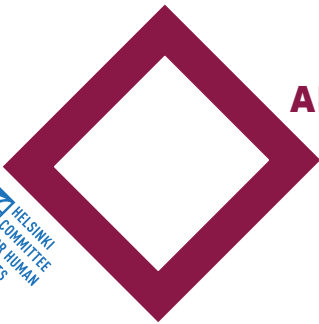




HELSINKI
COMMITTEE
FOR HUMAN
RIGHTS

ANNUAL REPORT
ON
HUMAN
RIGHTS
IN 2023



**ANNUAL REPORT
ON**

**HUMAN RIGHTS
IN 2023**

PUBLISHER

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CONTENT

INTRODUCTION	7
FREE LEGAL AID	9
JUDICIARY	13
LABOR RIGHTS	16
PROTECTION AGAINST DISCRIMINATION	22
GENDER EQUALITY AND THE MEDUZA PLATFORM	27
CLOSED INSTITUTIONS	34
DIGITAL RIGHTS AND FREEDOMS	42
HATE SPEECH	43
HATE CRIMES	48
LGBTI PROGRAM	56
SELF-EVALUATION OF THE HUMAN DIMENSION DURING THE OSCE CHAIRPERSONSHIP	60

INTRODUCTION

While Russia's military invasion of Ukraine has continued unabated in 2023, in Gaza the world has borne witness to the largest humanitarian disaster since World War II. Countless adults and children are not only killed in military attacks but die daily of hunger and dehydration. This disaster has brought to light the global struggle for human rights, especially with the rise of authoritarian governments that violate international laws and ignore basic rights. Mass protests around the world, including among members of the Jewish community, reflect global opposition to the events unfolding in Gaza. However, it is uncertain when this crisis will end. What is clear is that the gap between the rich and the poor is widening, and the most vulnerable groups of citizens are again bearing the brunt of these circumstances.

Based on the 2023 findings by the Helsinki Committee for Human Rights in the Republic of North Macedonia, it can be concluded that there has been no significant progress in the legal and institutional system for the protection and promotion of human rights.

The year was marked by events related to intensified and overt actions of anti-gender movements. These movements use gender and sexuality as a central part of their rhetoric, framing issues like reproductive rights, LGBTI+ rights, and gender equality in ways that incite fear and division in society. Through propaganda, pressure on local and state institutions, misinformation, and hate speech in public discourse, these anti-gender movements were able to prevent the passing of a new Law on Gender Equality.

The election process for new members of the State Commission for Prevention of Corruption and the State Commission for Prevention and Protection against Discrimination was characterized by partisanship and rigging.

The issues involving the Judicial Council, the amendments to the Criminal Code, and the amendments to the laws related to the contract with the "Bechtel and Enka" consortium have highlighted significant weaknesses in the judicial system and the relationship between the legislative and judicial authorities.

After the amendments to the Criminal Code in September 2023, civil society organizations considered it pointless to participate in a procedure that essentially legitimizes illegality.

Taking into account the declining trust of citizens in the judiciary, the Helsinki Committee conducted monitoring of court proceedings in response to citizens' requests or proceedings of wider social interest. Throughout the year 2023, the Helsinki Committee for Human Rights provided legal aid to 307 citizens in the fields of labor relations, social and health care, child protection, family and gender-based violence, pension and disability insurance, property relations, criminal law, and other areas. Particularly concerning labor rights, the repercussions of the energy-economic crisis, stemming from global market instability and the rise in prices at the global level were notably felt, leading to increased prices of goods and services, high inflation, and a decline in the standard of living of the workers. Rather than adopting the Law on Labor Relations, which would improve the position of the workers, amendments were made to the LLR, favoring the "Bechtel and Enka" consortium.

In 2023, the Helsinki Committee made 10 visits to penitentiary institutions. Despite efforts by the state, international, and domestic organizations to improve conditions in prisons, there are still serious systemic deficiencies. Convicted individuals lack adequate access to healthcare, their living conditions are miserable, and resocialization programs, conditions for their implementation, and post-penal assistance are still insufficient and inapplicable. Corruption and bribery are common in the daily lives of those incarcerated. In terms of marginalized communities, the Roma are disproportionately subjected to torture and degrading treatment.

In general, one of the most significant threats to the protection of human rights and the fight against discrimination is citizens' lack of trust in institutions.

When it comes to the degree of reduction of the marginalized status of the Roma community in society, the fact that the court process against the segregation of Roma children has been going on for three years already speaks volumes.

In 2023, the Appellate Court in Skopje fully confirmed the judgment of the Basic Civil Court in Skopje, which stated that the Government of the Republic of North Macedonia and the State Election Commission (SEC) had committed direct discrimination against persons with disabilities in exercising their right to vote.

Both proceedings were initiated by the Helsinki Committee as public interest proceedings (*actio popularis*).

An example that highlights a lack of awareness of the human rights of the different, and most vulnerable among us, as well as a lack of empathy, is the case of a 17-year-old boy with autism who was confined in Demir Hisar Psychiatric Hospital.

This is just one example that illustrates the extremely concerning situation in psychiatric hospitals, particularly regarding violence and the improper and inhumane treatment of patients. The fact that individuals are subjected to highly inhumane treatment, which goes against international principles, standards, laws, and conventions, is alarming. Hate speech, as a malignant social phenomenon, is increasingly prevalent in public discourse. In 2023, it's on the rise and ranks first in cases related to ethnicity, with hate speech based on sexual orientation following closely in second place. The committee has documented a total of 1,171 cases of hate speech.

On November 29, 2023, the Parallel Civil Society Conference was held, marking the end of North Macedonia's OSCE Chairpersonship. The conference was organized by the Committee and partners in cooperation with the Civic Solidarity Platform – a network of civil organizations in the OSCE region. Over 120 representatives of civil society gathered at the event, and the [Skopje Declaration](#) was adopted, emphasizing the need to strengthen civil society and urging the participating countries to continue their commitment to the human dimension.

The 2023 annual report of the Helsinki Committee contains specific cases from real-life examples that clearly illustrate deep-rooted systemic issues and their impact on the rights of citizens in the country.

FREE LEGAL AID

■ Since its establishment in 1994, the Helsinki Committee has been acting in the direction of legal strengthening and legal support of citizens. In 2016, the Committee was registered as an authorized association to provide primary primary legal aid in accordance with the Law on Free Legal Aid ■

When we refer to free legal aid, we are addressing both primary and secondary legal aid. While citizens face no obstacles in obtaining primary legal aid, the conditions for obtaining secondary legal aid have proven to be too restrictive. Therefore, it is necessary to expand the scope of secondary legal aid for legal issues faced by especially poor citizens. These issues include disputes related to public and communal services (such as electricity, heat supply, water, and telecommunications), as well as issues related to non-material damage compensation and property issues in administrative proceedings. Additionally, the criteria for approval of secondary legal aid should be eased, particularly in terms of financial conditions. Applicants with incomes above the prescribed legal limit (minimum salary) still belong to a vulnerable category of citizens (poor citizens) who cannot afford the costs of court proceedings.

Data on applicants and legal areas of free legal aid

In 2023, the Helsinki Committee for Human Rights provided legal aid to citizens in various fields including labor relations, social and health care, child protection, family and gender-based violence, pension and disability insurance, property relations, criminal law, and other related fields as part of our mission to protect human rights.

According to the data collected, a total of 307 citizens applied for free legal aid from the Helsinki Committee for Human Rights. The gender breakdown shows a larger number of male applicants (see Chart no. 1), while the ethnic breakdown reveals a significantly higher number of Macedonian applicants, with the fewest applicants being Turks and Serbs (see Chart no. 2).

Chart no. 1 Gender of applicants for free legal aid

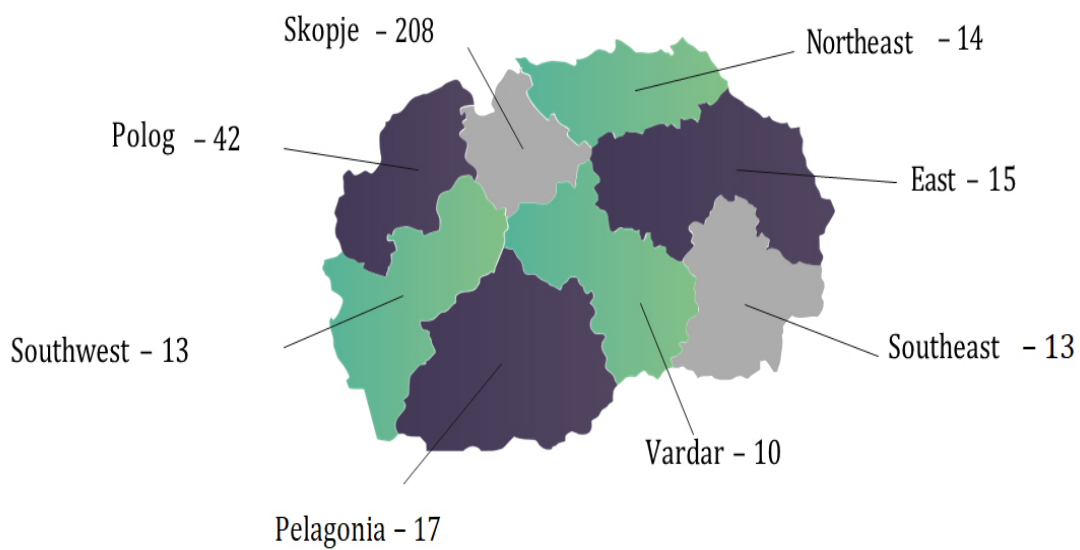


Chart no. 2 Ethnicity of applicants for free legal aid

Macedonians	Albanians	Roma	Turks	Serbs	Others
236	42	22	1	1	5

Regarding the place of residence, most of the applicants for free legal aid come from the Skopje Region, considering that the office of the Helsinki Committee is located in the city of Skopje (Chart no. 3).

Chart no. 3 Origin of applicants for free legal aid by region



According to the data from the Helsinki Committee, the majority of requests for free legal aid were related to property law issues, social protection, protection of children and domestic violence, labor relations, and human rights (Chart no. 4).

Chart no. 4 Requests for free legal aid by legal area

Property rights	Social protection and insurance	Protection of children	Pension and disability insurance	Health insurance and protection	Labour	Gender-based and domestic violence	Status questions	Protection of human rights	Others
40	38	27	8	10	35	26	18	54	51

The primary legal aid provided by the Department for free legal aid at the Helsinki Committee for Human Rights includes various actions, such as offering oral legal advice and providing initial information and instructions on the conditions and procedures for exercising certain rights of citizens. In cases where there is a possibility for out-of-court settlement through a general administrative procedure before the state authorities or an internal procedure before the employer, especially when there are short deadlines for action, after receiving the necessary documents, we assist the parties by helping them prepare submissions (objections, complaints, etc.) or by submitting requests for extraordinary inspection supervision to the relevant inspectorates (such as the labor inspectorate, administrative inspectorate, sanitary and health inspectorate, communal inspectorates, supervisory departments at ministries, inspection council).

In cases where legal rights need judicial protection, we facilitated the process of obtaining secondary legal aid, which involved appointing a lawyer from the Ministry of Justice's approved list. In 2023, we submitted 8 requests for secondary legal aid, including: four requests related to marriage and family law (such as domestic violence and divorce cases involving minor children), one request related to property law (probate proceedings), one request concerning status issues (special guardianship), and one request related to domestic violence (criminal proceedings).

Regarding the state of the rule of law, through the deployment of trained observers, we conducted monitoring of court proceedings focused on the legal domains central to the project's scope, (such as protection from discrimination, protection from domestic violence, protection of children and other family and work relations). In the year 2023, we oversaw 76 hearings across 25 distinct court proceedings.

Implementation of the project "Improving the protective mechanisms for free legal aid and hate speech in the Republic of North Macedonia"

In early 2023, the Helsinki Committee for Human Rights launched an 18-month project supported by the Foundation Open Society – Macedonia, titled "Improving the protective mechanisms for free legal aid and hate speech in the Republic of North Macedonia". The goal of this project is:

- Provision of primary free legal aid through in-person consultations in the office, telephone conversations, email correspondence, and by submitting requests for free secondary legal aid for eligible individuals according to the Law on Free Legal Aid;
- Regular registration of cases of free legal aid in the database and preparation of quarterly and annual reports¹ based on the data (evidence-based data);
- Improving access to justice through the system of free legal aid and identifying and analyzing the problems and challenges that citizens have faced in accessing justice, as well as formulating recommendations for improving the legal and institutional framework related to access to justice with a specific focus on marginalized and vulnerable categories of citizens;

¹ <https://mhc.org.mk/reports/prv-kvartalen-izveshtaj-besplatna-pravna-pomosh-januari-mart-2023/>
<https://mhc.org.mk/reports/besplatna-pravna-pomosh-za-periodot-april-juni-2023-godina/>
<https://mhc.org.mk/reports/besplatna-pravna-pomosh-za-periodot-juli-avgust-2023-godina/>
<https://mhc.org.mk/reports/besplatna-pravna-pomosh-za-periodot-oktomvri-dekemvri-2023-godina/>

- Observation of court hearings² through direct monitoring of cases of primary legal aid by external individuals who have been trained using our internal methodology.

National Coordinating Body for Free Legal Aid

In 2023, the NCB (National Coordinating Body), consisting of representatives from the Ministry of Justice, authorized citizens' associations for free legal aid, and lawyers, held 4 meetings³ to discuss the challenges and shortcomings in fulfilling the obligations related to the Law on free legal aid, both by the Ministry of Justice and by the providers of primary legal aid (authorized associations and legal clinics).

The insights from the legal advisors at the Helsinki Committee gathered through their work with applicants seeking free legal aid were crucial in shaping the recommendations for improving the legal framework that regulates the scope of the legal areas for granting free secondary legal aid, aiming at a significant reform proposed by the NCB, which is integrating the systems for providing free legal aid in both civil and criminal cases⁴.

The need for regular meetings has again highlighted the conclusion from last year about the necessity of a legal and infrastructural basis for the establishment of a permanent formal body for cooperation and decision-making between the Department for Free Legal Aid at the Ministry of Justice, the regional units of the ministry, the authorized associations for free legal aid the legal clinics.

² <https://mhc.org.mk/reports/sudski-monitoring-januari-juni-2023/>

<https://mhc.org.mk/reports/sudski-monitoring-juli-dekemvri-2023-godina/>

³ Council of Europe: Horizontal Instrument for the Western Balkans and Turkey <https://www.coe.int/mk/web/skopje/towards-a-consolidated-and-more-efficient-free-legal-aid-fla-system-in-north-macedonia>

⁴ NCB Bulletin, Issue no. 2, August 2023 <https://rm.coe.int/fla-02-bulletin-august-2023-/1680ac6e7d>

JUDICIARY

Key findings

In 2023, the Helsinki Committee for Human Rights actively monitored the situation and developments in the area of the judiciary independently and through the Blueprint group for judicial reforms. They reacted to the current situation accordingly. However, the Blueprint group withdrew from further participation and contribution in the process of drafting the new Criminal Code after the amendments to the Criminal Code in September 2023, as the participation of civil society organizations is pointless in a procedure that essentially legitimizes illegality. The amendments were adopted by abusing the European flag⁵, bypassing the working group working on a new Criminal Code, without its consultation, without proper consultation of the professional public, as well as without prior analysis and assessment of the need for their adoption. The reduction of the penalties for the three key offenses in the fight against high crime and corruption legitimized the chronic impunity of high officials and public office holders.

