive continual medical care and treatment which is necessary in such cases.

Determining the specific cause of the death of each person who died while serving a prison sentence constitutes a special obligation of the State, including the aspect of the procedural obligation of the State to conduct an effective investigation in cases of death in places of deprivation of liberty, which is defined through the practice of the European Court of Human Rights in relation to Article 3 of the European Convention on Human Rights.

In this sense, the Public Prosecutor's Offices continue to order an autopsy in such cases, acting in accordance with their legal obligation under Article 211 of the Law on Execution of Sanctions, but the results of the autopsies are not publicly disclosed, which further undermines the already low credibility of the country's penitentiary system.

Poor management and corruption

The Helsinki Committee is particularly critical of the lack of adequate criteria in terms of adequate education and professional experience in the area as a prerequisite for appointing the directors of the penitentiary institutions in the country. Instead, ranking high in the political party governing structures remains a key parameter in the selection of managerial staff, which, as a practice, has already proved to be detrimental in recent years and should be abandoned as soon as possible.

In this sense, apart from the bad and inadequate management, the penitentiary institutions are also faced with the phenomenon of endemic corruption, which, in addition to all the other systemic deficiencies, was also a cause for serious alarm by the European Committee for the Prevention of Torture in its critical report published on October 12, 2017, in which they address the findings from the visit of representatives of the Committee realized in the Republic of Macedonia in December 2016. According to the Committee, corruption permeates the provision of any type of service or getting any kind of benefit or service, such as being relocated to another cell, using a leave, using mobile phones, purchasing medicines and drugs.

Supervisory mechanisms

In the course of 2017, there continued to be a lack of sufficiently effective oversight mechanisms to control the treatment of convicted persons within penitentiary institutions, especially in cases when there are indications of inadequate treatment or excessive use of

force. Consequently, there absence of liability and impunity of prison staff in such cases.

The National Preventive Mechanism at the Ombudsman's Office established in 2011, in accordance with the requirements of the Optional Protocol to the Convention for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, and in cooperation with the civil society organizations, should play a key role in overseeing the situation in all places of deprivation of liberty, including penitentiary and psychiatric institutions, and providing appropriate recommendations for overcoming the conditions and treatment of the persons deprived of liberty in accordance with the relevant international standards. After several years of limited performance, this mechanism remains dysfunctional. This is due to the lack of adequate financial resources that would enable its full staffing and uninterrupted realization of the legally determined competences. This body is still supported and operated through donor help, a situation that is not acceptable and should be overcome as soon as possible.

Although the Ombudsman's allegations have resulted in specific actions by the Directorate for Execution of Sanctions and the implementation of extraordinary inspection supervision in certain cases, they are non-compulsory and without pervasive effect. At the same time, there is no supervision by the judges for the execution of sanctions, while the State Commission for Supervision of the Penitentiary Institutions has continually failed to exercise its competences and only formally exists.

The joint visit of the PCI "Idrizovo", which took place on 11 September, 2017, by the Director of the Helsinki Committee for Human Rights and the Ombudsman, together with representatives of the executive branch, led by the Prime Minister Zoran Zaev, the Minister of Justice and the Director of the Directorate for Execution of sanctions, was an expression of a high degree of political will to change the overall situation in the penitentiary system and to promote the protection of the fundamental freedoms and rights of convicted persons, but no specific positive steps in this direction have been taken yet.

Juvenile detention centers

According to the official data referring to 2017, a total of 20 minors were placed in the correctional facility for juveniles "Tetovo", which was temporarily relocated to the prison in Ohrid. However, the construction of the new facility of the specialized correctional facility, in the vicinity of the Tetovo village of Volkovija, despite the announcements of its recent finalization, has still not been completed. For these reasons, the juveniles are still placed in a penitentiary-correctional institution where there are no adequate conditions for their education, resocialization and improvement, which puts their further socialization in society at risk.

Torture and inhumane treatment

At the beginning of September 2017, the Helsinki Committee sent 49 requests to all the primary public prosecutor's offices and the primary courts in the country regarding the collection of information related to the registered and conducted procedures for crimed committed under Article 142 (Torture and other cruel, inhuman or degrading treatment and punishment) and Article 143 of the CC (Harassment in the performance of the service). Feedback was received from a total of 24 (out of 26) primary courts and 18 (out of 23) primary public prosecution offices.

According to the received answers from the courts, only 13 cases related to ill-treatment were registered (Article 143), of which 3 in the Primary Court Skopje 1 (2 of which were solved), 3 cases in the Primary Court Tetovo (2 completed with suspended sentence, one is unresolved and one is still being processed), 3 in the Primary Court Strumica (1 rejection, 1 conviction and 1 one ongoing procedure concerning an employee of the SIA-Strumica), 2 cases in the Primary Court Delchevo (one of which ended with a suspended sentence, and the second one was not resolved), 1 newy received case in the Primary Court Bitola, which ended with acquittal, and another in the Primary Court Prilep, that no detailed information was presented for. At the

same time, none of the primary courts registered any torture-related cases (Article 142 of the CC), with the exception of the Primary Court Skopje 1 as the only specialized criminal court, in which 2 cases were received, one of which ended in suspended sentence for 2 persons, while in the second case the procedure was stopped.

The Primary Public Prosecution Offices acted only on 8 cases of torture referred to in Article 142 of the Criminal Code, while according to Article 143 (ill-treatment in the performance of the service) the prosecution offices acted in a total of 44 cases, with the criminal charges being rejected in 4 cases, indictments filed in 32 cases, and one of the cases ended with pronouncing a suspended sentence.

This shows that there is still an ongoing trend of impunity in cases involving torture, especially since no case has been recorded in which a conviction was issued that would establish criminal responsibility for torture and an appropriate prison sentence would be pronounced.

Reform of the Security and Intelligence Services, focusing on the interception of communications

The Helsinki Committee was part of the group of CSOs that in the past year actively followed the process of adoption of laws in the area of security and intelligence services, with a focus on interception of communications. In this part, it can firmly be concluded that the process of developing the proposed legislative changes in this area, as the most critical one, was non-transparent, since none of the citizens' associations working in this field were invited to be members of the working groups that were preparing the legislative changes. This attitude of the Ministry of Interior is contrary to the efforts of the Government of the Republic of Macedonia given in the Plan 3-6-9, the reform plan proposed by the Government. In fact, in the **area covering the reform of the intelligence and security services**, the Government stated that it would provide a transparent and inclusive debate, in which the consultation process would be properly implemented. "The

reforms will be implemented in precise steps and on the field, only after we have gained a clear picture, plan and dynamics for the necessary changes, which will eliminate the reasons for the identified weaknesses in the security mechanism and the security and intelligence services, and we will restore the confidence in them".

Furthermore, the Government had planned to launch an inclusive discussion in the Assembly on the selection of the model for the reform of the system for interception of communications and pledged to prepare a plan for the implementation of the recommendations from the group of senior experts on the systemic issues on the rule of law regarding the interception of communications (2015), with a list of legal acts, administrative and technical measures and financial implications.

However, the model for reform of the system for interception of communications was selected without any public discussion, and the selected proposal became first available to the public in the proposed legal changes published on the ENER website. In addition, it was announced in public that the government had chosen the system reform model, but no such decision could not be found, which gives grounds to reasonable suspicion that the Ministry of Internal Affairs had made a non-transparent and autonomous choice.

In this regard, we would like to emphasize the conclusion of the expert group on systemic changes in the area of the rule of law, published in September 2017, that transparency is one of the key tools for restoring the trust of citizens in the institutions, and that the mistakes of the past must not be repeated in order to have one form of captured state replaced by another.

Considering the importance of this area, the citizen associations that work in this field submitted their comments on the draft texts published on the single national electronic registry of regulations of the Republic of Macedonia - ENER ,[14] which were only partially accepted by the Government of the Republic of Macedonia.

14 The full comments submitted by the citizens' associations on the single national electronic registry of regulations of the Republic of Macedonia - ENER can be found on the following link: https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=i4NEcXjzfxRh84pAboS+8w==

SOCIAL JUSTICE AND COHESION

The Helsinki Committee has registered a large number of violations of the economic and social rights of citizens in the past year, which is due to the increasing poverty in the country, the high level of unemployment, and the failure to start the reforms in the area of social protection and health care. Persons with disabilities, Roma, textile workers, women from rural areas are still some of the most vulnerable groups in our society, and the state has still not undertaken the necessary measures to improve their social and economic status. Education remains inaccessible for many people from these groups, mainly because of the inaccessibility of educational facilities for people with disabilities and girls from rural areas, as well as because of the large number of pupils from vulnerable groups who leave school and enter juvenile marriages due to the poverty of their families.

Over the past year, the Helsinki Committee was also focused on the process of de-institutionalization of children and people with intellectual or physical developmental disabilities up to 26 years of age. Considering the fact that this process was re-initiated by the Ministry of Labour and Social Policy, the Helsinki Committee actively participated in the working group preparing the new strategy for deinstitutionalization established by the Ministry. In addition, the Helsinki Committee visited the special institutions for social protection of persons with intellectual or physical developmental disabilities up to 26 years of age, where it was reaffirmed that the Public Institution - Demir Kapija was in a terrible condition and it was necessary to take immediate measures for protection of the moral and physical integrity of the protégés of this institution.

PI Special Institute Demir Kapija

During 2017, representatives of the Helsinki Committee visited the Special Institute - Demir Kapija. The visit was led by the Minister of Labour and Social Policy, and was attended by representatives from UNICEF, UNDP, the EU delegation and the UN Coordinator in the country. The purpose of this visit was to gain insight into situation in the institution from the aspect of whether it provided respect for the basic human rights of the protégés, the treatment of the protégés, as well as inspecting the conditions that the protégés live in.

According to the National Deinstitutionalization Strategy 2008-2018, through the deinstitutionalization process, the strategy aims to raise the quality of care for certain categories of citizens exposed to social risk that were identified as target groups. One of the goals of the visit in Demir Kapija was to review which of the proposed measures and activities from the Strategy had been undertaken and implemented by the Special Institution - Demir Kapija and as a result, which of the previously identified problems have been overcome.

During the visit, it became evident that the recommendations given by the European Committee against Torture, Inhuman and Degrading Treatment and Punishment, which were provided in the report of the Committee in 2014, had not been complied with. The recommendations of the Committee, as well as those of the Ombudsman and the Helsinki Committee from their previous visits to the Institution, were aimed at improving the living conditions, the treatment of the protégés, their accommodation, the care provided by the staff, and the health care. It is of great concern that these recommendations had not been taken into consideration and that the administration of the institute has not done nearly anything in order to improve conditions in the institution. No general physician, dentist and gynaecologist have been employed yet. The internal and external infrastructure of the institution remain in a very poor condition and the damage has not been repaired. The outer and inner walls are crumbling down, and there is mold everywhere due to the moister, which is dangerous to the health of the protégés. The number of professionals, carers and special educators is still scarce and nothing

has been done to overcome this. The general health of the protégés remains at a very low level, and the number of deaths remains at the same level, with a slight decrease in the current year. The Committee is concerned about the condition of the protégés and their health, the treatment they (do not) receive, and the fact that there is a deadlock regarding the implementation of the National Deinstitutionalization Strategy 2008-2018 in the Special Institution - Demir Kapija.

- *Breakdown of deaths in the period between 2000 and 2017*

Year	Number of deaths	Year	Number of deaths	Total
2000	19	2009	8	196
2001	17	2010	13	
2002	13	2011	7	
2003	10	2012	9	
2004	12	2013	9	
2005	11	2014	9	
2006	11	2015	12	
2007	9	2016	11	
2008	9	2017	7	

Vulnerable groups

People with disabilities

Social protection, in its existing form of benefits and services still holds this category of citizens at a very low level of the social stratum. Instead of the rights that they are entitled to, to create an enabling environment for these individuals, the system keeps them "trapped" and does not provide space for pro-activity on the part of persons with disabilities. On the other hand, according to individual perceptions, the state allocates quite a lot of money to persons with disabilities. But the purpose of the financial resources most often misses its goal and instead of serving for greater social inclusion, it remains limited to being a "supplement" that complements the family budget.

The still-prevalent medical-defectological approach to the issue of disability in the existing national health policies does not provide a systematic and complete approach to the exercise of the rights of people with physical disabilities. The laws regulating health insurance and healthcare are still based on the cause of the disability, rather than on the needs created by it. There is absence of early detection, and often women with disabilities face problems in exercising their sexual and reproductive rights due to the inaccessibility of gynaecological practices and maternity wards. A pressing issue for people with disabilities is the accessibility and availability of health facilities. One of the key issues in this story is certainly education. Presented as a separate, specialized and segregated issue, it is not conducive to creating qualified citizens with a disability who would be prepared for the open labour market, which, on the other hand, contributes to creating a mentality of "handicap" and low self-esteem among persons with disabilities. In addition, the currently promoted inclusive approach to education excludes the issue of disability as part of the diversity of the human race and fails to educate the youngest about the people with disabilities. The problem of a lack of adequate service providers is also in the same vein. Defectologists (special education therapists), service providers in only one segment, are needed in the life of persons with disabilities, but not for all persons with disabilities, especially not for the citizens with physical disability (bodily and

sensory). The need to establish new services and create new profiles is a necessary segment in enabling an independent life of the persons with disabilities. The employment system still faces a special protective approach, without greater opportunities for inclusion of persons with disabilities in the open labour market. Employment of persons with disabilities in protective companies is still considered to be the ideal and not an interim solution especially as a part of the professional rehabilitation of persons with disabilities. The existing discriminatory practice of determining the ability of a person with a disability for managerial positions still applies. It is evident that there is no awareness among the employers about proper adaptation, as an opportunity subsidized by the state, which will enable qualified persons with disability to be actively involved in the workforce.

There are several reasons for the poor quality of life of persons with disabilities. These citizens of our country are often victims of discrimination, which is often multiple if their gender, ethnicity, age or any other key characteristic is taken into consideration. Society in general still is brim-full of stereotypes and prejudices for these citizens. Although the state has proceeded to adopt a law for protection against discrimination, where accessibility to goods and services is grounds of discrimination, the inaccessibility of facilities and information to citizens with disabilities remains to be one of the most alarming problems. What is also noticeable is the absence of statistical data, which in itself poses a problem in the redefining of public policies and in designing good and quality solutions for the citizens with disabilities. Another element is also the case law, which is insufficient to provide any basis for analysis or initiating and upgrading good practices.

Roma

The biggest challenge in the exercise of the rights of social protection and in general all rights of the Roma community is the problem with personal identification documents. According to the information from the Ministry of Labour and Social Policy, about 700 Roma are facing this problem, so for various reasons they cannot get registered in the Birth Register and thus are one of the social categories at highest risk and until they get registered or have their status regulated, they are unable to exercise any of the rights provided by the legal possibilities offered by the state. Taking into account that the state does not have official figures on the persons without documents (so-called phantoms), the Ministry of Labour and Social Policy, in coordination with the Directorate for Register of Births and Deaths, has launched an initiative for a public call inviting all persons who are not registered in the Birth Registry Book to submit requests to the administration service for additional registration, whereby Macedonia will have official numbers and at the same time will have an insight into the types of cases in question. In addition, information was submitted to the Government of the Republic of Macedonia for an initiative to amend and supplement the Law on Extrajudicial Procedure (to introduce an opportunity for the court to make a decision for entering a person in a registry in order to provide them with identity).

The Roma Information Centers have played a significant role in improving the access to rights and services for the Roma community. Currently, there are 12 Roma Information Centers in 12 municipalities and 16 people are engaged (working in the RIC Shuto Orizari, Topaana, Tetovo, Gostivar, Bitola, Prilep, Shtip, Kocani, Delchevo, Vinica, Berovo and Kumanovo). The Roma Information Centers work to provide timely information, counselling, referral and logistical support to the citizens in order for them to be able to exercise their rights and obligations (in the areas of social protection, employment, health, housing and education, taking out personal documents, etc.). Taking into account their role, it is necessary to transform their fixed-term jobs into regular employment. At the same time, it is necessary to strengthen the capacities of the employees in the RICs in the area of monitoring, evaluation and reporting.

When it comes to the inclusion of Roma, the educational progress has outperformed the progress in the other areas. At the same time, there are challenges at all levels:

- At the level of pre-school education, despite significant progress as a result of the project implemented by the municipal authorities in cooperation with the MLSP and supported by the Roma Education Fund, enrolment rates among Roma remain six times lower than the national average.

- There is significant dropout in primary education among the Roma, which is due to the combination of poverty, discrimination, and even juvenile marriages in some municipalities.

- The inadequate enrolment of Roma in special education for children with mental disabilities remains a problem, especially in Skopje.

- Segregation in primary schools as a phenomenon occurring Bitola and Prilep.

Textile workers

In 2017, the employers' longstanding practice of violating the labour rights of employees in the textile, leather and shoe industry continued. The official data of the State Statistical Office show that 81% of employees in the mentioned industries are women[15] and that they are among the lowest paid workers with 35% lower average salary than the average salary at the state level.[16]

With the change in the social context and the change of government, a change of policies and practices aimed at improving labour rights and increasing the minimum and average wages was also announced. One of the pre-election promises on which the platform of the current government was based was an increase in the nominal amount of the minimum wage. For this purpose, in 2017, amendments were made to the Law on Minimum Wage. It is disappointing that these amendments were adopted in the spirit of the previously existing practice of adopting legal solutions by summary proceedings and without previously consulting all the relevant stakeholders, the including civil society organizations. Although the changes and amendments did result in an increase in the nominal amount of the minimum wage, the biggest problem i.e. the restrictive provision from the old Law on Minimum Wage - the required standard output, remained in force.