In December 2023, the government adopted a development sectoral strategy for the judiciary for the period of 2024-2028, which is a strategic document for determining, planning, and implementing policies for the further development of the justice sector. The Blueprint Group will develop a methodology for independent monitoring of the Strategy and will regularly monitor its implementation.

Amendments to the Criminal Code

The Helsinki Committee and other members of the Blueprint group considered the procedure in which the amendments to the Criminal Code⁶ were adopted, particularly the three key anti-corruption sections, to be completely contrary to the rule of law. The amendments intervened in the legal arrangement of three criminal acts - Abuse of official position and authority, Malpractice in the service, and Criminal association, so that, among other things, the legally prescribed punishments for these crimes were reduced. The changes to these three disputed criminal acts were adopted without consulting the working group working on a new Criminal Code, without proper consultation of the professional public, and without prior analysis and assessment of the need for the same. The successful attempt to amend and reduce the punishments of the three key offenses in the fight against high crime and corruption legitimized the chronic impunity of high officials and public office holders.

The Blueprint Group has withdrawn from further participation and contribution in the process of drafting the new Criminal Code following the amendments to the Criminal Code in September 2023. The group emphasized that involving civil society organizations in a process that essentially legitimizes illegality is pointless.

⁵ European Commission: North Macedonia 2023 Report, p.10. Available at https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf.

⁶ Official Gazette no. 188/2023 of September 7, 2023.

The procedure in which the amendments to the Criminal Code(6) were adopted, particularly the three key anti-corruption sections, is completely contrary to the rule of law. The changes to these three disputed criminal acts were adopted without consulting the working group working on a new Criminal Code, without proper consultation of the professional public, and without prior analysis and assessment of the need for the same. The successful attempt to amend and reduce the punishments of the three key offenses in the fight against high crime and corruption legitimized the chronic impunity of high officials and public office holders.

We have pointed out that the changes have resulted in complete obsolescence in more than dozens of major corruption cases, and in addition, the financial implications will be significant. In addition, the amendments to the Criminal Code were adopted under the European flag, which was deemed an abuse of the European flag according to the European Commission Report.

RNM Judicial Council

The Blueprint group for judicial reforms closely monitored all the developments in 2023 and expressed concern on multiple occasions regarding the development and escalation of the situation in the work of the Judicial Council of the Republic of North Macedonia (JCRNM).

The political pressure in the JCRNM reached two critical points in 2023. The first occurred with the resignation of the JCRNM's president, who was one of the judicial associates. The reason given for the resignation was "pressure from political and business elites," which was neither investigated nor elaborated on after the resignation. The second critical moment was on April 26, when contrary to the Law on the Judicial Council of the Republic of North Macedonia and the Rules of Procedure of the Judicial Council of the Republic of North Macedonia, the president of the JCRNM was dismissed, in the absence of an orderly dismissal procedure and without the required majority. Leading legal experts, law professors, and civil society organizations pointed out the flagrant violation, but the majority of the members of the JCRNM remained deaf to the remarks. Instead of retracting, the members of the Council on May 4, 2023 "legitimized" their decision by repeatedly violating the provisions of the Law on the Judicial Council and the Rules of Procedure regarding the exclusion of the public from the sessions of the JCRNM and allowing an additional vote. The resignations of two members elected by the judges in early June 2023 further confirmed that illegal processes were occurring in the JCRNM.

Acting on the lawsuit of the former president of the Judicial Council of the RNM for wrongful dismissal, the Administrative Court made a ruling that the decision to dismiss was illegal, without justification and without evidence, as well as without stating the legal provisions according to which the procedure was carried out. In this ruling, the Administrative Court specified that the Law on the Judicial Council of the RNM nowhere states that the Council has the authority to decide on a vote of no confidence in the President of the Council, nor on dismissal from the position of President of the Council without a previously conducted procedure to determine responsibility.

With this ruling, the Administrative Court confirmed the opinions and reactions of the Blueprint group in the past period concerning the developments in the Judicial Council of the RNM, especially the reactions and appeals addressed to the Council for the illegal dismissal of the then-president Dameva.

Following the events in the Judicial Council of the RNM, the European Union dispatched an Assessment Mission to evaluate the operations of the Judicial Council. The EU Assessment Mission's report on the functioning of the Judicial Council contains 40 recommendations, grouped into six

segments – the structure and competence of the Judicial Council itself, the mandate of its members, the selection process and the election of judges, disciplinary procedures, the issue of transparency and communication with the public and resources and funding. The Ministry of Justice has established a working group with the goal of reforming the Judicial Council in alignment with the recommendations of the Assessment Mission. This working group includes representatives from the Blueprint Group.

Development Sectoral Strategy for the Judiciary 2024-2028

In December 2023, the government adopted the Development Sectoral Strategy for the Judiciary 2024-2028. This is a strategic document that aims to determine, plan, and implement policies for the further development of the justice sector. The strategy is designed to help realize the recommendations of the European Commission for the further development of the rule of law, the judicial system, and basic values and fundamental rights. Its purpose is to address the questions outlined in the Screening Report for Cluster 1 regarding the judiciary, as well as the recommendations of several evaluation missions related to the Judicial Council of the RNM, the training for judges and public prosecutors, administrative justice, and enforcement.

The strategy focuses on five key priority areas: the judiciary and the public prosecution, the capacities of the special institutions of the justice system, individual professions and public services, the Constitutional Court, and specific legal areas (criminal and civil matters), which are relevant to the functioning of the judiciary.

During the coming years, the Blueprint Group will develop a methodology for independent monitoring of the Strategy and will consistently monitor its implementation.

LABOR RIGHTS

The state of labor rights in 2023 is closely tied to the overall socio-economic conditions in the country. The energy-economic crisis, stemming from unstable global markets, has had far-reaching effects. This has led to increased prices of goods and services, high inflation, and a decline in the standard of living of workers, both locally and in the wider region.

Requests for free legal aid in the field of labor relations are related to various legal issues such as discrimination in employment procedures, transformation of the employment relationship, vacation pay, health and social insurance during maternity leave or sick leave, unregistered or unpaid overtime work, non-delivery of salary calculations, and other monetary claims from employment. Additionally, a large number of requests for legal aid related to workplace harassment (mobbing) are of concern in this section.

Rising cost of living, government anti-crisis measures and union protests

In 2023, the government implemented anti-crisis measures⁷ to safeguard living standards and combat the rise of poverty. At times, the prices of essential goods were also frozen, a move that faced opposition from the Chamber of Commerce.⁸

According to data from the State Statistical Office⁹, the cost of living index in 2023 increased by 9.4% compared to 2022, while the retail prices index rose by 7%. The largest increases were observed in the following categories: furniture, household goods, and household maintenance saw a 13.6% increase; restaurants and hotels increased by 12.7%; food and soft drinks increased by 11.7%, and housing, water, electricity, gas, and other fuels increased by 10.4%. This rise in the cost of living has particularly impacted unemployed individuals, those with precarious employment, people with incomes near the minimum wage, young people, and women.

For the third consecutive year, the State Statistical Office has not reported the annual poverty rate. As a result, we rely on data from the research¹⁰ conducted by the Vienna Economic Institute in October 2023 to gauge the extent of poverty in the Republic of North Macedonia. According to the institute's findings, the number of impoverished individuals in the country saw a significant increase in 2023 – by 24% for those living in extreme poverty and by 15% for those living in moderate poverty. The research also indicates an additional 20% rise in poverty levels by the end

⁷ RNM Government: “The new ninth package of anti-crisis measures worth 662 million euros is for the protection of living standards, the liquidity of companies, and the development of the economy”, November 2023; <https://vlada.mk/node/35289>

⁸ Chamber of Commerce of RNM: “The business sector is firm on its position - freezing prices is a wrong step by the Government” - Telma TV, March 2023; <https://telma.com.mk/2023/03/29/biznis-sektorot-cvrstona-stavot-zamrznuvanje-ceni-e-pogreshen-chekor-na-vladata/>

⁹ State Statistical Office, Cost of Living and Retail Price Indices, December 2023. <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?id=39&rbr=14544>

¹⁰ Deutsche Welle in Macedonian: “Many Macedonian citizens in the clutches of poverty”, October 2023; <https://www.dw.com/mk/nad-polovina-milion-makedonski-gragani-vo-kandite-na-siromastijata/a-67116487>

of 2023, bringing the number of people living in extreme poverty to 86,000 and the number living in moderate poverty to half a million citizens, that is, 520,000.

According to data from the State Statistical Office¹¹, the activity rate in 2023 is 52.3%, the employment rate is 45.4%, and the unemployment rate is 13.1%. Simultaneously with the decline in the unemployment rate, employers are also seeking workers from professions with labor shortages.¹²

According to the data of the State Statistical Office¹³, the average monthly net salary per employee in 2023 was MKD 39,998. Meanwhile, the Federation of Trade Unions of Macedonia¹⁴, calculated that the trade union minimum basket (TUMB) i.e. the amount needed to meet the monthly needs of a family of 4 in December 2023 was MKD 56,522. In other words, it would take three minimum salaries or 1.5 average salaries to cover the monthly expenses of a family of 4 in the Republic of North Macedonia.

In 2023, there were widespread trade union protests and months-long social dialogue between the Government and the trade unions as part of the Economic and Social Council's framework. Following a series of protests in the spring of 2023, trade union representatives negotiated a 10% increase in salaries for public administration employees, despite initially requesting a 14% increase to match the inflation rate. In addition to the salary increase, the trade unions and the Government also agreed on a general collective agreement for public sector employees, a new methodology for calculating salaries based on the average wage, and vacation pay.

Once again, recent events underscore the importance and necessity of workers' union organization. This is particularly lacking in the private sector, where workers only receive an increase in the minimum¹⁵, without the additional benefits enjoyed by public sector employees.

11 State Statistical Office: "Active population in the Republic of North Macedonia in 2023", March 2023; <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?rbrtxt=98>

12 RNM Chamber of Commerce: "About 10,000 workers, welders, confectioners, bakers, butchers, textile technicians, and engineers are in short supply", March 2023; https://www.mchamber.mk/Default.aspx?mId=3&evid=130888&Ing=1&fbclid=IwAR00ZecfNa9onXdRmCc7M0iNpFh_zTTIn7PGIPKHysqsoRXFBOOKQXOR2hM_aem_AdkuJyggg7Hu37OMxfOv3D4I5YyPoAAOZkKstWGulbg2A67MaXXaewIYAWR-ork0dSjzfiUsudWo00yw8O_gJJH

13 State Statistical Office: "Average monthly paid net salary per employee for December 2023", February 2024; <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?id=40&rbr=14576>

14 Federation of Trade Unions of Macedonia: "A decent salary is a salary equal to one union basket", January 2024;

<https://www.ssm.org.mk/mk/dostoinstvena-plata-e-1-plata-da-iznesuva-kolku-1-sindikalna-koshnica>

15 MLSP: The minimum wage from the month of March will be 20,175 denars, over 2,000 denars higher in one year", March 2023; https://www.mtsp.gov.mk/fevruari-2023-ns_article-mtsp-minimalnata-plata-od-mesec-mart-kje-bide-20-175-denari-nad-2000-denari-povisoka-za-edna-godina.nsp

Law on labor relations

The year 2023 started with promising developments after the Ministry of Labor and Social Policy¹⁶ announced in mid-2022 that they are beginning intensive work on a new Labor Relations Law. They plan to involve input from all stakeholders in society, including workers' and employers' representatives, the International Labor Organization, and experts from the civil sector.

Since 2018, the Network for Protection against Discrimination and the Platform for Gender Equality have been steadfastly monitoring the process of drafting the new text of the Law on Labor Relations. Both networks, of which the Helsinki Committee for Human Rights is also a member, have upheld a legal opinion on several key points of the law's text. Among these points are:

- The current definition of an employee in the LLR, both old and new, only includes individuals who are employed based on a formal employment contract. This definition is inadequate and fails to protect a large number of workers who actually work without an employment contract or with a different contract. We propose aligning the Law with European legislation and ILO Recommendation No. 198 on the employment relationship by broadening the definition to encompass individuals who work without a formal employment contract but are still in a real employment relationship, that can be evidenced by factual circumstances. The position of the EU Court of Justice supports this perspective, defining an "employee" as anyone engaged in actual work, irrespective of their contractual arrangement or even the absence of a formal contract;
- Stereotypes and prejudices toward different and marginalized groups are also apparent in the labor market. The labor market is not a safe or accessible place for people from marginalized communities. As a result, they face unemployment and further poverty, which can lead to other social problems. The most common forms of discrimination in labor relations include: employment based on partisanship; segregation of the Roma community; workplace harassment such as sexual harassment of women and LGBTI individuals; discrimination in the employment of transgender persons; lack of accessibility of workplaces for persons with disabilities, and discrimination and prejudices against them; discrimination against individuals undergoing addiction treatment and discrimination against different groups of patients who, due to chronic diseases and conditions, need to use sick leave more often. In this regard, we suggest that the Law on Labor Relations be harmonized with the Law on Prevention and Protection against Discrimination;
- Provisions for the institute Equal pay for equal work or work of equal value to be provided in the aforementioned chapter "equality and non-discrimination". In order to adequately regulate this right (in accordance with EU law and Convention No. 100 of the ILO), it is necessary to add provisions that will include: an obligation for salary transparency (every employer to be obligated to inform employees about everyone's salary, salaries by position to be easily accessible, for example, published on the web, notice boards, etc.); an obligation for employers to conduct an objective evaluation of the workplace and data analysis once a year; an obligation to detect the gap in wage equality according to the size of the employer; to publicly announce the measures that are planned to be taken and to report to the State Labor Inspectorate; to expand the definition of salary to include non-monetary benefits

¹⁶ MLSP: Intensive work begins on the new Law on Labor Relations, May 2023; https://www.mtsp.gov.mk/maj-2022-ns_article-mtsp-zapocnuva-intezivna-rabota-na-noviot-zakon-za-rabotni-odnosi.nsp

like insurance and other benefits (transportation, food, etc.); to ensure that the right to equal pay applies to all workers, not just those with an employment contract;

- It is important for the LLR to include a dedicated chapter for self-employed individuals - "Self-Employment". This chapter should comprehensively regulate the rights that pertain to self-employment, align with international standards, and ensure sufficient protection for all workers, particularly those in special categories.

As emphasized earlier, the MLSP produced a draft version of the LLR and held the first public hearing in the Club of Deputies on December 26, 2022. The plan was to publish the Draft Law on Labor Relations on the Unified National Electronic Register of Regulations (UNER) after holding public hearings in various cities. However, the process stalled, and the scheduled public hearings in 2023 did not take place.