The textile, leather and shoe-industry workers are most affected by this provision because their monthly salary depends on whether and how much they have met the standard output. The minor amendments in this section stipulate that in future, the employer will determine the standard output in consultation and cooperation with the workers. However, such a law still leaves room for abuse by employers, who, in order to avoid the obligation to pay the minimum wage, may set unrealistically high and unachievable normalized standard of performance. This would result in an inability on the part of the workers to fulfil the standard and opens a legal opportunity for the employers to pay salaries in a lower amount than the legally stipulated minimum wage. In this sense, the Law is not clear and precise enough

15 http://www.stat.gov.mk/Publikacii/2.4.15.05.pdf
16 http://www.stat.gov.mk/pdf/2018/4.1.18.07.pdf

in regard to the procedure and the cooperation of the employer and the employees in the process of determining the standard output criteria. The law does not specify who should negotiate on behalf of the workers in determining the efficiency criteria with the employer, how the employee representative will be selected or what the role of the trade unions will be in this process.

In the course of 2017, 308 textile workers, leather and shoemaking workers reported that they had received a lower salary than the statutory minimum wage because they failed to meet the standard outputs set by their employers.

Apart from the problem of paying the minimum wage, another burning issue is the payment of the employees supplement for annual vacation. Using the inconclusiveness of the General Collective Agreement for the private sector in terms of meeting the conditions for using the annual vacation supplement and its arbitrary and uneven interpretation by the State Labour Inspectorate, many of the workers who used maternity leave during 2017 could not exercise their right to a supplement for an annual vacation. According to some inspectors, taking a maternity leave during the calendar year results in the employee failing to meet the requirement stipulating that the worker should work for 6 months in the calendar year with the same employer.

Taking into account the stated violations and practices, the Helsinki Committee provided free legal aid through a local assistant in Shtip and the free legal aid service in Skopje for the needs of the textile, leather and shoemaker workers. In 2017, 715 cases of violation of workers' rights of 2466 textile, leather and shoe workers from 72 factories in the country were documented. The violations referred to: unpaid wages or salaries paid in an amount lower than the legally stipulated minimum wage, unpaid salary supplements, unpaid overtime work, overtime work over the legally permitted maximum, violation of the right to use annual and weekly days off or paid holidays, unlawful termination of employment, mobbing, work in inadequate health, sanitary and security conditions. The legal assistance in the documented cases consisted of legal counselling, informing workers about their labour rights, mediation meetings with

The Helsinki Committee initiated 29 administrative procedures for unannounced inspection supervision before the State Labour Inspectorate and the State Sanitary and Health Inspectorate. Although violations of workers 'rights were found in 15 of the initiated 29 proceedings, the general impression is that the inspection supervision is an ineffective mechanism for the protection of workers' rights. The procedures are lengthy, they often fail to determine the real factual situation with the employer, and in situations where irregularities and shortcomings are identified on the part of the employer, the only sanction is to impose a fine, which the employer can easily pay and continue to violate the labour rights of the employees. The workers are unable to settle their claims from their employers through administrative procedures, which are free and easily accessible. On the other hand, due to the relatively low incomes and social risk to which they are exposed, the textile, leather and shoemaker workers have limited access to justice in relation to court protection. The high administrative and attorney costs repel the workers from initiating proceedings to protect their labour rights. For these reasons, the Helsinki Committee supported the initiation of two court proceedings for the protection of the workers' rights of textile workers. The first case concerned the unpaid salaries of 105 workers from Kriva Palanka, and in the second case an unlawful termination of employment was in question. These cases were chosen as strategic because they best reflect the most pressing problems that textile, leather and shoemaker workers face.

Strategic litigation: Unpaid salaried and benefits for 105 textile workers

In March, the Helsinki Committee was informed that the employees in the shoemaking and trading company KADORO OTTO export-import, Kriva Palanka had not received their salaries and benefits for January 2017. For this purpose, a request was submitted to the State Labour Inspectorate for performing unannounced inspection supervision. The request urged the Inspectorate to go on field, check the

situation in the said factory and act based on its legal authorizations. Pursuant to this request the State Labour Inspectorate performed its unannounced inspection oversight via its Regional Office in Kriva Palanka and found that the employer did make payment of wages and social benefit contributions for its employees for December 2016, and failed to make payment for January 2017. In accordance with the established factual situation during the inspection oversight, the authorized inspector in charge issued an order to the employer and the officer in charge to amend this irregularity, i.e. to make payment of the due wages and benefit contributions to its employees for the month of January of 2017, no later than 8 days after the conclusion of the inspection oversight. Since the same employer from Kriva Palanka then proceeded with not paying the next, February salary to the employees, the employees went on strike. The strike was attended by representatives of the Helsinki Committee for Human Rights as well. Since the employer failed to act according to the orders issued by the State Labour Inspectorate, the Helsinki Committee requested an extension of the procedure following the conclusion of the on-sight inspection urging the State Labour Inspectorate to initiate an infringement procedure against the employer. After completing an additional inspection oversight, the State Labour Inspectorate issued an infringement order with a mandatory fine against the employer. The employer paid the imposed fine in its full amount on the very next day.

Given the fact that this case was a clear violation of the labour rights of about 100 workers, and that the non-payment and late payment of wages and salaries is a problem that almost all textile workers and workers are faced with, the Helsinki Committee chose this case for strategic litigation and decided to initiate court proceedings. Upon the submitted lawsuit for unpaid salaries and benefits before the Primary Court in Kriva Palanka, in 2017, the court passed a judgment approving the lawsuit of the 105 textile workers and workers from the HC KADORO OTTO DOOEL export-import Kriva Palanka. The Court ordered the employer against whom the lawsuit was filed, to pay the workers a total of 1,430,856.00 MKD, an outstanding amount for compensation of wages for February 2017, the due benefits to the Pension Insurance Fund of the RM, the health insurance benefits, the employment benefits and personal income tax to the Public

Revenue Office, including the legal interest rates accrued due to non-payment of the wages. The defendant submitted an appeal to the Skopje Appellate Court appealing the decision of the Kriva Palanka Primary Court. The Court of Appeals ruled to reject the appeal of the defendant and upheld the decision of the court of first instance.

MIGRANTS, REFUGEES AND ASYLUM SEEKERS

The global refugee crisis, which began in 2014, was quite a blow to the European and Balkan countries, which inevitably found themselves on the path of thousands of refugees. Among these countries was the Republic of Macedonia, which during the previous three years was continuously facing the test to provide uninterrupted respect and protection of the human rights of all people found on its territory. Dealing with the unprecedented influx of refugees, Macedonia never become a desired destination for them, but rather a country of transit, which is clearly seen if compare the number of refugees who transited through the country, and the number of those who sought asylum. According to the statistics of the High Commissioner for Refugees (UNHCR), over the course of 2017, 17 000 refugees/migrants were registered in the Republic of Macedonia. Taking into account the number of refugees who transited through the country, the implementation of various policies and practices and registered violations to the human rights, compared to 2016, the dynamics of the refugee crisis was reduced, but by no can it be dismissed as finished. In spite of the closed borders of most European countries, refugees and migrants continued to move down irregular roads, left to themselves and to smuggling groups, regardless of the risk to their life or safety.

Unlike the previous years, during 2017 the Republic of Macedonia managed to provide better conditions accommodation to the refugees in the reception and transit centers, but failed to refrain from the practice of illegal "deportation" of refugees across the southern border, which is in direct contradiction to international human rights standards. In addition to this practice, in isolated cases violations of other rights, such as the right to freedom and security, absolute prohibition of torture, inhuman and degrading treatment, access to an effective remedy and, in one case, the right to life, were also established. Facing the deepest political crisis and change in the government, the Republic of Macedonia did not change the attitude and way of dealing with the refugee crisis. Quite to the contrary, the

refugee issue was abused for political purposes and served as a tool for hate speech and intolerance to some political structures, who were trying to distract the public from the political crisis.

With its active presence in the transit camps, the Helsinki Committee focused on identifying the violations of the fundamental human rights and freedoms of refugees and migrants and reporting them to the domestic and international public. At the same time, the Committee undertook numerous activities aimed at raising the awareness of the citizens about the refugee issue and tried to influence the treatment of refugees and implementation of the state policies by the competent institutions for the purpose of increased respect for the rights of refugees and migrants.

During 2017, with the decision of the Parliament of the Republic of Macedonia, the crisis situation of the two border lines, i.e. the southern border with Greece and the northern border with Serbia was prolonged on two occasions.[17] Thus, the Crisis Management Center still had the main role in coordinating the competent institutions.

Reception-transit centers

In 2017, the established reception-transit camps (RTC)[18] in Vinojug, Gevgelija and Tabanovce, Kumanovo, continued to function in the same way as before, with minor infrastructural improvements, aimed at providing adequate accommodation and conditions. The Crisis Management Center continued its coordinating role in the camps, and from the competent institutions, the Ministry of Interior, the Ministry of Labour and Social Policy and the Ministry of Health were still present with their representatives on field. In addition to the state institutions, civil society organizations (international and national), including the High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Jesuit Refugee Service (JRS), and the civil

17 The first decision was adopted in June 2017, and the second one in December 2017, whereby the state of crisis was prolonged by the end of June 2018.

18 From the moment of their establishing, until mid-2016, the camps were labeled and transit centers, while later on they were renamed to reception transit centers, which reflected their purpose.

society organizations, Danish Refugee Council (DRC), as well as OSCE were occasionally present in the camps. From the national CSOs, the Macedonian Association of Young Lawyers, Legis, La Strada and the Red Cross were present on field. Each of these organizations provided goods and services for the refugees and migrants within their mandates and fields of activity.

The main difference in the functioning of the camps is in their openness. Thus, for example, RTC Vinojug in Gevgelija is a closed-type camp, that is, the refugees and migrants residing there do not have the opportunity to move freely outside the camp. Over the course of 2017, this policy of closed doors was partially changed, giving refugees the opportunity to take walks in the city when necessary, with prior announcement and by being escort by representatives of the institutions or the Red Cross. In contrast to this, the RTC Tabanovce, Kumanovo, is an open camp where the accommodated refugees have the opportunity to go out and come back to the camp without being escorted or held up. One of the most significant problems registered in RTC Tabanovce was the selective admission of refugees and migrants who would come to the doors of the camp, as well as the non-registration of certain refugees who were accommodated in the camp. There are no specific rules or criteria for these practices, which were observed throughout the year, and they were arbitrarily carried out on the whim of the police officers on duty.

At the beginning of the year, around 90 refugees from different countries of origin were accommodated at the Vinojug RTS, and most of them had been staying in the camp for more than 10 months. The number gradually began to decline in the first three months of the year, when individuals or families accommodated in the camp asked to go back to Greece. The reasons for this, according to them, were the feeling of captivity in the camp and the hopelessness of their situation. In March 2017, the number dropped to 8 refugees and by the end of the year, with the constant arrival of some and departure of other refugees, the number of refugees who stayed in the camp never exceeded 20. In contrast, the number of refugees accommodated at the RTC Tabanovce constantly varied. At the beginning of the year, the number was around 100, and in the coming months it significantly decreased, to about 20 refugees. In the next period, as a result of the frequent arrival of new groups, the number of refugees went up to 90, while in the last few months of the year it did not exceed 20 refugees.

All refugees arriving in the camps, regardless of whether they arrived alone or were brought by the police, were immediately provided with primary medical and humanitarian assistance, i.e., food, water and proper clothing. Those people who expressed desire to be accommodated and stay in the camps were immediately provided with accommodation (a container). The refugees who were in need of additional health care (specialist examinations or additional interventions) were immediately transferred to the nearest local hospital. The women who were accommodated in the camps for longer periods of time were provided with regular gynaecological examinations, and a paediatrician was available for the children. Maintaining the camp hygiene was challenge for the competent services at times. Until April 2017, the hygiene was quite poor. Starting from April, the maintenance of hygiene was taken over by the IOM,[19] whereby it significantly improved. Occasional problems and complaints from refugees were observed regarding the quality of the food they received. When the number of refugees was higher they had the opportunity to prepare their own food in the kitchens that were available to them, but in the periods when the number of refugees was lower, only canned food was served. In the period when the number of refugees was higher, children's educational programs were regularly held and recreational programs for children and women were organized by the civil society organizations. When the number of refugees dropped, it was virtually impossible to maintain educational programs due to the short period of stay.

Irregular migration and deportation

Due to the closed borders, in the course of 2017, the Republic of Macedonia faced increased illegal migration. Almost every day, smaller or larger groups were caught by the police on irregular roads across the state. Such movements during the year were observed in two directions: first, refugees who themselves or with the help of a smuggler from Greece cross to Macedonia in order to reach Serbia. In such groups, people who had more than 5 attempts to cross

19 Over the previous period, the janitors were hired through the Ministry of Labour and Social Policy and the camps were facing problems over the maintenance of hygiene.

route were noticed. When traveling with the help of smugglers, they often paid large amounts of money (from 2,000 to 5,000 EUR per person), and they frequently ended up cheated on by the smugglers who left them in an unknown location in Macedonia instead of the agreed destination. Secondly, there was an increase in the number of refugees returning from Serbia to the Republic of Macedonia, forced or at will, and whose only desire was to return to Greece as soon as possible. The reasons for this are mostly the presence of their family in Greece, the possibility to earn some money, and the easier connection with the smuggling groups from there.

One of the key violations of international human rights standards was the daily practice of "deportation" of refugees from Macedonia to Greece by the security services. This deportation was carried out in an informal manner, without cooperation with the security services in the neighbouring country, without individual examination of each case, as well as without an officially issued decision by the state for expulsion, which is directly contrary to Article 4 of the Fourth Protocol to the European Convention on Human Rights. The refugees were transported to the border crossing with a vehicle and then simply unloaded and left there, in the open field, under the open sky. From the observations of the Helsinki Committee and in the lack of official civil service statistics, in the course of 2017, about 800 refugees and migrants were transported to Greek territory, including men, women and children. By countries of origin, most of them were from Syria, Afghanistan, Pakistan, Iraq, Iran and Algeria, and in certain cases from Palestine, Morocco and Libya. In most cases, when refugees were caught on irregular roads, they are initially taken to the Vinojug RTS, where they were registered and identified and where they were provided with medical and humanitarian assistance, and after a short period of time (depending on their state of health and exhaustion) they were transported to Greece. However, this was not always the case, since there is some information that larger groups of refugees were directly transported to Greece after spending several hours in detention at a police station.

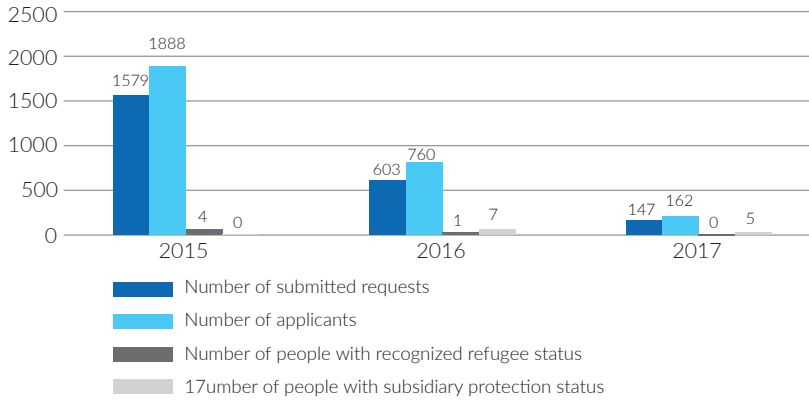
The only case of legal readmission occurred in February 2017, when after establishing communication and cooperation with the Greek services, 50 refugees and migrants from RTC Tabanovce were transported to Greece by bus, where they were accommodated in

reception centers and camps. Despite the legality of the proceedings, the readmission was conducted in the late night hours, without prior notification to the refugees and without the presence of all civil organizations active on field. Because of this, the procedure was assessed as inhumane.

Access to asylum

Compared to the previous years, in 2017 fewer applications for recognition of the right to asylum were submitted in the Republic of Macedonia. Moreover, unlike previously, no major violations were made regarding the exercising of this right. Any person, a refugee or migrant who stated his/her intention to seek asylum was immediately provided with an explanation for the entire procedure and the opportunity to submit the request. The Department of Asylum at the Ministry of Interior visited the transit centers on several occasions, where they held talks with the asylum seekers. Upon submission of the request, the persons were transported to the Reception Center for asylum seekers in Vizbegovo as soon as possible.

Breakdown of asylum requests 2015-2017



In accordance with the obtained statistics from the Ministry of Interior, in the course of 2017, a total of 147 requests for recognition of the

right to asylum were submitted for 162 applicants. After conducting the procedure, only four people originating in Syria and one person from Pakistan were granted subsidiary protection, and no person was granted the status of a recognized refugee. Although no violations in the asylum procedure have been observed, the practice of decision-making by the Sector on Asylum is symptomatic and the effective examination of the submitted requests brought into question.

National strategy for integration of refugees and foreigners

The adoption of the new National Strategy for Refugees and Foreigners, one of the key documents of the Ministry of Labour and Social Policy which determines the country's policy in dealing with recognized refugees, caused a fierce public debate filled with xenophobic speech and political clashes in 2017. Although the Strategy was adopted with a delay of 2 years,[20] the decision-making process began quite transparently, space was left for the civil society to contribute with its comments to the proposed text. However, in the midst of the political crisis in the society, the change of government and the announced local elections for October 2017, certain political structures unleashed a heated public debate about the measures envisaged in the Strategy. Thus, a fake image was created among a large proportion of the public that Macedonia would accept over 200,000 refugees on its territory and allocate significant budget funds for their integration, which was fake news designed to intimidate the local population. Throughout the public debate, hate speech was used against the fugitives stating that they were dangerous to the state, that they were violent and would increase the rate of crime in the country. This fear mongering led to hatred and intolerance against refugees.[21] Moreover, civil initiatives emerged that urged for organizing referendums at the local level against

20 The previous National Strategy for Integration of Refugees and Migrants was valid for the period 2008-2015

21 Several cases of hate speech against refugees have been registered:
http://govornaomraza.mk/reports/view/907
http://govornaomraza.mk/reports/view/911
http://govornaomraza.mk/reports/view/909

the admittance of refugees in certain municipalities. The proposed referendums were never held, given that they were scheduled for the same date as the local elections, which clearly pointed to the intention of political manipulation with the refugee issue.