The new Law on Labor Relations, which began to be drafted in the first half of 2018, has not yet entered the parliamentary procedure. However, the LLR underwent significant changes in the opposite direction from the intended one, which was to improve the legal text. Instead, at the end of May 2023, changes and additions to the Law on Labor Relations entered into force, related to the construction of sections of corridors 8 and 10 by the construction consortium "Bechtel and Enka". According to these changes, for work on projects of "strategic national importance", overtime can last longer than the legally stipulated maximum.¹⁷

In Article 1 of the Law on Amendments and Supplements to the Law on Labor Relations, it is stated that a new paragraph (4) will be added to Article 110 of the Law on Labor Relations after paragraph (3). This new addition allows the Minister of Finance, in agreement with the Minister of Labor and Social Policy, to prescribe the manner and place of payment of wages to workers working on projects of strategic national importance as established by law. With Article 2 of the Law on Amendments and Supplements to the Law on Labor Relations, a new Article 117-a is added after Article 117 which allows for the extension of overtime work beyond the standard limits of eight hours per week and 190 hours per year for projects of strategic national importance established by law and due to the necessity for continuity in work, provided that the employee consents to it in writing.

Apart from the Law on Labor Relations, three other laws were also amended to facilitate the work of the construction consortium: the Law on Expropriation, the Law on Construction, and the Law on Urban Planning.

Bearing in mind its vision and mission for the protection of human rights, and hence labor rights, in July 2023, the Helsinki Committee submitted an initiative¹⁸ to the Constitutional Court of the RNM to evaluate the constitutionality and legality of articles from the Law on Amendments and Supplements to the Law on Construction and the Law on Labor Relations (LLR), related to the realization of the Agreement with "Bechtel and Enka" for the construction of four highway sections on corridors 8 and 10-d.

¹⁷ A new paragraph (4) of Article 110 has been added to the Law on Labor Relations, according to which the Minister of Finance, in agreement with the Minister of Labor and Social Policy, prescribes the manner and place of payment of wages to workers working on strategic national projects established by law, and a new article 117-a was added, according to which overtime work can last longer than eight hours a week and 190 hours a year, with the prior written consent of the employee.

¹⁸ Helsinki Committee with an initiative to the Constitutional Court on the legal changes related to "Bechtel and Enka", July 2023; <https://mhc.org.mk/news/helsinshki-komitet-so-incijativa-do-ustaven-sud-za-izmenite-vo-zakonot-za-rabotni-odnosi-povrzani-so-behtel-i-enka/>

The Helsinki Committee considers that such a legal solution is a violation of the Constitution of the Republic of North Macedonia and allows a complete bypass of the procedures for passing laws. Elevating the decisions of the executive power to the level of law means interference of the executive in the role of the legislative power. By using the term “national strategic interest” without a clear definition, as a basis for determining parallel rules that will apply only in certain cases, the existence of further legal solutions for labor relations is possible, the application of which will depend on the assessment of certain structures that are not clearly established. This can lead to legal uncertainty and inequality of citizens before the Constitution and laws.

At the beginning of 2024, the constitutional judges ruled, that is, the Constitutional Court of the Republic of North Macedonia on December 20, 2023, passed the decision U. no. 140/23 not to initiate a procedure for evaluating the constitutionality of the articles of the Laws on Amendments and Supplements to the Law on Construction and the Law on Labor Relations. However, these decisions were not adopted unanimously. In particular, the judge of the Constitutional Court, Osman Kadriu, in his separate opinion¹⁹ claimed that the regulation on buildings of strategic interest contradicts the Constitution and violates the rule of law.

Free legal aid in the field of labor relations

In 2023, 10% of the total number of requests for free legal aid submitted to the Helsinki Committee were related to legal issues in the field of labor relations. Most of the requests pertained to individual concerns, while a smaller percentage involved collective requests from groups of two or more workers. The issues primarily involved daily workplace dynamics between employees and employers, such as workplace harassment (mobbing), undeclared work by newly hired individuals, delayed payment of wages and annual leave, issues about salary deductions or unpaid overtime, issues concerning salary bonuses, health and social insurance during maternity or sick leave, non-compliance with workplace safety and health regulations, as well as different grounds for establishing and terminating employment relationships (ranging from selection decisions during hiring processes to contract terminations without notice periods).

Regarding the submitted requests for extraordinary inspections by the Helsinki Committee, the State Labor Inspectorate responded within the 30-day period by providing written notification to the worker or the Helsinki Committee. In some cases, the identified irregularities temporarily supported the workers, but it seems that most inspection findings favored the employers, helping them to rectify their actions within the bounds of the law, but without a positive impact on the employees’ labor rights. However, there were instances where the State Labor Inspectorate’s extraordinary inspections directly benefited the employees, with decisions issued to enforce corrective measures with a specified deadline for addressing identified irregularities and deficiencies. Due to dissatisfaction with the performed supervision of the labor inspectors, in cases where obvious irregularities were not ascertained, requests were submitted for extraordinary inspection supervision of State Labor Inspectorate E by the Inspection Council.

Regarding judicial protection, it is essential for workers to have legal representation in court by a lawyer. Workers with incomes above the stipulated minimum for free secondary legal aid were faced with the dilemma of whether to litigate at their own expense with an uncertain outcome or

19 Kadriu: “Amendments to the Construction Law related to “Bechtel and Enka” open the door for crime and high corruption”, January 2024;
<https://mhc.org.mk/news/izdvoeno-mislenje-na-ustavniot-sudija-kadriu-so-izmenite-vo-zakonot-za-gradenje-povrzani-so-behtel-i-enka-se-otvora-space-for-criminal-and-high-corruption/>

recovery, taking into account the low amount of monthly income determined for the approval of secondary legal aid. Therefore, it is necessary to increase the monthly income threshold for the approval of secondary legal aid.

In relation to the right to a trial within a reasonable time, in 2023 the legally determined urgent nature of labor disputes continues to be played out. As can be seen from the monitoring carried out in several court proceedings in the field of labor relations, not a single labor dispute ended in accordance with the instructional period of 6 months before the first-instance court and 2 months before the second-instance court.

PROTECTION AGAINST DISCRIMINATION

Key findings

In 2023, the Macedonian courts ruled that the Government of the Republic of North Macedonia and the State Election Commission (SEC) had discriminated against persons with disabilities in their right to vote, following an *actio popularis* lawsuit filed by the Helsinki Committee.

At a plenary session in December 2023, the Assembly decided on the election of members of the Commission for Prevention and Protection against Discrimination. This decision came after the Commission on Elections and Appointments issued a list of candidates. Flora Kadriu, Dushan Tomshikj, and Zekir Abdulov were granted a five-year mandate, while Dragana Drndarevska received a mandate of 1 year, 2 months, and eight days. During the selection procedure for members of the Commission for Prevention and Protection against Discrimination (CPPD), several legal omissions were made, leading to the conclusion that the election of CPPD members was partisan and illegal, which violates the rule of law and shows extreme disregard for human rights and the equality of citizens.

A few years after the implementation of the Law, certain deficiencies were identified. As a result, civil society organizations working in this area initiated a procedure for legal amendments.

Considering the various logistical and financial challenges that the Commission faced, there has been a discussion about raising the budget to ensure the Commission for Prevention and Protection against Discrimination can operate independently and effectively. This would involve providing sufficient financial resources for its smooth and comprehensive functioning. It is precisely the low budget, and the insufficient and inappropriately allocated financial resources for the performance of its competencies that threaten the Commission's autonomy and independence. This limits access to effective protection mechanisms for the most marginalized, while simultaneously reinforcing and perpetuating systemic discrimination in our society.

Direct discrimination against persons with disabilities in exercising their right to vote by the Government and the State Election Commission has been confirmed

The Appellate Court in Skopje issued a verdict in October this year, fully confirming the ruling of the Basic Civil Court in Skopje from March this year. The verdict established that the Government of the Republic of North Macedonia and the State Election Commission (SEC) engaged in direct discrimination against people with disabilities when they were exercising their right to vote. The court found that direct discrimination had occurred due to the failure to take actions to adapt the polling station infrastructure and space, violating the principle of appropriate adaptation. In this way, the defendants made it impossible for persons with disabilities to exercise their right

to vote, and thus hindered the active participation of persons with disabilities in the political life of the state.

The court has instructed the Government and the State Election Commission to ensure, at the polling stations where it has not been possible so far, that certain conditions are met until the announcement of the next elections. That is:

- accessibility, flat roads, parking spaces properly marked with high-contrast colors, signs and numbers placed visibly in a large format with high contrast, or sound signaling to the polling stations;

- accessibility to the voting room by placing handrails along the stairs and walls, installing access ramps, handrails, wider entrances, an accessible lift or platforms with levels and steps;

- accessibility in the voting room, even lighting in the voting room, redistribution of furniture for greater movement; installing properly adapted voting screens, and placing the voting box at an appropriate height for persons with physical disabilities.

Furthermore, the government and the State Electoral Commission must publish in an accessible format in the media the decision that confirms that they have committed direct discrimination against persons with disabilities in exercising their right to vote and active participation in political life within 15 days after the verdict becomes final.

The rulings from both courts clearly establish that the defendants, who bear the burden of proof according to the LPPD, did not propose or submit sufficient evidence to show that, after 2019 (following the preparation of the reports by the associations and after appropriate recommendations were made), access to all polling stations in the country was fully enabled for persons with disabilities and that appropriate adjustments were made to facilitate their right to vote.

The Appellate Court has confirmed the first-instance decision on the allegations that in a democratic society, it is necessary to protect the right to vote of persons with disabilities, to enable the enjoyment and exercise of this right, and that the necessary adjustments to the polling stations by providing access to and in voting facilities according to the needs of persons with disabilities does not represent a disproportionate or unnecessary burden. This argument is supported by analyses and checks of polling stations, which show that it is only a matter of a certain number of polling stations, and all this has not been possible for people with disabilities.

The court decision was made following a lawsuit filed by the Helsinki Committee for Human Rights, represented by lawyer Pavlina Zefikj, on February 1, 2021, for protection against discrimination in the public interest (*actio popularis*). This legal action was carried out as part of the “Support to North Macedonia in the Promotion of the Rule of Law and Human Rights” project, which was implemented by the Helsinki Committee for Human Rights in 2020 with the OSCE Mission in Skopje.

The Commission for the Prevention and Protection against Discrimination can appear as an intervener in court proceedings for protection against discrimination or, on the other hand, at the request of the party or on its own initiative, submit a request for the court to enable it to act as a friend of the court (*amicus curiae*). In April 2021, the Commission exercised this legal authority for the first time by asking the Basic Civil Court in Skopje to allow it to act as a friend of the court (*amicus curiae*) in this judicial procedure for protection against discrimination. The Coalition for

Sexual and Health Rights of Marginalized Communities MARGINI Skopje, represented by lawyer Natasa Boshkova, requested to be included as an intervenor in this procedure, and the request was accepted by the court.

Election of new members of the Commission for Prevention and Protection against Discrimination

The CPPD is an independent body for equality, and its effectiveness, impartiality, and fulfillment of competencies are directly dependent on the knowledge, expertise, and integrity of its commissioners. The CPPD has successfully positioned itself as an efficient institution, and its work has been acknowledged by the international community and the European Commission. The European Commission continuously requests that the CPPD be re-equipped and that members be selected based on merit.

The members of the Commission have a legal obligation to reflect the composition of society as a whole and ensure that the principles of adequate representation of all social groups, adequate and fair representation of community members, and gender-balanced participation are applied when selecting members.

On December 18, 2023, a public hearing was held in the RNM Assembly to determine a proposed list of registered candidates for the election of 4 new members of the Commission. The Assembly also published the list of registered candidates along with the documents they submitted to the Commission on Elections and Appointments. Upon initial review, it was evident that among the candidates, there are independent experts with many years of proven experience in the field of anti-discrimination and human rights. The Network for Protection against Discrimination emphasized its belief that the Parliament can choose quality candidates based on merit and legal criteria that will further advance the work of the CPPD rather than party affiliation.

The eligibility criteria for the selection of members of the CPPD are as follows: a minimum of seven years of work experience in the field of human rights, with at least five years in the field of equality and non-discrimination; possession of 240 ECTS credits; citizenship of RNM; no record of having been sentenced to a prison term exceeding six months or being banned from performing a profession, activity, or duty by a final court judgment at the time of the election; and not holding an office in a political party.

At a plenary session the Assembly decided on the election of members of the Commission for Prevention and Protection against Discrimination. This decision came after the Commission on Elections and Appointments issued a list of candidates. Flora Kadriu, Dushan Tomshikj, and Zekir Abdulov were granted a five-year mandate, while Dragana Drndarevska received a mandate of 1 year, 2 months, and eight days. During the selection procedure for members of the Commission for Prevention and Protection against Discrimination (CPPD), several legal omissions were made. It was apparent that the requirement for candidates to have 5 years of experience in the field of discrimination and 7 years in the field of human rights was interpreted very broadly, as some of the proposed candidates did not meet these experience criteria.

In addition, we believe that the Law has been misinterpreted in relation to the mandate of a public official, i.e. someone who has been elected by the Assembly to perform a public function. The mandate cannot be transferred, if it has expired, as in the case of Dragana Drndarevska, who was proposed for a mandate of 1 year and two months, unlike the others who have a mandate of 5

years, and her mandate has expired, meaning the time in which a person should have been selected for that position has passed.

Also, there are no persons with disabilities among the proposed candidates, although among the applicants there were people with disabilities who have extensive experience in this field, and the commission, according to the law, as a body should reflect the diversity in society, as well as based on gender, i.e. gender-balanced membership in the Commission.

All of this leads to the conclusion that the election of members of the CPPD is partisan and illegal, which violates the rule of law and shows extreme disregard for human rights and the equality of citizens. During the election, political discrimination occurred when preference was given to candidates who did not meet the conditions over candidates who did meet the conditions.

Systemic discrimination against farmers in exercising the right to paid leave due to pregnancy, childbirth, maternity, and sickness

During 2023, the state failed to address systemic discrimination against farmers in exercising the right to paid leave due to pregnancy, childbirth, maternity, and sickness.

At the initiative of the Network for Protection against Discrimination and LAG Agro Leader, over 60 citizens' associations, unions, and foundations urged the Parliament to introduce a Draft Law on Amendments and Additions to the Law on Health Insurance, which will enable a systemic solution to the problem of exclusion of farmers from the right to maternity leave. The civil sector is advocating for equal access to maternity leave for farmers under the same conditions as for all other workers and self-employed individuals. Furthermore, they are calling for the compensation amount to be calculated based on no less than the minimum wage.

Acting on an application from the Network for Protection against Discrimination and LAG Agro Leader, the Commission for the Prevention and Protection against Discrimination found that women individual farmers were facing indirect, intersectional, and prolonged discrimination in exercising the right to compensation for wages during absence from work due to pregnancy, birth, and maternity - right to paid maternity leave. The Commission for Prevention and Protection against Discrimination recommended the Ministry of Health amend the Law on Health Insurance in order to eliminate systemic discrimination against women farmers.