After holding several workshops with the Ministry of Labour and Social Police to finalize the text and concept of the National Strategy, it was still not adopted by the end of the year.

Law on International and Temporary Protection

At the end of 2017, the Ministry of Interior published the draft text of the new Law on Asylum, now renamed into the Law on International and Temporary Protection. The main goal of the new law was to comply with the European directives on dealing with recognized refugees and asylum seekers, which would lead to increased protection of their rights.

The positive side of the draft-law is that it does not contain the harmful legal changes proposed in June 2016, which limited the period for family reunification, and each EU, NATO and EFTA member country was designated as a safe third country. The new law retained the "intention to seek asylum" that allows refugees and migrants to legally move across the state, use public transport, etc. without committing an offense.

The full incorporation of the European directives caused several significant changes to the new law. First of all, for the first time, sexual orientation and gender identity were introduced as grounds for persecution and the possibility to seek protection in the country was introduced, which is positive. Secondly, the possibility to restrict the freedom of movement of asylum seekers was introduced, which is problematic. Although this provision is in line with the European directives and the cases in which the freedom of asylum seekers can be restricted are strictly specified, knowing the Macedonian practice of treatment and the circumstances of the refugee crisis, there is a

significant possibility for abuse by state authorities. Additionally, taking into account that the asylum procedure takes longer than the legally prescribed deadlines, it is inevitable to think that the deprivation of liberty would last for a relatively long time and could lead to violations of the asylum seekers' rights.

The Helsinki Committee submitted its comments to the Ministry of the Interior, and the response from the Ministry stated that two of the five comments were accepted and three were rejected. Those comments which point out to the practical problems faced by asylum seekers in the implementation of the Law were rejected, the resolution of which would require a systematic approach and amendments to several laws.

Registered incidents and violation of rights

In addition to the daily practice of illegal deportation, which is contrary to the European Convention on Human Rights (ECHR), the Helsinki Committee through its observation noted several isolated incidents in which the rights of the refugees were directly violated, with separate actions by the some of the state servants. Thus, for example, violations have been observed to the right to life, the absolute prohibition of torture, inhuman and degrading treatment, the right to liberty and security. For all these incidents, the Helsinki Committee addressed the Ministry of Interior, and procedures were also initiated by the Ombudsman.

Unjustified restriction of freedom (Article 5 ECHR)

Over the course of July 2017, a refugee whose country of origin was Pakistan was brought to RTSC Vinojug, Gevgelija, and was immediately placed in a separate container, separated from the other refugees in the camp. After several days of observation, it was noticed that the person was not allowed to leave the container which was locked up, and for the purpose of satisfying his daily needs in the

camp (food and physiological needs) he moved only with escorted by the officials. According to information from various sources, it was discovered that there was a suspicion that the person was suffering from hepatitis C, which is why he was kept isolated while the medical examinations were carried out. The Helsinki Committee addressed the Ministry of Internal Affairs in writing, receiving an answer that, upon the recommendation of the medical personnel, the refugee was kept in isolation. It is unclear why such a recommendation was given, when it is common knowledge how hepatitis C is transmitted. After the Helsinki Committee informed the Ombudsman about the observed situation, the person was released after more than 5 days in isolation. Only a few days later he was transferred to the Greek side. This restriction of freedom is contrary to Article 5 of the ECHR, as well as to Article 12 of the Constitution of the Republic of Macedonia, which clearly stipulates the cases when and under which conditions a person's freedom of movement may be restricted.

Torture, inhumane and degrading treatment and unjustified deprivation of liberty (Articles 3 and 5 of ECHR)

One of the more serious cases of violating the absolute prohibition of torture and unlawful deprivation of liberty was the conducting of a police action in Tabanovce RTC, in which 10 refugees who were given accommodated during the previous day were detained by the police in a brutal manner and transported to Greece. In fact, the action was carried out early in the morning (around 5 o'clock in the morning). By using excessive physical force and means of coercion, the police apprehended 10 refugees, while the rest managed to escape. The only witnesses of the event were the refugees accommodated in the camp. After asking from the Ministry of the Interior to justify the action and the excessive use of force, a response was received that the persons were considered dangerous and aggressive, and therefore means of coercion were used and the force used was commensurate with the

situation, whereby "10 refugees we discovered and apprehended". This response is unclear and contradictory given the fact that the refugees were brought and accommodated in the camp on the previous day by police officers. This act directly violated articles 3 and 5 of the ECHR.

Right to life and the right to freedom and security (Articles 2 and 5 from the ECHR)

During December 2017, an incident was registered in RPC Tabanovce, whereby a refugee who had been accommodated in the camp for a certain period of time began to show aggressive behaviour under the influence of alcohol. He initially threatened the others, and later began to hurt himself. In the meantime, neither of the two police officers present at the camp took any action to stop or prevent this behaviour, and so the other refugees present at the camp calmed him down. By not taking action, the police, who is in charge of maintaining and guaranteeing the safety of all the people present in the camp, endangers the right to life and the right to freedom and security. The event was reported by the camp coordinator (CMC).

The right to life was violated in another case, when two refugees were victims of hate crimes, one of which died due to the gravity of the injuries. The case was registered in February 2017 when two persons with visible injuries were spotted on the highway Kumanovo - Skopje. After reporting the police, they were immediately transported to the local hospital where one of them succumbed to the injuries, while sustained serious bodily injuries. This is not the only case of a registered hate crime,[22] that is, a crime where the refugees get physically attacked and robbed on the territory of the Republic of Macedonia. The police are working to clear up the murder case, but the remaining cases have not been processed due to the refusal of the refugees to remain on the territory of the Republic of Macedonia.

22 http://www.zlostorstvaodomraza.mk/reports/view/407

FREE LEGAL AID

The Helsinki Committee, as an association authorized to provide free legal aid, through its daily direct communication with the citizens, provides legal assistance in the form of legal advice and initial advice and possibly help in filling in applications for free legal aid in civil and administrative procedures from the areas of social protection, healthcare , pension or disability insurance, labour relations, child protection, protection of victims of domestic violence, protection of victims of trafficking, recognition of the right to asylum and property issues of the persons who meet the strict criteria stipulated by the Law on Free Legal Aid to persons who, based on their economic standing, are unable to get access to justice and legal protection.

In 2017 the Helsinki Committee was addressed by 313 citizens asking for free legal aid in different areas of law. The requests were dominated by criminal cases, protection of victims of domestic violence, property-legal issues, family relations, labour relations, social protection and pension and disability insurance, misdemeanour cases. In 2017, the Helsinki Committee submitted a total of 13 requests for free legal aid to the Ministry of Justice. Out of the submitted requests, only 6 were approved, and from the remaining ones 2 were withdrawn, 2 were rejected, and 3 are still pending.

The Law on Free Legal Aid, adopted in 2009, which started to apply from 2010, aimed to provide equal access to justice, especially to vulnerable and marginalized groups, through the use of free legal aid in civil and administrative procedures. However, in practice, deficiencies in the law itself, and in the overall free legal aid system were detected, which resulted in a low number of applications for free legal aid, despite the significantly higher number of applicants.

For this purpose, for the necessary changes to the overall free legal aid system, the informal network "Access to Justice" prepared a policy brief[23] elaborating the system's shortcomings in detail and proposing solutions for improving the deficiencies. Out of the large number of identified shortcomings and lack of functionality of the Law, the main

23 Report on the application of the Law on Freel Legal Aid in 2016-2017 http://www.soros.org.mk/CMS/Files/Documents/Monitoring-report-2017-MK.pdf

problem is the insufficient accessibility of the free legal aid to persons living on the margins of society, resulting in a low number of submitted and approved requests for free legal aid.

A significant problem is the duration of the decision-making process by the Ministry of Justice in correlation with other state bodies (social welfare centers, the Real Estate Cadastre Agency, the Public Revenue Office, the Employment Agency), which are responsible for collecting data on the person applying for FLA. Namely, in spite of the fact that the legislator anticipated urgency in the decision-making process for up to 20 days, the actual duration of the procedure is over 60 days. This dynamic of not taking action in certain procedures where the nature of the legal issue is shorter, directly affects the right to judicial protection and the access to justice. Regarding the legal deadlines for deciding on requests for free legal aid, it is necessary to harmonize these deadlines with the Law on Civil Procedure and the Law on General Administrative Procedure. In addition, the differing interpretation of the provisions of the Law and the established practice by the Ministry of Justice, which contributes to legal insecurity, are also problematic for the functionality.

New draft-law on free legal aid

In the new draft of the Law on Free Legal Aid, published at the end of 2017, a large part of the recommendations and proposals by the CSOs providing preliminary legal assistance were accepted and generally there is a tendency to improve the current situation of the vulnerable and marginalized faces.

The enlargement of the legal areas now covered by the Law is of great importance, namely, the new draft law has been extended to all areas of civil and administrative matters, with the exception of criminal law.