In April 2023, the Parliament confirmed the need to amend the Law on Health Insurance - A Draft Law on Amendments and Additions to the Law on Health Insurance submitted by the MPs of Levica, aims to enable paid maternity leave for farmers. However, this draft law has not yet been voted on, leaving female farmers without a systemic solution for exercising their rights.

In addition, in February 2023, the government adopted a program to support the social security of women engaged in agricultural activity for the year 2023. With this program, financial support will be provided to women engaged in agricultural activity and insured as individual farmers, using non-refundable funds. Additionally, women will be able to utilize maternity allowance in cases where they are unable to perform agricultural activities due to childbirth. This allowance is not covered by regulations for paid maternity leave in labor relations. However, the Network for Protection against Discrimination has raised concerns that the program's implementation is not an effective and systemic solution to the issue. They recommended that the solution to this problem should involve amendments to the Law on Health Insurance, for which they have provided a general recommendation.

The failure to provide paid maternity leave for women from rural areas, who face poverty, lack access to health and social services, perform heavy physical work, lack access to kindergartens, are subject to prevalent patriarchal norms that hold them solely responsible for caring for the home and children, and are more exposed to gender-based violence, is an inhumane and cruel policy that leaves these women on the margins of society.

Namely, women registered as individual farmers are excluded from the Law on Health Insurance in the part of benefits due to illness, workplace injury and absence due to pregnancy, childbirth and maternity. Although they have the right to health care as insured individuals according to Article 5, paragraph 1, point 4 of the Law on Health Insurance, they do not have the right to receive benefits for temporary inability to work due to illness, injury, pregnancy, childbirth, and motherhood (as outlined in articles 13 and 14 of the Law on Health Insurance).

Individual farmers pay 20% contributions and have no salary, but they earn income from agricultural activity on an annual basis, which is irregular and conditioned by weather conditions and similar factors. The right to maternity leave is regulated by the Law on Labor Relations, but only for those insured under the LHI. Despite not being recognized in the Law on Labor Relations, self-employed individuals such as lawyers, notaries, artists, and sole traders also have the right to paid maternity leave. Farmers are de facto workers, i.e. self-employed persons, but the legislation does not recognize them as such, but the legislation categorizes them as “individual farmers,” granting them fewer rights compared to other workers and self-employed individuals. The fact that they pay less contributions cannot be seen as a reason for their exclusion from health insurance rights, but quite the opposite, as an affirmative measure, the purpose of which was to include a marginalized category in the social and health insurance system, and as an economic measure, the purpose of which was to encourage the development of agriculture as one of the most important economic activities.

Hence, female farmers face discrimination compared to other female workers and self-employed women who are entitled to paid maternity leave and sick leave under the Law on Health Insurance. This inhumane policy has serious consequences on their reproductive, psychological, and physical health, as well as on the health of newborns and children from rural areas. According to research, most women engaged in agriculture cannot afford to reduce their workload before and after childbirth, so as a consequence, they continue with work activities in late pregnancy or start work too soon after childbirth. This situation poses significant health risks, such as premature birth, unwanted abortion, increased risk of pathological pregnancy, premature termination of breastfeeding, and inability to provide adequate care to newborns, which leads to numerous health problems in children. When we consider the limited access to healthcare and social services and deeply ingrained patriarchal norms, it becomes clear that rural women’s opportunities and rights are severely restricted compared to those in urban areas.

GENDER EQUALITY AND THE MEDUZA PLATFORM

KEY FINDINGS

The past year was marked by several significant advancements in the realm of gender equality, such as the amendments to the legal regulation, the institutional treatment in cases of gender-based violence, the activities of anti-gender movements, and the GREVIO report for North Macedonia. The amendments to the Criminal Code introducing new crimes such as sexual harassment and stalking were a significant contribution to compliance with the Istanbul Convention and the advancement of gender equality in the state. On the other hand, despite the state's efforts to promote gender equality and the preparation of a draft law on gender equality, the law was not adopted due to strong pressure from anti-gender movements.

Despite the Law on Prevention and Protection from Violence against Women and Domestic Violence being in force for two years, institutional responses remain inconsistent, unprofessional, and contradictory, especially from social work centers and the Ministry of Internal Affairs. Trials for temporary measures of protection are often delayed, with hearings scheduled up to a month after applications, which adversely affects victims.

In addition, it remains a challenge for institutions to recognize femicide as gender-based violence. This is evident in the cases of femicide in Kochani and Kumanovo, where the victims reported violence multiple times but did not receive adequate protection.

GREVIO's report on North Macedonia, published in September 2023, highlights the legal amendments that brought the legislation in line with the Istanbul Convention as progress. However, it also underscores gaps in implementation. The report emphasizes the need for comprehensive strategies to combat violence against women, address societal stereotypes, and ensure equal access to services for marginalized victims.

AMENDMENTS TO STATUTORY REGULATIONS

In 2023, a new proposal for the Law on Gender Equality was developed with the aim of promoting full gender equality in all spheres of public and private life by strengthening the position and status of women in society and providing equal opportunities for the realization of all rights by promoting gender equality. A representative of the Helsinki Committee for Human Rights participated in the working group established by the Ministry of Labor and Social Policy in 2020, but due to the strong momentum and influence of anti-gender movements, led by the church and advocating "traditional" values, the Law has not yet been adopted.

The ratification of the Istanbul Convention by the Republic of North Macedonia brought with it the obligation to revise the Criminal Code as well as other laws and by-laws. The revisions and additions include the introduction of new criminal offenses and modifications to existing ones. Notably, sexual harassment and stalking are introduced as new criminal acts. It is important to highlight that the definition of sexual harassment now encompasses harassment through electronic communication. The amendments also recognize and define gender-based violence. In cases of murder as a qualifying form, the deprivation of life of a woman or girl under the age of 18 in the context of gender-based violence is considered a more severe form of the crime, highlighting the recognition of femicide as an extreme type of gender-based violence. The definition of domestic violence is supplemented by psychological and economic violence. Also, the crime of rape has been substantially altered, as sexual assault and rape, where the lack of clearly expressed will assessed in the context of the circumstances of the case is a key feature, and the use of force or threat is a qualifying form according to international standards.

On May 17, 2023, the Law on Payment of Monetary Compensation to Victims of Violent Crimes entered into force²⁰. The Law provides for the establishment of a Commission that will act on requests for compensation of victims of violent crimes, including victims of gender-based violence, however, in practice, it cannot be said that the system works because although the members of the Commission have been selected, it does not have the status of a legal entity and is not formally active. Additionally, the regulations governing the Commission's operations have not been finalized, making it difficult to assess whether the legal provisions are being consistently enforced in practice.

In 2023, the National Action Plan for the Implementation of the Istanbul Convention (2018 – 2023) concluded. This plan aimed to promote compliance with the Convention and prevent violence against women and domestic violence. The main challenges in its implementation were the insufficient financial resources and the need to allocate budget funds to the relevant institutions in order to promptly and completely implement the planned activities. Taking into account the fact that the implementation of the National Action Plan for the implementation of the Istanbul Convention ended in 2023, the state should, as quickly as possible, develop a new National Action Plan for the following period, which will be developed in cooperation with civil society organizations that are actively working in the field of gender equality.

In relation to the National Strategy for Gender Equality 2022 - 2027, the Helsinki Committee will continue monitoring the implementation of the goals and activities outlined in the strategy and overseeing the actions of the relevant institutions.

²⁰ Official Gazette of RNM. no: 247/2022 from 17.11.2022

INSTITUTIONAL PROCEDURE IN CASES OF GENDER-BASED VIOLENCE

With the introduction of the Law on Prevention and Protection against Violence against Women and Family Violence²¹, which has been in force for two years, there was an expectation of significantly improved institutional and comprehensive support for victims of gender-based violence. However, the Helsinki Committee identified the existence of unprofessionalism, contradictions, and unevenness in the actions of some social work centers and the Ministry of Internal Affairs.

In 2023, we are still seeing untimely action without due diligence by the Ministry of Internal Affairs, despite the growing number of reports of domestic and gender-based violence. Many institutions struggle to recognize gender-based violence as a form of violence, which has been identified within the ongoing work of the Helsinki Committee with victims of gender-based and family violence, as well as cooperation with competent institutions.

On the flip side, in practice, court procedures that involve implementing temporary measures to protect victims of gender-based and family violence are drawn out, with hearings scheduled as late as a month after the request is submitted. The lenient penal policy, inappropriate conduct of institutions, lengthy court processes, and procedural delays have a detrimental impact on the victims and on the reporting process itself.

A clear example of this is the case of femicide, which is the most serious form of gender-based violence that occurred in Kochani. A woman was stabbed to death, despite having previously reported the perpetrator to the authorities and seeking protection. The Primary Public Prosecutor's Office in Kochani classified the case as a brutal murder, and this confirms the fact that the institutions still do not recognize gender-based violence. Another femicide occurred in Kumanovo, resulting in two victims who had also reported violence multiple times before the tragic event. However, in this case, as well, the institutions did not respond appropriately or in a timely manner within their jurisdictions.

ANTI-FEMINIST POLICIES AND ANTI-GENDER MOVEMENTS

The impact of anti-gender movements on Macedonian society is significant. These movements consist of formal and informal citizen associations that actively work through propaganda campaigns and political mobilization against gender equality as a concept, value, and postulate of society. They often claim to represent concerned parents but rarely reveal their true identities (strategy of the symbolism of ordinary citizens and the silent majority). In reality, they are connected at a supranational level with organizations, religious associations, and political parties. The anti-gender mobilization is part of a broader cultural conflict related to modernization, with "gender" serving as a cover for collective fears of change, loss of national identity, and the perceived excessive influence of the West and its cultural hegemony (anti-gender and right-wing populism). In the past year, the movement has been particularly active in campaigns against sex education in schools, LGBTQ+ rights, and women's reproductive rights. It's important to note that the public sphere now has a heightened awareness of the negative impact and security threats posed by anti-gender politics. This awareness is the result of the efforts

21 Official Gazette of RNM, no. 24 from 29.1.2021

of civil society organizations, institutions, and the media, which are working collectively to resist the regression of Macedonian society. This represents positive progress. However, on the other hand, anti-gender movements and policies have bolstered their position and have made institutional changes by erasing gender equality at the local level and impeding the passage of the Law on Gender Equality.²²

In its efforts to deal with the negative effects of anti-feminist policies and anti-gender movements that are increasingly reinforcing their anti-democratic and populist actions, the Helsinki Committee for Human Rights held a roundtable discussion on anti-gender movements in the country. An urgent need for significant institutional commitment to protect the strides already made in gender equality, both nationally and locally, building a broad coalition that includes not only those directly involved in feminist advocacy but also vulnerable groups and other political actors, such as research centers and organizations, internal education and knowledge sharing within the feminist movement were identified as significant steps in consolidating and advancing the feminist movement in the region.



²² Policies on the effects of reducing political space for civil society – Negative effects of anti-feminist policies and anti-gender movements, Helsinki Committee for Human Rights, 2023.



GREVIO’s report for North Macedonia

In September 2023, GREVIO released its report evaluating the progress made by North Macedonia in aligning its legal and political framework with the Istanbul Convention. GREVIO commends the amendments to the Criminal Code in February 2023 and the fact that the Law on Prevention and Protection from Violence against Women and Domestic Violence and the National Action Plan for the Implementation of the Istanbul Convention recognize violence against women as a distinctly gendered phenomenon, as well as the fact that both instruments were prepared in cooperation with civil society organizations.

According to GREVIO, adopting legal amendments and implementing policies and strategies is just the first step. It’s crucial to follow up with measures to ensure their practical implementation by all relevant parties who interact with women victims of violence. This includes providing training, raising awareness, and offering guidelines for action, protection, and prevention. These are areas where GREVIO has seen some progress but has also identified significant gaps. Studies on perceptions and attitudes towards violence against women and domestic violence reveal that negative gender stereotypes contributing to such violence still persist in North Macedonia. Promoting changes in the social and cultural forms of behavior of women and men to eradicate patriarchal prejudices, customs, traditions, and all other practices based on the idea of inferiority of women or stereotypical roles of women and men should take center stage in further government efforts.

In addition, GREVIO notes that the government’s strategies and action plans do not cover all forms of violence against women as outlined in the Istanbul Convention. Therefore, GREVIO

recommends that future strategic instruments focus on addressing other forms of violence, such as forced marriage, forced abortion, and unacceptable justification for crimes, including crimes committed in the name of so-called “honor”, to raise awareness and address these issues. Marginalized victim groups at risk of intersectional discrimination should be given equal and unhindered access to service provision in practice. GREVIO recommends working on increasing and strengthening sensitization within the public sector in order to encourage more women to report violence but also to prevent secondary victimization.

GREVIO’s report comes after extensive consultations with the non-governmental sector in September 2022. This was done following the submission of a [Shadow Report](#) to GREVIO in April 2022 by the Gender Equality Platform through the Helsinki Committee. The conclusions and recommendations made by GREVIO for our country align closely with the findings of the Helsinki Committee.

THE MEDUZA PLATFORM

In 2023, the feminist informal platform Meduza celebrated five years since its beginning and continued its mission of feminist education. It uses the digital space and its potential to promote the values of emancipation, solidarity, and gender equality, with a particular focus on youth and marginalized groups, who are an integral part of creating feminist content for the Meduza website.

As part of our efforts to actively create and archive feminist thought and action, the Meduza team produced the publication *New Good Times*, a carefully curated collection of feminist essays, conversations, and poems aimed at addressing at least two burning issues relevant to local and global feminists today.

The first is the pressure to re-traditionalize our countries and communities led by the anti-gender movement, conservative political groups (formal and informal), and religious institutions, often expressed through the nostalgic notion of the “good old days.” The second issue the collection deals with is the danger that this new reality opens the way to political apathy and a lack of motivation for political mobilization. This new publication by Meduza commemorates its fifth anniversary, providing us with an opportunity to reflect, but also a space to dream and imagine what (could) come next.

Can we imagine a new era before the resignation of the phrase “the good old days” and the global and local wave of conservative and anti-progressive policies and narratives? Twenty feminists, including activists, artists, researchers, directors, architects, and poets, were invited to envision the feminist utopias we dream of or are allowed to dream of. The print publication of “Meduza” has multiple uses.

On the one hand, by printing one book a year we manage to capture the feminist discourse of the previous year in a physical form, which is cataloged and which serves as an archive of feminist knowledge for future generations. On the other hand, the publication allows the new voices and change-makers of the future to have their start in a safe space where they can learn, improve their communication and writing skills, and, in the process, grow as feminists, activists, and individuals.

CLOSED INSTITUTIONS

KEY FINDINGS

In 2023, the Helsinki Committee conducted a total of 10 visits to penitentiary-correctional institutions in PCI Idrizovo, PCI Shtip, PCI Prilep, and Kumanovo Prison. Convicted individuals lack adequate access to health care or living conditions, and resocialization programs, conditions for their implementation, and post-penal assistance are still insufficient and inapplicable. Overcrowding is a particularly concerning issue, especially in PCI Idrizovo, which houses the largest number of convicted individuals, many of whom pose a security risk.