Although significantly improved, this draft law also had its own inconsistencies, and for that purpose, the Helsinki Committee, together with the Foundation Open Society - Macedonia and the

informal network of associations "Access to Justice in the Republic of Macedonia", prepared a document with the following comments, which was submitted to the Ministry of Justice:

1) The meaning of the terms in the new draft law should be specified and generally accepted legal expressions should be used to avoid the vagueness and intelligibility of the Law.

2) The scope of the preliminary legal assistance which is under the jurisdiction of the associations and the regional departments of the Ministry of Justice to be broader than the general information, the initial counsel and possibly extend to the completion of the request for secondary assistance. The preliminary legal assistance to include writing simple correspondence, as well as a peaceful resolution of disputes and mediation, in order to keep the short deadlines that are often missed while waiting for an answer to the request.

3) The draft law should contain provisions based on which the procedure before the Administrative Court against the decision of the Ministry of Justice will be urgent, such cases will be urgent and the implementation of such a legal solution will be guaranteed.

4) The draft law should include provisions for supervision of the work of the regional units of the Ministry of Justice, as well as criteria that the authorized officer employed in the regional department should meet. At least one lawyer who has passed the bar exam should be employed in order for the Association to register in the Register of Associations for Preliminary Legal Aid, and we believe that the same condition should apply to the regional units of the Ministry of Justice, that is, the draft-law should further specify the conditions for a person to be employed as an official in the regional departments.

5) To delete the part according to which the founding act is envisaged as a condition for obtaining an authorization, because the act of establishment is an unchanging act, and the existing associations that have already been founded would not be able to define the provision of preliminary legal aid in its founding act.

6) The draft law should enable electronic data collection and registration of claimants and users of legal assistance. The informal network "Access to Justice" has developed a database that lists each applicant who has turned to the authorized associations.

Such a solution was also offered to the Ministry of Justice, so that they can have insight into the areas that FLA was requested for, along with the deadlines and other data.

7) The draft-law should further specify the extra-judicial provision of legal assistance. The division of inheritance which is currently regulated as an extra-judicial procedure before a notary is of particular importance, because according to the Law on Notaries, the parties in the proceedings should be represented by a lawyer.

8) In its provisions, the draft-law does not specify the procedure for determining the financial standing of the applicant and the members of his family that he/she lives in the same household with. It is not clear how this data will be obtained if one considers that the Public Revenue Office does not issue data on the citizens' incomes for the past six months, but for the past year. It is also not specified whether the gross or net income of the applicant and his/her family members will be taken into account.

9) Further clarification or correction of the conditions on the applicant's property in the part of the requirement that the applicant and his family members may have only one registered motor vehicle that has not been alienated in the six months prior to the submission of the request for secondary legal aid, as the threshold of the savings of the applicant and of his/her family members is already provided, and must not exceed ten minimum net wages.

10) With reference to the other conditions for the approval of secondary legal aid, the other conditions that a person must fulfil in order to receive secondary legal assistance should be further clarified and in what way it will be assessed whether the other conditions are fulfilled, the criteria and evidence necessary for the official to determine whether the other conditions are met or not should be defined. The other conditions are to determine whether the legal issue is reasonable, whether the legal issue is important for the personal and socio-economic status of the applicant and his/her family and what is the expected outcome of the legal issue.

11) The draft law does not provide mechanisms to informing and educate the citizens about the deadlines they need to respect. It is not explained what the deadline is for timely submission of a request that a person must respect in order to qualify for the aid. The final findings of the public perception survey and the awareness of the citizens about the Law on Free Legal Aid show that only 32.6% of the respondents know what free legal aid is, which means that a high percentage is not familiar with this right of theirs and this might contribute to a high number of rejected requests due to ineligibility. Hence, attention should be paid to informing, as well as educating the citizens, with particular emphasis on the one-day deadline for submitting a request in an urgent procedure.

12) The Ministry of Justice's financial program should include legal education and capacity building, as well as acquainting the citizens with their right to access to justice. The Ministry of Justice, apart from the financial program for legal assistance, should also adopt a program in which it will provide trainings, collegiums meetings and coordination, supervision, etc., in order to better acquaint the potential applicants for free legal aid with this right. The Ministry's program should envisage activities through which certain marginalized groups get education and capacity building in legal matters. A need has been detected of preparing a program for the work of the authorized associations and regional units of the Ministry of Justice, based on which their work will be monitored and which will give them directions for improving the service and access to the citizens. Such a program should reflect the current state of affairs and changes that occur in society and should match the legal needs of people.

13) Misdemeanours should be covered by the draft-law. Although they are an administrative matter and are resolved in an administrative procedure before administrative bodies, the proposer has placed the misdemeanours among the grounds for rejection of the requests for secondary legal assistance. It is necessary for the working group to provide an explanation as to why the misdemeanours are not covered by the draft law as administrative matter that secondary legal aid is granted for.

14) The draft-law needs to define the procedures where the applicants are victims of domestic violence as urgent procedures. In the context of the urgent need to provide legal assistance due to the nature of the problem, the Law should include the victims of domestic violence and, within 2 days, it should have an obligation to issue a certificate, without verifying the financial standing of the applicant and his/her family members.

15) The draft-law should stipulate the cases when a party can request a change of a lawyer in case the party is dissatisfied with the chosen lawyer, that is, the lawyer does not act in favour of his/her client, so he/she wants to hire another lawyer in his/her place.

16) The draft-law should stipulate a legal remedy in the urgent procedures in cases when the regional department of the Ministry of Justice fails to take timely action despite the urgency of the procedure and the timely submitted request, otherwise it cannot be guaranteed that the regional offices will act in accordance with the legal provisions.

LGBTI SUPPORT CENTER

Introduction

"A turn of the tide" would be the phrase that marked the previous year, and the decade-long undermining and continual trampling over the rights and freedoms of the citizens, with particular brutality in the case of the LGBTI community. With the formation of the new government, the political leadership showed courage and publicly and unequivocally supported the struggle of LGBTI people for equality, including the Prime Minister who, at the celebration of the birthday of the LGBTI Support Center pledged to address the cases with the six attacks on the premises of the Center. Furthermore, public and unequivocal support was also expressed by the Minister of Labour and Social Policy, the Minister of Culture and the Minister of the Interior, and the activities that we undertook with our partners in order to establish an Inter-Party Parliamentary Group for the Advancement of the Rights of LGBTI people are of particular importance.

However, for the time being, these are the only signs of the change that we have been waiting to see for so long. The Law on Prevention and Protection against Discrimination, although announced for the beginning of autumn, was not adopted. There have been no changes to the Criminal Code in relation to hate crimes and hate speech, the legal recognition of gender, and many other legal acts that are urgently needed for the everyday functioning of the LGBTI people. Unfortunately, we have to conclude that the will of political leadership has still not trickled down the structures of the state institutions. The cases of the attacks have not been resolved yet, and there are still no changes to the laws regarding the rights of LGBTI people.

What really is the best part of the past year is the engagement of the LGBTI community itself, especially at the local level. Over the past five years, five local cores were formed, four of which are still functional and are struggling to improve their internal structure, as well as to strengthen their capacity for self-sufficiency. Their fight is also our challenge in the upcoming period. There is a lot more information in this year's report, in which you can also learn more about the activities that the Center realized in the past year.

Advocacy program

Over the course of 2017, the LGBTI Support Center established a new advocacy program. In close cooperation with several MPs already committed to promoting and protecting the human rights of LGBTI people and partner organizations, the Center was involved in the process of establishing an Inter-Party Parliamentary Group for the Advancement of the Rights of LGBTI People. The Group's priorities include legal changes that need to be implemented in order to improve the rights of LGBTI people in Macedonia and approximation of the Macedonian legislation to the international conventions ratified by the country. The Law on Prevention and Protection against Discrimination was detected as part of the priority legal changes, the advocacy on which aims at introducing sexual orientation and gender identity as grounds for discrimination. The Final Draft Law, to be adopted in 2018, includes sexual orientation and gender identity as grounds for discrimination, but does not include gender characteristics, still leaving intersex people on the margins of society. In addition, the draft text the Law also provides for multiple and intersectional discrimination, which often occurs against LGBTI people.

Moreover, in 2017, at the final regional conference hosted by the LGBTI Center, it was the first time that a Minister of Internal Affairs attended a LGBTI event and in stressed his speech the importance of changing the Criminal Code of the Republic of Macedonia by including sexual orientation and gender identity as grounds for hate speech and hate crimes.

In addition to using the national mechanisms, in 2017, the LGBTI Center also used the mechanisms of the United Nations in its efforts to improve the status of sexual and gender minorities and its representative presented the needs and problems of lesbians, bisexual women and transgender people from Macedonia, the countries of the Western Balkans and Turkey, at a parallel event during the United Nations Commission on the Status of Women.

Community program

The change in the political situation during 2017 led to greater activity of LGBTI people in terms of self-advocacy for changing their social and legal position. We have succeeded in our efforts to decentralize the LGBTI movement outside the boundaries of Skopje and so far we have developed 5 LGBTI local cores in 5 cities throughout Macedonia: Prilep/Bitola, Tetovo, Kumanovo, Strumica and Shuto Orizari, which are working to promote and protect the rights of LGBTI people in their municipalities. The members of the cores are very diverse, coming from different age groups, sexes, religions and ethnicities.

The support groups of the Center (gay men support group, lesbian-feminist support group, support group for transgender people and a group of supporters of LGBTI persons) organized 60 events: regular meetings, book clubs, discussions, film screenings and social events. Getting the community to organize itself and the existence of safe spaces where the LGBTI people would be free to share their experiences, gain support, and have wind blown in their backs, is crucial in order to ensure the well-being of LGBTI communities, especially of those living in more hostile environments. During 2017, the Center was open to members of the community on a daily basis. The screening of films with LGBTI and queer themes as part of the community building program continued in 2017 as well. In the previous years of the operation of the Center this proved to be an appropriate tool to insert non-heterosexual discourses in the public spaces which are already flooded with the heterosexual imperatives. During 2017, the LGBTI Center organized 6 open screenings and 4 closed screenings (for LBT women).

From the 22nd to the 25th of June, 2017, the fifth Pride Weekend - TRANS-FORMATIONS took place, organized by the Coalition "Sexual and Health Rights of Marginalized Communities", the LGBTI Support Center and LGBT United Tetovo. The overwhelming interest for the Pride Weekend was expressed from the promotional event, which was attended by more than 350 people, and the video of the event had more than 7,000 views. The Pride Weekend was officially opened on June 22 with a speech by the Minister of Culture, Mr. Robert Alagjozovski in which he expressed his support for the LGBTI movement in the country.

Shelter Center – Safe House

From the very start of its functioning, the LGBTI Support Center, which functions within the Helsinki Committee for Human Rights of the Republic of Macedonia, has been helping people from the LGBTI community in emergency situations, but the previous solutions were short-term and could not comprehensively meet the needs of the victims. Therefore, the LGBTI center decided to open a Shelter Center - Safe House, which will be put into operation for the direct service of this marginalized and vulnerable category of citizens, in order to protect them against all kinds of violence, provide them with assistance in crisis situations, as well as longer-term assistance, reintegration and resocialization.

The Shelter Center Safe House, officially started functioning in May 2017 and is legally registered as a subsidiary of the Helsinki Committee for Human Rights of the Republic of Macedonia.

Some of the staff was trained by the Partner Shelter Center for LGBTI victims of violence from Tirana, Albania. Personnel mentoring was also provided by the Albert Kennedy Trust Foundation from the United Kingdom. The LGBTI Support Center provided a series of trainings to sensitize staff to work with this marginalized and vulnerable category of people.

The safe house services include psycho-social support, free legal advice and socio-educational training to get ready to work and gain practical life skills. Also, during 2017, the work of the Safe House included recreational and creative programs and workshops aimed at helping the users of the Safe House's services learn new skills, spend their time doing useful things and preparing for a better independent life after they leave the shelter center.

In the past year, the Shelter Center Safe House provided 9 accommodations to 7 users, and provided them with a total of 17 psycho-therapy sessions both individual and group sessions. They were also provided with free legal and social assistance.

RECOMMENDATIONS

Judiciary

- Transparent and inclusive work of the Council for monitoring the implementation of the Strategy for the Reform of the Judiciary
- Strengthening of the independence of the judiciary through transparency in the decisions for appointing and promotion of judges and public prosecutors
- Defining the criteria for the election of members of the Judicial Council
- Introducing accountability mechanisms for the members of the Judicial Council and the Council of Public Prosecutors
- Establishing a practice of clearly substantiated decisions of the Judicial Council and the Council of Public Prosecutors for disciplinary responsibility and dismissal of judges/public prosecutors
- Further specifying the grounds for liability of judges
- Consistent application of the codes of ethics of the judges and public prosecutors, especially when giving statements to the public
- Ensuring unbiased distribution of cases through regular control and audit of the ACCMIS system
- Increased coordination in the execution of the judgments of the European Court of Human Rights

Fight against corruption

- Consistent application of the provisions of the Law on Preventing Corruption by the State Commission for the Prevention of Corruption.
- Developing close cooperation between the institutions competent for prevention of corruption and civil society organizations.
- Increasing the transparency of the State Commission for Prevention of Corruption through regular publication of their decisions.

Equal treatment

- Adopting a new and improved law on prevention and protection against discrimination that will enable improved and more efficient protection against discrimination
- Introducing segregation as a special form of discrimination
- The state should run a greater number of information campaigns to raise the awareness about the phenomenon of discrimination, its manifestations and the protective mechanisms against discrimination
- Strengthening the Commission for Protection against Discrimination by changing the criteria for selecting committee members and introducing a professional service (Secretariat) of the Commission for Protection against Discrimination
- The Ombudsman should increasingly make use of its legal authorization to initiate ex officio proceedings in cases of discrimination when several persons are affected
- The State to improve the access to legal protection through amendments to the Law on Prevention and Protection against Discrimination, with provisions that will enable exemption from court fees of persons who initiate legal proceedings for protection against discrimination
- The Public Prosecutor's Office to improve its efficiency and start acting on criminal charges for discrimination and hate speech
- Proactive approach by the equality bodies and other bodies and institutions that have authority to act in cases of discrimination

Hate speech

- Public figures, politicians, journalists, university professors and experts and others who play a significant role in the process of creating public opinions not only need to refrain from spreading hate speech but must publicly condemn it and show zero tolerance towards hate speech.
- The competent enforcement authorities, the Ministry of Interior, the public prosecutor's offices and the courts must demonstrate pro-activity and seriously fight against hate speech by establishing the criminal responsibility of the perpetrators and their appropriate punishment.

- The media must report objectively, impartially and with absolute respect for the journalistic standards and code of ethics, thus preventing the spread of hate speech and prejudice towards vulnerable social groups. At the same time, the traditional and online media must have greater awareness and responsibility in removing the comments with hate speech on their Internet platforms, which deviate from the freedom of expression.
- Measures necessary to raise the citizens' awareness about the harmful consequences of hate speech on the vulnerable, marginalized groups and individuals belonging to these groups.
- The hate speech graffiti in public spaces to be urgently removed without any delay. The obligation to remove them is in the hands of state institutions, which must consistently comply with it.

Hate crimes

- To consider the experiences of EU Member States in extending within their criminal legislation, the scope of punishable hate crime offences and the inclusion of other bias motives behind these offences;
- To ensure prompt and effective investigation and prosecution of hate crimes by ensuring that bias motives are taken into consideration throughout criminal proceedings;
- To take appropriate measures to facilitate the reporting of hate crimes by victims, including measures to build trust in the police and the other state institutions;
- To collect and publish comprehensive and comparable data on hate crimes, as far as possible including the number of such incidents reported by the public and registered by law enforcement authorities; the number of convictions; the bias motives behind these crimes; and the punishments served to the offenders;
- To ensure that victims of hate crime are assisted, supported and protected
- To promote the training of the relevant practitioners coming into contact with victims of hate crime, thereby enabling them to efficiently assist these victims; and

- To enhance the preventative measures, among other things by reflecting remembrance in human rights education, history curricula and relevant training, taking steps to educate the public on the values of cultural diversity and inclusion, and aiming for all sectors of society to have a role in combating such intolerance.

Closed institutions

Reform of the security-intelligence services by focusing on the interception of communications

- modification of the envisaged model by having the telecommunication operators be the ones to divert the communications to the competent bodies for interception of communications, only after a preliminary court order is issued and only for the purpose of conducting legal monitoring;
- stipulating serious technical measures to prevent the possibility of further redirecting of communications to third unauthorized parties, as well as stipulating severe penalties for the authorized persons in the intermediary body and the authorized bodies for interception of communications if they commit such a diversion;
- removing the "measures for interception of communications" from the Law on Interception of Communications, which is under the LCP;
- redefining the provisions referring to the collection and storage of metadata;
- abolishing the competences given to the public prosecutor, since they are not harmonized with the competencies of the public prosecutor in the Law on Criminal Procedure and with the capacities of the Public Prosecutor's Office as a whole;
- building the capacities of the mechanisms for control and supervision of the interception of communications.

PI Special Institute – Demir Kapija

- The process of deinstitutionalization of this institution should be a priority for the next year and should continue at a faster pace based on a previously prepared action plan.
- By the time of completion of the deinstitutionalization process, the health care of the protégés must be guaranteed. To this end, the number of specialist doctors in the Public Institution Special Institute Demir Kapija, including general internist doctors (a general practitioner, a gynaecologist and a dentist), should be increased, who would monitor the patients' health in continuity so that the patients could exercise all of their health insurance rights.