During 2023, 90 convicted persons and other persons were provided free legal aid in connection with excessive use of force by police officers. The most common grounds for which convicted persons requested legal advice include health care, living conditions, visitation rights for children and extramarital partners, food and water quality, the right to parole, transfer to another penitentiary institution, and exercise of visitation rights. Some of the convicted individuals complained that they were victims of corruption, but they did not officially report these cases. Additionally, many convicted persons reported that the lack of sufficient medical staff prevented them from receiving timely medical examinations.

In the period from October to November 2023, 4 visits were carried out to the following institutions: PHI Psychiatric Hospital Skopje, PHI Psychiatric Hospital Negorci, PHI Psychiatric Hospital Demir Hisar, and Special Institute Demir Kapija. These institutions house individuals who are detained and treated involuntarily. They also have court departments where patients are kept and treated under court-determined security measures, i.e., persons deprived of their liberty. The main issue is the high number of patients who do not require hospitalization and can live with support. However, due to a lack of care from families and insufficient community-based extended care and support from institutions, these individuals are left in the hospitals. This makes it difficult to properly care for those patients who genuinely require hospital treatment due to the large number of patients and the shortage of professional staff.

The Helsinki Committee for Human Rights, in partnership with the Macedonian Young Lawyers Association, has implemented the project “Fight against Torture and Inhumane Treatment,” which is financially supported by the European Union. The project’s main goal is to eliminate torture and inhumane treatment in penitentiaries and psychiatric hospitals in the Republic of North Macedonia following international and European standards.

MONITORING OF PENITENTIARY-CORRECTIONAL INSTITUTIONS

In 2023, the Helsinki Committee conducted a total of 10 visits to penitentiary-correctional institutions, of which, in the period from May to June 2023, four subsequent visits were made to PCI Idrizovo, PCI Shtip, PCI Prilep, and Kumanovo Prison, for which a report was prepared. The findings

in the report are based on the data obtained from the visits carried out by the monitoring team, which inspected the premises of the penitentiary-correctional institutions, provided free legal aid, conducted conversations with almost all the directors of the institutions, as well as the employees such as members of the prison police, social workers, psychologists, lawyers, etc.

It has been observed that despite the numerous commitments from the state and both international and domestic organizations, there are still systemic deficiencies in the penitentiary-correctional institutions. It is evident that there is a lack of appropriate intersectoral cooperation between the relevant institutions, which is crucial in solving the problems faced by incarcerated individuals in these facilities. As a result, penitentiary-correctional institutions are failing to fulfill their legal obligations to address the longstanding issues, making it impossible for convicted individuals to enjoy their rights and reintegrate into society effectively.

Convicted individuals lack adequate access to healthcare and adequate living conditions, as well as resocialization programs. The conditions for implementing these programs and providing post-penal assistance are still insufficient. Additionally, there has been a rise in dissatisfaction among members of the prison police, who have reported violations of their security. They face serious problems due to increasing pressures and threats, not only to themselves but also to their families and loved ones.

Corruption remains a serious issue within the institutions, on which convicted individuals regularly inform us. However, many are reluctant to formally report these cases due to fear of losing their rights and privileges. Additionally, it's concerning that very few convicted individuals file appeals for decisions on disciplinary measures. In some instances, convicted individuals do not even receive the decisions regarding disciplinary measures. For example, if they are in solitary confinement, the decision is attached to the door of the solitary confinement, and the convicts manage to get in touch with an NGO, or a lawyer after they finish serving the disciplinary measure. Many institutions do not follow the formal procedure for imposing disciplinary measures and, in some cases, no decision has been made to impose a disciplinary measure.

As a positive practice, it can be noted that in some penitentiary institutions, efforts are being made to establish resocialization measures and activities, vocational activities, and increased employment of convicted persons.

Overcrowding, especially in PCI Idrizovo, where the largest number of convicted persons are located, most of whom are a security risk, is an alarming problem for which the state must urgently find a solution. Only by solving this systemic problem can we expect the realization of resocialization as one of the main goals of the prison sentence and the reduction of the crime rate in the country. In recent years, there has been an increase in the number of probation cases and cases for which an alternative sentence has been imposed, which, of course, represents one of the positive examples of solving the long-term problem of overcrowding in penitentiary - correctional institutions and promoting the resocialization and reintegration of convicted individuals.

HEALTH CARE

Health care at PCI Idrizovo is currently provided by only one doctor and two nurses who visit the institution for a few hours during the day. This is insufficient for an institution with over 1,000 convicts. It's important to ensure that buprenorphine and methadone therapies are available to all who need them to continue the treatment without interruptions. This includes situations such as

delays in the tender procedure by the Ministry of Health. By doing so, we can prevent the “black market,” violence, stress, and other other psychological and somatic consequences. The institution has reported significant debts related to health care, stemming from invoices from medical institutions where the convicts are being treated. Additionally, due to challenges in organizing transfers, the convicts are not receiving adequate health care. Diabetics are particularly at risk as they are not provided with strips to measure their blood sugar levels, and they have to determine their insulin dosage themselves, according to their own judgment. The Ministry of Health should ensure that adequate health care is provided for convicted persons. Considering the financial implications of transferring individuals to health facilities and paying for health services, the state should find alternative ways to provide adequate health care, which can be provided on-site or through public-private partnerships for health care services.

In PCI Prilep, health care is provided by two nurses who are at the facility every day from 7:30 a.m. to 3:30 p.m. and are on call if necessary. Despite working in the institution daily for 4 years, the nurses do not have a regular employment relationship. A psychiatrist visits the facility 2-3 times a month, as well as when needed. Convicted individuals use dental services outside the institution. Medical therapy is entirely funded by the institution, but some drugs are acquired by the convicts with a previously issued prescription. Many convicted individuals are required to obtain buprenorphine on their own due to the insufficient capacity of the Addiction Center in Bitola. At Kumanovo Prison, healthcare is provided by a medical technician employed within the institution. A doctor visits the facility twice a week, but due to the long distance from the cities of Kumanovo and Sveti Nikole, emergency medical assistance cannot arrive in time to provide health care to the convicts. The institution lacks the opportunity to treat addicted inmates with appropriate therapy, and only a small portion of opiate-addicted convicts receive evidence-based medical therapy. Marijuana and illegally obtained buprenorphine lingual tablets are also present in the prison, according to the statements of the employees and the inmates.

CRISIS SITUATION IN PCI IDRIZOVO

On June 6, 2023, the Government adopted a decision declaring “the existence of a crisis situation in part of the territory of the Republic of North Macedonia, namely in the Municipality of Gazi Baba, the area where Idrizovo Penitentiary is exercising its jurisdiction, with the aim of preventing security threats and strengthening the security of the facility.” State administrative bodies were directed to take measures according to crisis management regulations, while the main crisis management headquarters at the CMC was tasked with monitoring the situation, coordinating activities, and regularly updating the government. The state of crisis lasted for 30 days, followed by a 2-day break, and was then declared again on 7/7/2023. On 27.7.2023, during the 124th session, the Assembly unanimously approved the extension of the state of crisis in part of the territory of the Republic of North Macedonia, with the goal of preventing security threats and enhancing the security of PCI Idrizovo, with 62 votes in favor.

With the declaration of a state of crisis, the Ministry of Internal Affairs and the Army took over the security of the prison due to a lack of guards. One of the main problems faced by PCI Idrizovo is the lack of sufficient staff in the prison. The number of employees in the prison police is insufficient to meet daily needs and activities. The government consented to employ 100 new members of the prison police, after which 80 new members of the prison police were employed at the end of 2023. During the crisis, 40 million euros were allocated for the reconstruction and construction of a

new building. However, it should not be forgotten that while the construction of a new building is underway, convicts will be housed in inhumane and substandard conditions.

The government must ensure that it adheres to international standards when taking action during a crisis situation and that these actions will not detriment the convicted persons serving a prison sentence in PCI Idrizovo. It is crucial that the state of crisis is not prolonged indefinitely, especially since the underlying problems in the prison system have persisted for a long time. Instead of declaring a state of crisis, efforts should be made to address the systemic issues. However, the construction of the new building has not yet commenced.

LEGAL AID PROVIDED

In 2023, free legal aid was provided to 90 convicted persons and others in connection with excessive use of force by police officers. The most common reasons for which convicted persons sought legal advice were related to healthcare, living conditions, visitation rights for children and extramarital partners, food and water quality, the right to parole, transfer to another penitentiary institution, and exercise of visitation rights. Some convicted persons complained of being victims of corruption but did not officially report these cases. A significant number of convicted persons complained that due to the lack of sufficient medical staff, they could not get their turn to be examined.

USE OF EXCESSIVE FORCE AND MEANS OF COERCION

On October 28, 2023, police officers from the Bureau of Public Security in coordination with the Skopje Public Security Agency, following previously received operational information and a search order from the Basic Criminal Court Skopje, conducted a search in the Idrizovo police station in the semi-open department and found 63 mobile phones, 82 knives, 4 spikes, 71 phone chargers, and drugs. The Ombudsman's opinion was that the police operation was under video surveillance, but there was a blind spot with no visibility. After the action, MHC and MYLA visited PCI Idrizovo and spoke with several convicts, who reported injuries and described inhuman behavior by the police during the search. In response to the allegations, a request for information and a complaint was sent to the Department for Internal Control, Criminal Investigations, and Professional Standards at the Ministry of Internal Affairs of North Macedonia. The Department's response stated that excessive police force was used during the search, and the entire case has been handed over to the Basic Public Prosecutor for further investigation.

In terms of marginalized communities, the Roma population is still disproportionately affected by torture and degrading treatment. In May 2023, the Appellate Court in Skopje issued a verdict with which the effective prison sentence of 1 year for the police officer from Bitola, who was found guilty of the crime of "harassment in the performance of duty" from Article 143 paragraph 1 c.v. 22 of the Criminal Code, was altered in the punishment section. The pronounced sentence of one year is considered established, and at the same time, it is established that it will not be carried out if the accused does not commit a new criminal offense within 3 years after the finality of the verdict. The case concerns police brutality that took place in Bitola in September 2020, which was documented in a video published on social networks.

MONITORING OF PSYCHIATRIC HOSPITALS AND SOCIAL PROTECTION INSTITUTIONS

Between October and November 2023, four visits were conducted at the following locations: PHI Psychiatric Hospital Skopje, PHI Psychiatric Hospital Negorci, PHI Psychiatric Hospital Demir Hisar, and the Special Institute Demir Kapija. These institutions were selected because they provide involuntary detention and treatment for individuals and house court departments where patients with court-ordered security measures, i.e., individuals deprived of liberty, are held and treated.

The findings in this report are based on visits conducted by the monitoring team. During these visits, the team inspected the premises of the institutions, held conversations with the directors, as well as with the employed psychiatrists, doctors, psychologists, social workers, nurses, caregivers, paramedics, and patients.

In accordance with Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and to prevent such treatment and punishment, it is necessary to monitor all institutions where persons deprived of liberty are held, including psychiatric hospitals and institutions for social protection.

The Committee for the Prevention of Torture's latest findings and recommendations following their 2019 visit to psychiatric hospitals in the Republic of North Macedonia emphasize the need for relevant authorities to ensure proper care in the community for patients with chronic mental disorders who do not require hospital treatment and care, but due to the lack of adequate community care, they end up staying in the hospital for extended periods.

The main issue which was pointed out by hospital employees is the high number of patients who do not require hospital treatment. These patients could live with support, but due to the lack of family involvement in their care and the absence of extended care and support in the community and by the institutions, they remain in the hospitals. This situation makes it challenging to care for patients who genuinely need hospital treatment, given the high volume of patients and the limited number of healthcare staff.

This practice has contributed to the large number of patients who stay in the hospital for years when there is no need for hospital treatment because no one wants or has no one to take care of them in the community. A large part of these patients have developed hospitalism (a special form of behavior after a long hospitalization), so getting them out of the hospital after 10, 20, or even 30 years spent in a psychiatric hospital is a serious challenge.

During our visits, we observed a problem in the management of patients who are detained either voluntarily or involuntarily. Most of the patients, even those who are involuntarily detained, are treated as if they are voluntarily detained. Additionally, patients who are voluntarily accommodated and express a desire to leave but, due to medical reasons, cannot be released are detained in the hospital without changing their status to involuntary and informing the court. This means they do not receive the protective measures provided by law for involuntarily detained patients, effectively depriving them of their freedom. This practice has resulted in a significant number of patients staying in the hospital for extended periods when they no longer require hospital care. This is often due to a lack of community support. Many of these long-term patients have developed a condition known as hospitalism (a special form of behavior after a long hospitalization). Reintegrating these patients into the community after spending 10, 20, or even 30 years in a psychiatric hospital has become a significant challenge.

It has been observed that not all the necessary drugs are available in the hospital, especially the new drugs and depot preparations that are applied monthly. This can lead to relapses of the disease if patients do not take the prescribed drugs regularly. These drugs are only available at the Psychiatric Clinic, which puts patients treated in psychiatric hospitals at a disadvantage. Access to these drugs can prevent relapses and worsening of the disease if patients discontinue their medication on their own. This can help patients function better in the community and outside psychiatric hospitals and prevent overcrowding of hospitals, long-term hospitalization, and the development of hospitalism among patients.

The staff reports that there is also misuse of measures imposed outside of legal procedures. This is done in order to admit individuals to a psychiatric hospital under the guise of protection against domestic violence. They cite an example of such a measure imposed by CSW Kumanovo, even though the individual in question was not at home and was not with their family, the individual was placed in a psychiatric hospital.

PHI Psychiatric Hospital Skopje

The hospital has a total capacity of 323 beds, which can accommodate 323 patients. At the time of the visit, there were 319 patients in the facility. One of the challenges the hospital faces is the shortage of staff, including professional medical personnel.

Violent patients, especially those from the court department are housed separately from other court patients in a separate facility. Regarding the patients from the court department being housed separately, it must be pointed out that during the visit, the door of the facility was opened for us by the patients themselves, and the security appeared later. Also, with regard to these patients, it was discussed whether they really should all be housed in this facility given their health, communication, and reasoning ability, i.e., a review of security measures may be necessary for these patients.

When it comes to using restraints and isolation for patients, there are no dedicated rooms with a mirror for restrained patients in any of the departments. We were told that patients do not help with putting the restraints and that this is done in isolation, in cases where it is necessary. However, we also learned that in the ward for violent male patients (the second male ward), restraints may be applied in front of other patients. There is a protocol for applying restraints. Patients under restraint or isolation are checked every 15 minutes, but due to staff shortages, constant supervision is not always possible. There are no toilets in the rooms where these measures are applied, and the details of these procedures are recorded in notebooks.

The hygiene in all departments is very poor, and the living conditions in the hospital are substandard. There are eight patients per room, poor toilet conditions, smoking in all rooms, and challenges in maintaining privacy. However, some departments are completely new, and the conditions there are quite satisfactory. The equipment is new, and the patients in these wards have much better living conditions compared to the others.

PHI Psychiatric Hospital Negorci

The visit to PHI Psychiatric Hospital Negorci started with a meeting with the director of the facility. During the visit, there were 231 patients in the hospital, which has a capacity of 220 beds with an additional 15 free beds. Agitated patients who may pose a danger to themselves or others are restrained for up to two hours in special rooms equipped with magnetic restraints, bulletproof glass,

and soundproofing. These rooms have a two-way view, allowing the staff to monitor the patients at all times, and a staff member is always present in the room with the patient. After the patient calms down, they are moved to another room for continued supervision, without restraints, and are engaged in conversation before returning to the ward. The hospital has two of these rooms, one for men and one for women, and a record of any restraints used is maintained and signed by monitoring doctors. The rooms are insulated with sponge and leatherette are separate from the patient accommodation areas. There are separate rooms in all departments, with one bed inside each. The hospital also has an occupational therapy department where patients can participate in creative activities such as painting, drawing, and knitting, although this department is not heavily utilized.

The condition of the hospital wards is satisfactory. Some of the wards have been recently renovated, while others are in older buildings with older interiors, but overall, they offer satisfactory conditions for patients. Despite having only one hygienist, the hospital maintains a high level of hygiene in all departments. The order and organization in the premises are clearly visible. The hospital yard is well-maintained, clean, and well-organized. Some departments are spread over two floors, each floor equipped with a toilet and a patient bathroom. Each patient room is furnished with a bed, although some mattresses are old and worn. The hospital has stated that they are in the process of purchasing new mattresses to replace the old ones.

Some wards, like the chronic men's ward, have more beds in their rooms based on their size. The court department has a separate fenced yard where patients can spend time. Part of the yard is covered with a canopy for rainy days; the other part is open. We were told that staff sometimes talk to the patients there.

PHI Psychiatric Hospital Demir Hisar

The hospital has a total capacity of 332 beds for patients. During our visit, the official count was 269 according to the list provided, and the facility officials stated that there were 254 patients in appropriate wards. The facility has requested to open an additional ward, specifically a chronic ward because it is too big to be divided into two wards. Additionally, as part of this hospital there are two CMH - in Prilep and in Demir Hisar, and plans are underway to open two more day centers in Kichevo and Bitola.

The hospital provides a patronage service that visits patients at home once a month, or more frequently if necessary. During these visits, some patients receive monthly therapy in the form of a depo-injection. This helps prevent relapses of the disease and reduces the need for hospital treatment, which is considered good practice.

The use of magnetic straps as restraints is a common practice. It has been pointed out that patients do not assist in the restraining; rather, it is administered by staff when necessary. Individuals in restraints and in isolation are typically monitored every 15 minutes. However, due to staffing shortages, constant physical supervision of these patients is not feasible. Furthermore, the rooms where these measures are implemented do not have toilets, and not all departments have dedicated restraint rooms with windows. Two new restraint rooms have been established in the second and fifth wards. There is a registry for involuntary hospitalizations, a registry for restrictions, and a registry for adverse events. Based on employee feedback, it appears that staff members are not consistently present during restraining procedures, as they also attend to various tasks within the ward.

The hospital has a rehabilitation center to help patients prepare for discharge and provide occupational therapy. Some patients visit the center daily. Additionally, the hospital organizes regular walks, outings, excursions, theater and musical performances, and other cultural activities for the patients.

Two projects were prepared in 2016 for the construction of new hospital buildings, but they have not yet been implemented, and no budget funds have been provided for them.

The living conditions in the entire hospital are very low, and all the facilities are old. Hence, all attempts at some kind of renovation are imperceptible and insufficient. Dirt was visible in some areas, and the toilets in all departments were below standard, lacking toilet seat covers, paper, and soap. Each ward has a separate dining room. It was noted that new blankets and quilts were provided for the patients.

PI Special Institute Demir Kapija

The number of users in the institution is 56, and since 2017, users have not been accepted in the institution, only in the residential units. In the residential units, there are 76 users in a total of 8 residential units in Demir Kapija, 6 residential units in Negotino, and two residential units in Skopje. There are two coordinators in the residential units in Demir Kapija and Negotino and one in Skopje. The problem is that out of 57 beneficiaries placed in the institution, 22 have guardians, and 13 have been deprived of their legal capacity. A total of 25 beneficiaries do not have guardians, and their legal capacity has not been taken away, so guardians are appointed for special cases as needed. One of the reasons why they are not deprived of their legal capacity, even though they are not capable of reasoning due to their disability, is the cost of the procedure for depriving them of their capacity.

The new building, which was built and was partially used during the period of the pandemic caused by COVID-19, currently stands empty. The goal is to relocate users into it by the end of December 2023, given the better conditions and the new premises in it. However, regarding the users from Department C, there are reservations about moving to the new facilities by the management of the facility and the Ministry of Health due to fear of potential destruction of the facility, considering the behavior of those patients so far. We want to emphasize that this would represent unequal treatment in relation to the rest of the patients, so in this section, an appropriate relocation plan should be made. We were also notified that the deinstitutionalization process was completed in March. Users with severe and profound disabilities are accommodated in the facility.

The condition of department A is satisfactory. The furniture and inventory are old, but the hygiene is at a satisfactory level. Department B is in worse condition compared to department A. The condition of the walls is very poor, with many rooms and corridors showing signs of destruction and cracks. The condition of department C is extremely poor. A strong, unpleasant, almost unbearable smell can be felt even in front of the stairs leading to the department. The entire space is in a highly dilapidated state. The department has two rooms on the left and right side of the stairs, which are in bad condition, and patients are housed in groups, almost like in an open space.

DIGITAL RIGHTS AND FREEDOMS

The Committee continues to prioritize digital rights and cybersecurity in its strategic decisions. This is due to the growing digitization and advancement of digital technologies, which have created new avenues for sharing ideas, information, research, and other activities in the digital realm.

On the other hand, the larger the digital space, the greater the potential for breaches. Human rights are equally applicable in both physical and digital spaces.

The Helsinki Committee will continue to work towards the protection and integration of human rights in the digital space, and contribute to the enhancement of domestic regulations and policies on digital rights and security.

The Helsinki Committee is implementing the project “Creating a Safer Digital Environment for Young People” during 2023/2024 in response to the rapid development of technology and the widespread use of digital tools in everyday life, as well as the growing need for the protection of human rights and freedoms in the digital space in North Macedonia. The project aims to enhance the knowledge of young people, particularly those from vulnerable groups such as LGBTI individuals, ethnic minorities, the Roma community, and people with disabilities, in safe internet use and protection.

In 2023, the Helsinki Committee for Human Rights established three memoranda of cooperation with the Union of Secondary School Students, the Youth Education Forum, and the National Youth Council to promote the inclusion of young people.

With this project, the Helsinki Committee has successfully built its capacities and instilled a culture of greater attention and responsibility, while also focusing on modern standards and best practices in the digital space.

HATE SPEECH

KEY FINDINGS

In 2023, the Helsinki Committee documented 1171 cases of hate speech. Of these, 646 were based on ethnicity, 248 on sexual orientation and gender identity, 275 on nationality, 149 on political beliefs, and 80 on gender and sex.

In this period, 8 criminal complaints related to cases of hate speech were filed to the Basic Public Prosecutor's Office Skopje and Basic Public Prosecutor's Office Gostivar, and 3 cases of harassment were reported to the Commission for Prevention and Protection against Discrimination. Out of the 8 criminal complaints to the Public Prosecutor's Office, 4 are related to hate speech based on sexual orientation, 2 on ethnicity, 1 on gender, and 1 on multiple grounds - sexual orientation and gender. One criminal complaint based on sexual orientation was rejected by the Public Prosecutor's Office, while the remaining 7 are still being processed. Of the 3 cases of harassing speech reported to CPPD, 2 are based on sexual orientation and 1 on gender. In one case, CPPD issued an opinion that discrimination was committed in the form of disturbing speech by the political party Integra against LGBTI+ persons. The remaining 2 complaints were rejected due to irregularities. This highlights the challenge of submitting complaints about disturbing speech online on social networks, especially when the Commission has no mechanism for finding the address of the perpetrators. The Macedonian Helsinki Committee launched a strategic case before domestic judicial authorities and later before the European Court of Human Rights.

In 2023, a total of 1,171 cases of hate speech were reported on the <https://govornaomraza.mk/> platform. Among these cases, 646 were related to ethnicity, 248 were based on sexual orientation and gender identity, 275 were associated with nationality, 149 were linked to political belief, and 80 cases were attributed to gender and sex.

When analyzing instances of hate speech based on ethnicity, it is observed that this phenomenon stems from a lack of critical thinking and an expression of dissatisfaction with state authorities and their policies. Prejudices and stereotypes against various ethnic communities persist, often portraying them as the "evil" within the state and as the cause of the system's dysfunction. Insults based on ethnicity often have a political context. In the documented cases, there is also a discourse that can be traced back to the military conflict of 2001, which exacerbates hate speech.

Certain events contribute to an increase in ethnically based hate speech. For example, there have been instances of insults and malicious speech directed at the two largest ethnic communities following the news of EVN's electricity supply to the predominantly Albanian village of Slupcane. Additionally, there have been incidents involving the placing of the flag of Greater Albania during the welcome of the prime minister of Kosovo, as well as the news of the opening of a street in Tetovo by the mayor of Tetovo while the flag of Greater Albania is waving in the audience.

Hate speech is prevalent and visible at sports events, such as the football match between Vardar and Shkupi, where offensive nationalist slogans sparked inter-ethnic tensions and hate speech on social media.

The second most prevalent type of hate speech in the country is directed towards sexual minorities and people with different gender identities. A total of 298 cases, representing 19% of the total number of hate speech reports, were registered. Social media comments have shown expressions of disgust towards the LGBTI community due to the prejudice and fake news being spread about this community.

The number of hate speech cases tends to increase during specific periods, such as on March 31, which is International Transgender Day of Visibility, when the annual Transgender Visibility March takes place. There were instances of transphobic speech observed on social networks, followed by misinformation that incites hatred and disgust towards this marginalized group of citizens. Prejudice against the LGBTI community was particularly visible on May 17 - the International Day Against Homophobia, Transphobia, and Biphobia. In June, the month of pride, a record number of 105 cases (57%) of hate speech based on sexual orientation and gender identity were registered, as well as 46 cases (25%) due to ethnicity and 13 (7%) cases based on nationality.

Prejudice against the LGBTI+ community has become more apparent, and hate speech has increased in proportion to the visibility of this community. There were comments inciting hatred, disparagement calls for violence, and the elimination of this community from the press conference announcing the Pride Parade on June 4 until the Pride Parade on June 24. Despite widespread hate speech on social media targeting this community, the prosecutor's office did not initiate any *ex officio* proceedings to protect this community from hate speech.

During this period, 8 (eight) criminal complaints were filed to the Public Prosecutor's Office Skopje and the Public Prosecutor's Office Gostivar. Additionally, 3 (three) cases of disturbing speech were reported to the Commission for Prevention and Protection against Discrimination.

Out of 8 criminal complaints filed to the Public Prosecutor's Office, 4 pertain to hate speech based on sexual orientation, 2 based on ethnicity, 1 based on gender, and 1 based on multiple grounds, including sexual orientation, sex, and gender.

Five criminal complaints are for the crime of "Dissemination of racist and xenophobic material through a computer system," as per Article 394d of the Criminal Code. Two criminal complaints are for the offense of "Inciting national, racial or religious hatred, discord and intolerance," as per Article 319 of the Criminal Code. Additionally, there is one charge for the offense of "Inciting national, racial or religious hatred, discord, and intolerance" under Article 319 in connection to the criminal offense of "Endangering security committed by hatred," as per Article 144(3) of the Criminal Code. Finally, there is one charge for the offense of "Approving or justifying genocide, crimes against humanity or war crimes," as per Article 407a of the Criminal Code, in connection with the offense of "Dissemination of racist and xenophobic material through a computer system," as per Article 394d of the Criminal Code.

One criminal complaint based on sexual orientation was rejected by the Public Prosecutor's Office, while the remaining 7 are still in the process.

Out of 3 cases of harassing speech reported to the CPPD, 2 are based on sexual orientation and one is based on gender.

In one of those cases, CPPD concluded that the political party Integra committed discrimination in the form of disturbing speech against LGBTI+ people. However, the remaining two complaints were rejected due to irregularities in the submissions. This highlights the challenge of submitting complaints about disturbing speech online on social networks, particularly in circumstances where the Commission has no mechanism for finding the address of the perpetrators.

A strategic case was launched before the domestic judicial authorities and later before the European Court of Human Rights.

STRATEGIC REPRESENTATION

The complainant is an activist for human rights and the rights of the LGBTI community in the Republic of North Macedonia. She has dedicated her entire professional career to promoting and protecting these rights, and she is open about her sexual orientation as a lesbian. At the time of the event, the complainant was employed by the Helsinki Committee for Human Rights.

On April 11, 2023, the person Ljupco Ristovski, the president of the political party Interga, gave a statement that was transmitted and published by several electronic media - internet portals, namely: www.24info.mk, www.a1on.mk, <https://netpress.com.mk/> and www.vecer.press, with the title “Unprecedented pressure on the public with LGBT+ media campaigns”, which spreads hate speech against people belonging to the LGBTI+ community. In the statement transmitted by the internet portals, the political party Interga and its leader Ljupco Ristovski, pointed out that undue pressure is being put on the Macedonian public by the American embassy in favor of the activities of the LGBTI+ community, calling their activities and sexual orientation unnatural, abnormal and twisted nonsense that should stay in the private sphere and stop imposing on Macedonian society. At the same time, the statement states that media campaigns are poisoning children and offspring with distorted and diabolical views of the world, alluding to the views and values of the LGBT+ community. At the same time, through statements with a homophobic context, it is called that “the abnormal should not be allowed to become normal,” and “the normal should not be allowed to be mobbed by the abnormal”, as well as that this evil (thinking of homosexuality) must be stopped and must be cut at the root, for the sake of future generations.

At the same time, the statement emphasizes the importance of providing current and future generations with the right conditions for proper growth and development. It implies that people should be brought up with a normal and decent view of the world. However, it also suggests that the worldview of LGBT+ individuals is abnormal and obscene and represents an experimental aspect of the mind.

Following this statement, in April 2023, the Helsinki Committee for Human Rights filed a criminal complaint against the political party Interga and its president Ljupco Ristovski with the Basic Public Prosecutor’s Office in Skopje for the crime of “Dissemination of racist and xenophobic material through a computer system” as per Article 394d of the Criminal Code.

Acting on the criminal complaint, the Basic Public Prosecutor’s Office, through the appropriate public prosecutor, issued a decision in June 2023. The decision stated that the criminal complaint was rejected because the reported offense is not a criminal act that can be prosecuted ex officio. It was determined that there was no evidence of spreading racist and xenophobic material through a computer system, which would promote and incite hatred towards the victims. Instead, it was seen as expressing a personal opinion about the LGBTI community, reflecting disapproval and non-acceptance of their activities.