Vulnerable groups

People with disabilities

- In order to ensure accessibility for the persons with disabilities in the overall social environment, it is necessary to build a comprehensive system for removing the barriers and establishing services by specifying the precise instruments for control and coordination on a micro and macro level.
- It is necessary to assess and further develop and introduce new services (such as introducing personal assistance, professional rehabilitation and habilitation). Their introduction should be accompanied with the creation of appropriate profiles that will meet the needs of the citizens with disabilities.
- Establishing cost of services and to persons with disabilities
- Overcoming the medical approach in assessing the capabilities (categorization) of persons with disabilities. For this purpose, it is necessary to introduce the model of assessment of abilities according to the International Classification of Functionality, Health and Disability - ICF, as a framework for introducing the social model. It should be closely linked to the potential network of family support services, that is, the capacity assessment should be established based on development activities and a plan for every child and person with a disability.
- Restructuring the institutional setup of the social protection system in order to separate the administration of the rights to financial assistance and the social services.
- The adoption of housing policies for citizens with physical disabilities should not only provide a house to them, but also adequate housing conditions and an accessible home as a prerequisite for social inclusion.
- Introducing measures that would promote the learning of the sign language, as well as taking measures to provide a greater number of sign language interpreters. In addition, it is necessary to regulate the issue of using the Braille Letters, including the introduction of provisions that would stimulate the study of the Braille alphabet.
- The service “training on spatial navigation in micro and macro spaces for blind people” should be provided.

- Levelling off the benefits given to foster families and biological families. Revision of the system of support of the institutions and the non-institutional forms of protection in order to guide them to start working according to the needs of the persons with disabilities.
- It is necessary to introduce a statistical system that will provide a correct and transparent examination of persons with physical disabilities in relation to the social services and that they use based on all the demographic characteristics.
- Establishing services for medical rehabilitation and habilitation services and provision of services of equal quality and the right to a choice.
- Compulsory education and training of the medical personnel, including the home visit services, on how to approach and communicate with citizens with disabilities.
- Providing unimpeded access and availability of all the health facilities, including the Ministry of Health, the Health Insurance Fund, all the public health institutions, as well as clinics, hospitals, health centers, offices, offices, pharmacies, etc.
- The systemic identification, recording and monitoring of students with disabilities in regular education to be regulated by means of laws and by-laws. This process should be linked to the reform of the process of determining the type and degree of disability, in accordance with the International Classification of Functionality, Disability and Health.
- Providing sufficient budgetary resources to support the inclusion of students with disabilities in regular education.
- Ensure full physical accessibility to school facilities in accordance with international standards, including the indoor spaces and equipment with didactic and other necessary tools and materials for inclusive teaching.
- To make use of the modern information and communication technology as a tool for educational inclusion, including the development of online educational applications in the languages of instruction in Macedonia for easier learning of the content.
- Textbooks and other educational materials to be provided in the Braille alphabet, in audio format and/or in accordance with web accessibility standards. It should be stipulated in laws and by-laws that the authors should submit all the materials to the MES in electronic format, in accordance with the international standards for web accessibility.

- Extending the access to pre-school education. It is necessary to provide at least one year of pre-school education free of charge in ethnically mixed groups. Transport should also be provided during the entire calendar year.
- Providing educational support outside of school hours. Introducing extra-curricular help programs in homework assignments and additional classes on key subjects.
- The activities at the national level should make the testing of children for inclusion in primary education more culturally sensitive in order to reduce the number of Roma in special schools. The reintegration (in standard education) of children who are inappropriately enrolled in special education should be complemented with field work at the local community level in order to raise the awareness among Roma families about the educational deficiencies and curbing career opportunities arising from enrolment of children without special needs in schools for children with special educational needs.
- Doing research on and tackling the discrimination in education. The frequency of segregation and other more or less subtle forms of discrimination in education should be documented systematically as a basis for the development of appropriate measures to deal with them, with findings forwarded to the Ministry of Education and Science for adequate data collection and monitoring. Apart from the issues related to the discrimination against Roma by non-Roma, consideration should also be given to gender differences in the rates of completion of the compulsory education, and juvenile marriages should be treated as a violation of the rights of Roma girls.
- During the enrolment of students in the first grade of schools, the municipal authorities to take into account the number of Roma students and their adequate and even distribution among students from other ethnic communities.
- Drafting a law on social housing.
- To spread out the Roma settlements more evenly, i.e. to invest in the construction of apartment buildings and access to social housing for Roma outside the settlement or wherever housing conditions and access to a quality life have been provided.

Textile workers

- It is necessary to amend the Law on minimum wage by abolishing the provisions that are foreseen and stipulate the existence of a certain standardized output.
- The state should improve the access to justice for textile workers by improving the efficiency of safeguard mechanisms and reducing court and attorney costs in judiciary labour dispute procedures with the aim to better and more efficiently protect their labour rights.
- Employers in the textile, leather and shoe industry should improve the working conditions by implementing the minimum standards conditions, health and safety at work in accordance with domestic and international standards, including the standards of the International Labour Organization.

Free legal aid

- Prioritizing the amendments to the Law on Free Legal Aid, in order for it to enter the parliamentary procedure as soon as possible and then enter into force.
- Accepting the remarks and comments to the Law on Free Legal Aid provided by the authorized associations for the purpose of providing clearer and better quality legal text.
- The regional offices of the Ministry of Justice to comply with the legally stipulated deadline in the Law on Free Assistance and mechanisms to be found to protect the citizens in case the competent authorities exceed the deadlines;
- Envisaging institutional mechanisms to teach, empower and acquaint citizens with their right to access to justice;

Migrants, refugees and asylum seekers

- The practice of illegal, group “deportation” of refugees and migrants to neighbouring countries, without established cross-border cooperation with the security services to urgently and immediately stop. It constitutes a violation of the fundamental human rights and freedoms of migrants and inhuman treatment. All readmission procedures must comply with

the human rights standards and be implemented in cooperation between the states.

- The National Strategy for the Integration of Refugees and Foreigners (2017-2027) should be adopted as soon as possible, thus enabling the fastest possible implementation of the integration measures envisaged in the Action Plan, and contributing to increased respect for the rights of recognized refugees and asylum-seekers in the country.
- The new Law on International and Temporary Protection to be adopted as soon as possible, so that the harmful legal changes and restrictions adopted in 2016 would become ineffective.
- To establish a system of regular, timely and systematic registration of all refugees and migrants who transit through the state, in order to monitor their movement and increase the possibility of protecting their human rights.
- Measures to influence the public opinion on the refugee crisis are necessary, given the high level of xenophobia among the citizens, the lack of awareness about the rights of refugees and migrants, the reasons for their escape and the problems they face. It is necessary to increase public awareness and access to information about the crisis, which would reduce the intolerance and hate speech.
- The police treatment of refugees must comply with national laws and standards, in accordance with the principle of respect for human rights and freedoms of refugees and migrants. All police actions where physical force or means of coercion are used must be strictly supervised. All allegations of use of excessive force by law enforcement officers must be thoroughly investigated and the police officers must be held accountable.
- There is a significant need for increased supervision of unaccompanied minors who transit through the country and end up in the two reception-transit camps. They are exposed to a serious risk and are in a vulnerable position and must not be left without supervision and protection by the system.
- The educational and recreational activities within the reception and transit centers must take place regardless of the number of migrants, their age or status in the country. The Ministry of Education must provide appropriate programs, and not leave them exclusively up to the civil society organizations.

- Selective admittance of refugees in reception-transit centers must not be practiced. The humanitarian assistance and protection against security risks must be provided to all refugees and migrants transiting through the country in order to avoid putting them at increased risk.
- The refugees and migrants transiting through the country must not have their freedom of movement restricted and may not be unlawfully detained as witnesses in criminal proceedings against smugglers.
- Increasing the presence of police officers in the reception and transit centers, which will guarantee for the safety of all the people present in the camps.

LGBTI Support Center

Advocacy program

- The establishing of the Inter-Party Parliamentary Group for LGBTI Rights is a major step forward in the fight for the promotion of the rights of LGBTI people and the LGBTI Center hopes for intense advocacy processes for legal changes in order to improve the status of the LGBTI people.
- The LGBTI Support Center welcomes the introduction of sexual orientation and gender identity in the Draft Law on Prevention and Protection against Discrimination and appeals for the law to be adopted with these grounds in order to improve the protection of LGBTI people against discrimination.
- The LGBTI Center appeals to the need to amend the Criminal Code by including sexual orientation and gender identity as grounds for hate crimes and hate speech.

Community program

- We appeal for the need of full involvement of LGBTI people in policy-making at both the national and local levels, taking into account the needs and problems that this community is facing.
- Creating safe spaces at the local level, where the LGBTI people can socialize, create and form cores of resistance against the stigma and discrimination based on sexual orientation and/or gender identity, is indispensable.
- We urge the national and local authorities for greater pro-activity in the cooperation with LGBTI people and the organizations representing this community for the purpose of improving the status of LGBTI people in the Republic of Macedonia, as well as their full involvement in the social currents.

Shelter center - Safe House

- It is necessary to sensitize the employees in public institutions so that they can adequately respond to the requirements of the LGBTI population, thus providing them with equal treatment and applying the laws equally as for the rest of the population.
- The resources available to LGBTI people who are victims of violence or are at risk of homelessness, due to the exceptional importance of their existence, require sustainable funding. Meaning that such resources should be annually allocated from the state budgetary funds.
- Shelter Centers globally remain in the early stages of development. One of the recommendations is to invest in additional staff training and to work on programs tailored to the needs of the LGBTI people.