Dissatisfied with the decision of the Basic Public Prosecutor’s Office Skopje, the appellants filed a complaint with the Higher Public Prosecutor’s Office Skopje. Acting on the appeal, the Higher Public Prosecutor’s Office Skopje rejected the appeal as unfounded and confirmed the first instance Decision. The reasons for rejection are identical to those stated in the decision rejecting the

criminal complaint, made by the Basic Public Prosecutor's Office Skopje, without proper study and examination of the complaint allegations.

With that, the decision not to initiate criminal proceedings against the accused before the competent courts in the Republic of North Macedonia became final, and against this decision, all legal remedies were exhausted in accordance with the domestic regulation with which the Republic of North Macedonia once again, as part of a chronic phenomenon, allows such tendentious phenomena of spreading hate speech, which characterizes members of the LGBTI community as abnormal and indecent, have gone unpunished. Because of this, the appellant and the Helsinki Committee for Human Rights filed a complaint with the European Court of Human Rights for a violation of Article 8 "Right to respect for private and family life," Article 14, "Prohibition of discrimination," and Article 17 "Prohibition of abuse of rights" " of the European Convention on Human Rights.

HATE SPEECH ANALYSIS

In 2023, the Helsinki Committee for Human Rights released two analyses on the legislation and institutional gaps related to hate speech in North Macedonia. These reports focus on meeting international and European standards, with particular attention to marginalized communities. Both analyses are available in English and Albanian.

The analysis of the institutional gap in relation to the registration and processing of hate speech in the Republic of North Macedonia²³ aims to address the complex challenge of creating a strategy - a systematic approach to preventing and sanctioning hate speech in both traditional media and online platforms. It specifically delves into criminal aspects that need to be considered when developing this strategy.

In order to register and process hate speech, in the sense of elementary statistical processing, there should first be an appropriate and favorable legislative framework in the country that will authorize the officials to register the data that they come by working in those state bodies that have the authority to fight hate speech as a phenomenon. Then, according to the positive legal regulations for administrative work and archiving, every state authority is responsible for safeguarding this data and, if necessary, centralizing it. Ultima ratio if "processing" is understood in the sense of acting and fighting against such crimes and if there is also a favorable legislative climate for that, in that case, these officials should not remain passive and only record but should act preventively or repressively, according to the Law. It is precisely these matters that this analysis addresses.

The analysis of the legal framework of North Macedonia for the regulation of hate speech²⁴ provides an overview of the existing legal framework that regulates hate speech. It examines how effective this framework is in combating this phenomenon while building on the existing international agreements of the United Nations and the Council of Europe and other relevant standard-setting instruments using the findings and recommendations of the monitoring

23 English language: <https://mhc.org.mk/en/news-en/analysis-to-determine-the-institutional-gap-regarding-the-registration-and-processing-of-hate-speech-in-the-republic-of-north-macedonia-2/> Albanian language: <https://mhc.org.mk/sq/lajme/analize-per-percaktimin-e-zbrazetires-institucionale-ne-lidhje-me-registrimin-dhe-perpunimin-e-rasteve-te-gjuhes-se-urrejtjes-ne-republiken-e-maqedonise-se-veriut-2/>

24 English language: <https://mhc.org.mk/en/publicationsanalyzes-en/analysis-on-the-legal-framework-in-north-macedonia-on-regulating-hate-speech/> Albanian language: <https://mhc.org.mk/sq/publicationsanalyzes-sq/analiza-e-kornizes-ligjore-te-maqedonise-se-veriut-per-regullimin-e-gjuhes-se-urrejtjes/>

bodies of the Council of Europe in particular Recommendation CM/Rec(2022)16 on combating hate speech and “General Policy Recommendation no. 15 on combating hate speech” of the European Commission against Racism and Intolerance (ECRI), as well as broader international and European human rights standards. The analysis also includes reports from non-governmental organizations active in this area, such as the Helsinki Committee for Human Rights and ILGA Europe. At the same time, the analysis includes comparative examples from other countries regarding hate speech legislation, especially in the area of dealing with hate speech on the Internet.

Special attention is paid to international standards and European acts in relation to national legislation on the regulation of hate speech on the Internet. The analysis assesses the adequacy of the Macedonian legislation on hate speech in the institutions’ effective handling of hate speech.

Both analyses were presented at a public event on October 12, 2023. The event was led by a moderator from the Metamorphosis Foundation and featured four speakers: Professor Dr. Elena Mihajlova Stratilati, Public Prosecutor Dr. Aleksandar Markoski, Commissioner in the Commission for Prevention and Protection against Discrimination, Vesna Bendevska, and lawyer and practitioner Bojana Netkova. The Executive Director of the Helsinki Committee, Urania Pirovska, discussed the Committee’s extensive work in researching and addressing hate speech and the fact that, despite regularly reporting cases of hate speech to the prosecutor’s office, there has been no adequate response from law enforcement.



HATE CRIMES

KEY FINDINGS

The Helsinki Committee registered 197 potential incidents of hate crimes in 2023, with 35 of them having clear bias indicators. Incidents based on ethnicity were the most prevalent, accounting for 90.86% of the total number of registered incidents. Young people were most often involved in bias-motivated incidents, both as perpetrators and as victims. The two positive court rulings that sentenced perpetrators of hate crimes based on sexual orientation to prison have significantly increased trust among the LGBTI community.

The competent authorities are still not keeping adequate statistics for bias-motivated incidents. Even though the Ministry of Internal Affairs does keep and publish some statistics in its annual reports, it appears that there is no clear distinction made between hate speech and hate crimes when reporting. There has been very little effort to introduce preventive measures, such as human rights education and raising public awareness, especially among high school students and youth, even though the majority of victims are minors or youths.

CONTEXT

For the fifth consecutive year, the European Commission (EC)²⁵ has noted that the availability of official data on hate crimes remains sporadic despite the government's efforts to develop a system for registering and collecting data. Additionally, the Commission emphasizes the need for increased capacity building for the police and judicial authorities to better prevent and prosecute instances of violence, hate crimes, and hate speech. These efforts are seen as part of a broader initiative to promote a more tolerant and non-discriminatory culture in society.²⁶ The EC acknowledges the Helsinki Committee as the sole civil society organization that effectively collects and analyzes data on hate crimes. The EC emphasizes the importance of establishing a systematic practice for collecting data and addressing hate speech and hate crimes.²⁷

The general consensus is that there is still an inadequate and untimely recognition and registration of hate crimes by law enforcement and judicial authorities. The Ministry of Internal Affairs reported 52 unspecified incidents in 2023 to the OSCE/ODIHR, along with two incidents

²⁵ European Commission, *North Macedonia 2019 Report*, Brussels, May 29, 2019, p. 20, 24, 30, 31, European Commission, *North Macedonia 2020 Report*, Brussels, October 6, 2020, p. 32, European Commission, *North Macedonia 2021 Report*, Brussels, October 19, 2021, p. 32, European Commission, *North Macedonia 2023 Report*, Brussels, October 12, 2023, p. 32–35.

²⁶ European Commission, *North Macedonia 2023 Report*, Brussels, November 8, 2023, p. 34.

²⁷ *Ibid*, p. 34.

of physical assault against LGBTI people.²⁸ The Ministry's 2023 annual report includes data on 41 crimes with elements of hate in the section on hate crimes.²⁹ Upon reviewing the statistics, it is noted that 31 of them are labeled as "Dissemination of racist and xenophobic material through a computer system," 6 are "Endangering security through an information system," 2 are related to "Inciting hatred, discord or intolerance on national, racial, religious and other discriminatory grounds," and there is one case each of "violence" and "racial and other discrimination."³⁰ The statistics presented in this way indicate that the Ministry of Internal Affairs does not differentiate between hate speech and hate crime.

This report details whose rights have been most violated in recent times and identifies areas that require immediate and effective interventions to prevent future harm. Therefore, it can serve as a valuable tool for decision-makers to take further steps.

Number of incidents

In 2023, the Macedonian Helsinki Committee registered 197 potential incidents of hate crimes, 35 of which showed clear bias indicators.³¹ These incidents were promptly registered after being reported by the media or the Ministry of Interior in its daily bulletins.

The Ministry of Internal Affairs was asked to confirm 151 potential incidents to SVR Skopje, 14 potential incidents to SVR Tetovo, three potential incidents to PS-ON Gostivar, and one potential incident each to SVR Kumanovo and SVR Strumica. The submitted criminal/misdemeanor charges and the crimes/misdemeanors for the potential incidents, without answering whether there are indications that the incidents occurred due to a certain protected characteristic of the persons involved according to the article 122 paragraph 42 of the Criminal Code. However, it was noted that none of the reported cases were classified as hate crimes. SVR Tetovo explicitly stated that the mentioned acts were not committed out of hatred, while PS-UN Gostivar indicated that there were no biased indicators in the specific cases. SVR Kumanovo and SVR Strumica did not respond to the requests for public information.

For most of the unconfirmed potential incidents and acts of hate, and based on other indicators such as location, method of execution, involvement of minors and high school students, there is a reasonable belief that they were committed because of the ethnicity of the victim or the perpetrator. Potential incidents are still included in the report because they are related to situations where, according to other indicators, there is reason to believe that these incidents are bias-motivated.

Among these biased indicators are:

- victim/witness perception;
- on-the-spot commenting;

²⁸ See more at: <http://hatecrime.osce.org/north-macedonia>.

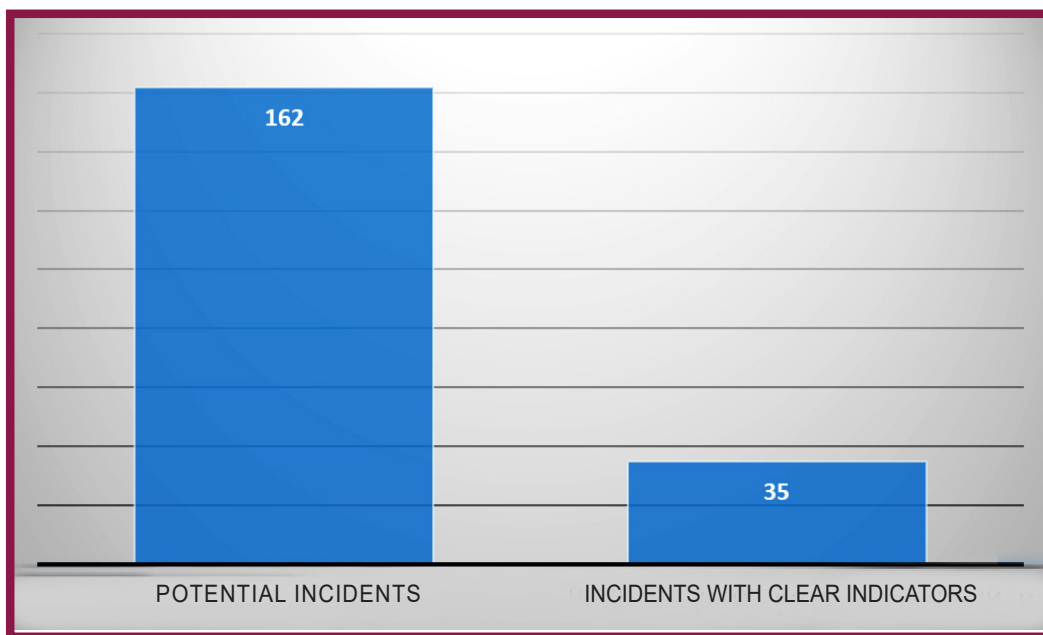
²⁹ Ministry of Internal Affairs, *Annual Report 2023*, p. 69. Available at: https://mvr.gov.mk/Upload/Editor_Upload/Godisen%20izvestaj/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%20%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%202023.pdf.

³⁰ *Ibid*, p. 70.

³¹ Incidents with clear bias indicators are published on the website www.zlostorstvaodomraza.com.

- distinction between victim and perpetrator based on ethnicity;
- pattern/frequency of previous incidents;
- nature of the violence;
- absence of other motives; and
- place and time.

This report includes potential incidents due to information gathered about the location (e.g., ethnically diverse neighborhoods or schools, bus routes used by members of different ethnic communities, places where hate crimes have occurred in the past), the type of incident (e.g., a large group of minors attacking one or more victims without provocation, group confrontations, attacks on buses or at bus stops), the time of the incident (e.g., after previous confrontations as a form of revenge, after school, during or after sports competitions), and property damage during the incident (e.g., places of religious worship).



The largest part of hate crimes in 2023 is again based on ethnicity, accounting for 179 incidents (90.86%). Two incidents were motivated by political convictions and partisanship, six by religious convictions, and two by sexual orientation. Additionally, eight incidents were based on other protected characteristics. The victims and perpetrators were mainly young people and members of various ethnic communities, as well as supporters of sports teams or political parties. In some cases, a single incident may meet the criteria for two or more crimes, resulting in a greater number of crimes than incidents.

Most of the alleged crimes include: violence (153), bodily and grievous bodily harm (24), damage to property (7), robbery (2), destruction of symbols (4), inciting national, racial, and religious hatred, discord and intolerance (5), serious threat (1), jeopardizing security (3) and causing general danger (2). Details of the incidents, such as brief description, date, time,

place, source of information, victims involved, perpetrators, case status, authorities' response, and impact on victims and the community, can be found in the Annex to the report under the heading "Incidents of hate crimes for 2023". The Annex also contains a field on "bias indicators," incorporated into each individual incident. This field lists data on victim/witness perception, on-the-spot commenting, distinction between victim and perpetrator based on ethnicity, pattern/frequency of previous incidents, nature of violence, absence of other motives, and place and time.

In June 2023, the Macedonian Helsinki Committee sent its 2023 Annual Report on Hate crimes to the OSCE/ODIHR³² and is still the only NGO that systematically sends information to the OSCE/ODIHR about the state of hate crimes in the country.

Only 2 registered incidents based on political affiliation and conviction have been reported, showing a decrease in political bias this year. This is likely due to the resolution of several long-standing internal and external political issues. In contrast, in previous years, hate incidents based on political affiliation increased significantly before and during election processes.³³

The second most prominent trend concerns the number of incidents based on the Macedonian or Albanian ethnic origin of the perpetrator/victim. In 2013, these incidents amounted to 84% of the total incidents (98 out of 116), while in 2014 that percentage was 61% (53 out of 87). During 2015, only 36% of incidents (16 out of 44) occurred between Macedonians and Albanians; in 2016, the percentage was 49% of all incidents (34 out of 70), and in 2017, there were 29 incidents (41%). In 2018, the number of registered incidents of hate crimes based on ethnic origin increased again to 64 % (79 out of 123) of all registered incidents. In 2019, 85% of all registered incidents (135 out of 159), in 2020 – 73% (76 out of 104) and in 2021 – 36% (29 out of 80)³⁴. In 2023, incidents related to ethnicity remained a significant concern, especially considering that the majority of victims and perpetrators were minors. A staggering 83.75% (134 incidents) of the total incidents were as a result of different ethnic origins of the individuals involved.³⁵ This year, the trend of ethnically based incidents continues and accounts for 90% of the total number of registered cases (197).

32 See: <http://hatecrime.osce.org/north-macedonia>.

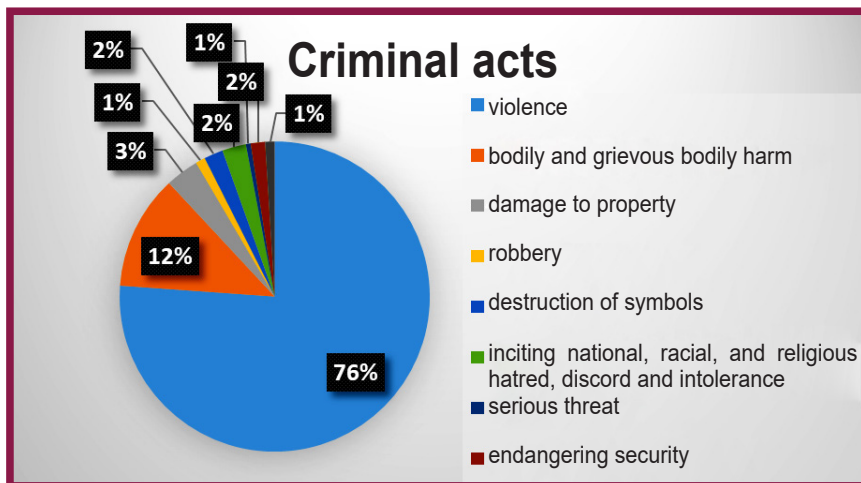
33 All registered incidents on this basis were registered in October 2021 during the local elections. In most of the incidents committed as a result of political belief or affiliation, the victims are not people, but legal entities as a result of the fact that the majority of these incidents refer to property damage and material damage. See more at: <https://mhc.org.mk/reports/godishen-izveshtaj-za-sostojbata-so-chovekovite-prava-vo-2021-godina/>.

34 During 2021, a total of 80 incidents were registered, which is 20% less than in 2020. The reason for the reduced number of registered incidents is that in 2020, the MHC had a more restrictive approach, and due to a lack of feedback from the Ministry of Internal Affairs regarding potential acts of hate, we only registered those acts for which there were clear indicators that they were acts of hate, while, on the other hand, for those acts for which there are not enough indicators, it was decided not to be published until feedback is received from the Ministry of Internal Affairs. See more at: <https://mhc.org.mk/reports/godishen-izveshtaj-za-sostojbata-so-chovekovite-prava-vo-2021-godina/>.

35 Helsinki Committee on Human Rights (2023). *Hate crime Yearbook 2023*. Available at: https://zlostorstvaodomraza.com/wp-content/uploads/2023/09/GODISEN-IZVESTAJ_ZLOSTORSTVA-OD-OMRAZA-2023_MK_ALB_ENG_PO653136_23.08.2023.pdf.

Types of crimes

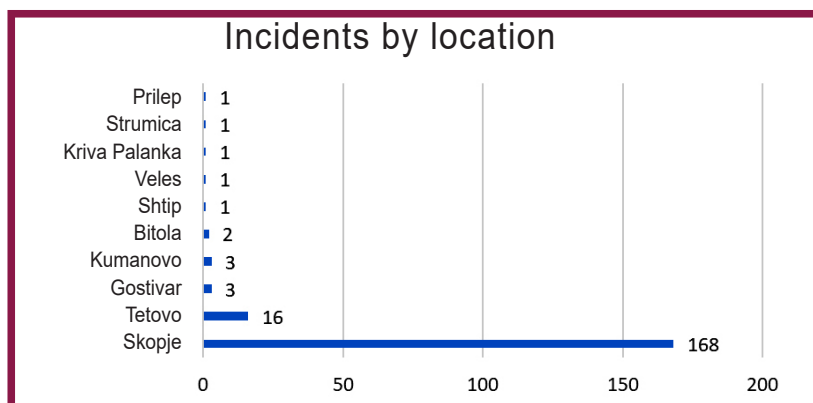
Most of the incidents were carried out by young people, and a significant portion of the perpetrators are unknown. The victims and perpetrators typically belong to different ethnic communities. The reported incidents are associated with specific criminal acts from the Criminal Code, including violence (153 cases), bodily and grievous bodily harm (24 cases), damage to property (7 cases), robbery (2 cases), destruction of symbols (4 cases), inciting national, racial, and religious hatred, discord and intolerance (5 cases), serious threat (1 case), jeopardizing security (3 cases), and causing general danger (2 cases). It is common for a single incident to meet the criteria for two or more crimes, such as violence and theft, so the number of crimes is sometimes higher than the number of incidents in the data.³⁶



Incidents by location

The majority of incidents (164) took place in Skopje and the surrounding municipalities, with 16 incidents in Tetovo, 3 in Gostivar and Kumanovo, 2 in Bitola, and 1 each in Shtip, Veles, Strumica, Kriva Palanka, and Prilep.

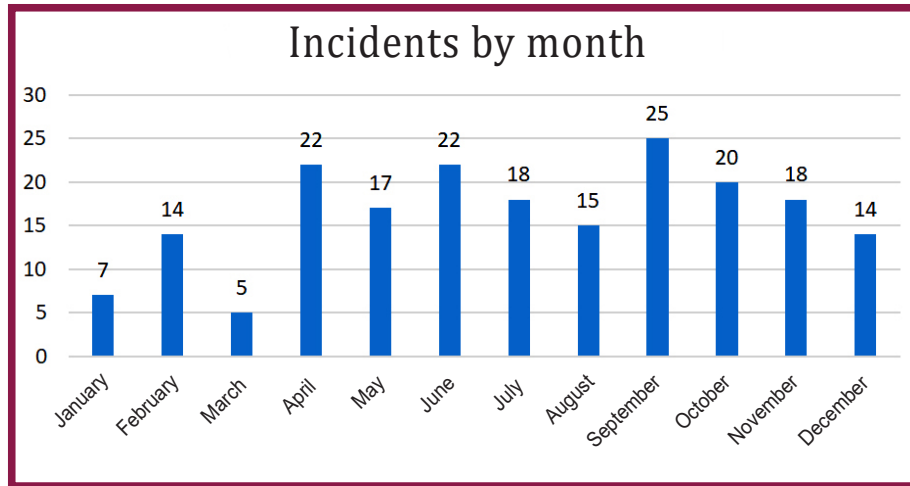
Most cities are located in regions inhabited by a larger ethnic minority of ethnic Albanians (Skopje, Kumanovo), ethnic Macedonians (Tetovo and Gostivar), or several minorities that together constitute a significant part of the population (Bitola, Shtip, Strumica, Prilep, Veles, Kriva Palanka). Debar is among the few cities where Macedonians and Albanians live, and where not a single hate crime has been registered this year. Debar is one of the few cities where both Macedonians and Albanians coexist, and it's notable that not a single hate crime has been registered there this year.



³⁶ Hate crimes are regulated by the Criminal Code, while incidents cover a larger volume of cases that include misdemeanors, such as, for example, hateful graffiti, nationalist chanting, and so on.






Incidents by month

The highest number of incidents took place in September (25). During this month, incidents were reported between young people from ethnically mixed neighborhoods and/or schools, and on bus routes used by members of different ethnic communities. There were 22 incidents in both April and June, 20 in October, 18 in July and November, 17 in May, 15 in August, 14 in February and December, 7 in January, and 5 in March.



Incidents according to biased motivation

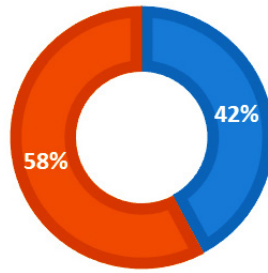
In 2023, the largest proportion of hate crimes, at 90.86%, were again based on ethnic reasons (179 incidents). There were 2 incidents motivated by political belief or affiliation, 6 incidents due to religious convictions, 2 incidents related to sexual orientation, and 8 incidents based on other protected characteristics.

	Ethnicity	179
	Political belief or affiliation	2
	Religious beliefs	6
	Sexual orientation	2
	Other protected characteristics	8

Victims and perpetrators

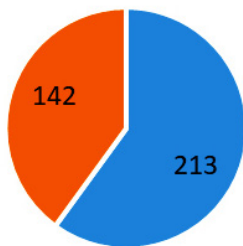
The victims and the perpetrators are mostly young people and members of different ethnic communities, members of fan clubs of sports teams, or supporters of political parties. The Helsinki Committee registered a total of 197 cases in which 213 persons and 292 perpetrators appear as victims. The exact number of perpetrators cannot be determined due to the lack of information shared by the competent authorities. 142 out of 213 victims are minors, and out of 292, 132 perpetrators are minors.

■ Victims ■ Perpetrators

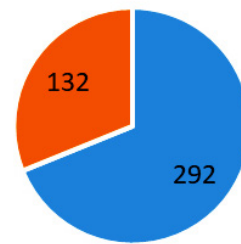


Involvement of minors in the total number of victims

Involvement of minors in the total number of perpetrators



■ Victims ■ Minors



■ Prepertrators ■ Victims

Analysis of the state system for hate crime statistics in Public Prosecutor’s Offices and courts in the state

Considering that recording and collecting reliable hate crime statistics is essential for effective policy formation and taking appropriate measures to deal with hate-motivated incidents, the project team provided an analysis of the state system for recording and statistics on hate crimes. The analysis will focus on how the state’s Public Prosecutor’s Offices and courts collect data on hate crimes and will provide an overview of the number of crimes committed, which groups are targeted, the number of crimes successfully identified as hate crimes, and information about decisions and sentences imposed. The review made by the project team after analyzing the information received from the Public Prosecutor’s Offices and the courts is presented in the 2023 Annual Hate crime Report.

The Helsinki Committee for Human Rights requested public information from all Basic Public Prosecutor’s Offices and courts in the state. The request was for data on criminal complaints submitted to the Basic Public Prosecutor’s Office in 2023 and on the indictments the Prosecutor’s Office submitted to the Criminal Court where the element of hatred is considered an aggravating factor.³⁷ Additionally, the Public Prosecutor’s Offices were asked about the protected characteristics of Article 122, paragraph 42 for the submitted criminal reports and indictments for each of the crimes.

³⁷ Article 123 paragraph 2, Article 130 paragraph 2, Article 131 paragraph 2, Article 139 paragraph 2, Article 140 paragraph 2, Article 142 paragraph 2, Article 144 paragraph 3, Article 155 paragraph 2, Article 186 paragraph 6, Article 187 paragraph 2 and Article 319.

14 Basic Public Prosecutor's Offices stated that they have not received criminal complaints or submitted indictments for acts of hate. The Basic Public Prosecutor's Office in Skopje provided data on 108 received criminal complaints and 43 filed indictments, clarifying that none of these were related to the protected characteristics as specified in Article 122, paragraph 42 of the Criminal Code. The Basic Public Prosecutor's Office in Kumanovo responded to 68 received criminal complaints and submitted 1 indictment but did not provide information on whether the reports and indictments involved protected characteristics. The Basic Public Prosecutor's Office in Kichevo reported 22 criminal complaints, determining that none of them were motivated by hate but were cases of domestic violence. They also reported 5 sentencing orders, noting that Article 122 paragraph 42 of the Criminal Code does not apply and referring to other legal grounds. Only two Prosecutor's Offices provided clear data on hate crimes. The Basic Public Prosecutor's Office in Bitola reported that in 2023, they received only one criminal report for the crime of "Endangering security committed by hatred based on ethnic origin" against one person. The public prosecutor proposed to the competent courts to impose a security measure that is mandatory treatment and custody in a health facility. On the other hand, the Basic Public Prosecutor's Office in Veles received two criminal complaints - one for the crime of "Bodily injury caused by hate" and one criminal complaint for the crime of "Endangering security caused by hate due to unsettled property relations." In relation to the criminal complaints, two motions for the issuance of a criminal order have been submitted.

Courts in the country were asked about the number of indictments received and the number and type of decisions made on hate crimes related to the protected characteristics of Article 122, paragraph 42 of the Criminal Code. Eighteen courts submitted a response stating that they have not received any indictments for hate crimes and, as a result, have not made any decisions on this matter.

The Basic Court in Ohrid and the Basic Court in Negotino provided data on received indictments and decisions made, but did not specify the protected characteristics. The Basic Court of Bitola also submitted data on indictments and decisions, but stated that no protected features were entered in the records of the court's AKMIS program. The Basic Court of Kochani provided data on 3 received indictments and 3 passed convictions for the crime "Endangering security committed by hatred", but the protected characteristics were not mentioned. The Basic Court of Veles reports that the two submitted indictments for acts of hate do not actually refer to the existence of a protected characteristic and are not acts committed out of hate. In 2023, the court issued a verdict of acquittal for the crime of "Endangering security committed by hatred" against a natural person, *committed due to an assumed connection of the injured party, which refers to Bulgarian nationality*. The Basic Court of Gostivar and the Basic Court of Kichevo submitted data on indictments and verdicts, noting that it is about cases of domestic violence, not acts of hate.

The Basic Court Skopje has provided a list of all final and accepted cases related to the requested crimes. The court has indicated that the system does not generate data related to the protected characteristic outlined in Article 122, paragraph 42 of the Criminal Code. The only way to verify this information is by conducting an inspection of the relevant verdicts, some of which have already been finalized and are available on the court's website in anonymized form.

LGBTI PROGRAM

KEY FINDINGS

In 2023, the alarming trend of increasing anti-gender and anti-LGBTI movements, particularly targeting the transgender community, persisted. Despite the ruling establishment's alignment with leftist ideals, there has been a lack of meaningful action or response to attacks by domestic anti-gender groups, seemingly supported by external factors. This silence and inaction sharply contrast the progress toward European integration processes, leaving vulnerable communities at a higher risk of discrimination and violence. Despite these challenging times, the civil sector has remained committed to advocating for and supporting the LGBTI community, guided by our vision of a society built on equality and human rights for all.

Out of all the documented cases by the Helsinki Committee, 298 cases, accounting for 19% of the total number of cases, were registered as instances of hate speech against sexual and gender minorities. The hate expressed in social media comments targeting the LGBTI community is evident and clearly fueled by prejudice, fake news, and anti-gender and anti-LGBTI movements.

The number of hate speech cases shows an increasing trend during certain periods, including the International Transgender Visibility Day (when the Transgender Visibility March was held), May 17th - the International Day Against Homophobia, Transphobia, and Biphobia, and in June, the month of pride. A record number of 105 cases (57%) of hate speech based on sexual orientation and gender identity were registered during this period.

Despite efforts to improve protection for the rights of the LGBTI community, they still face a significant risk of hate speech and hate crimes. There have been very few attempts to implement preventive measures, such as human rights education and public awareness, particularly among high school students and young people, given that most victims and a significant number of perpetrators are minors or young adults.

One of the major challenges we confront is the underreporting of cases of discrimination, hate speech, and hate crimes. All community research indicates that this results from a lack of trust in institutions.

Throughout the year, three criminal complaints for hate speech were submitted. One of these complaints was rejected, and an application was made to the European Court of Human Rights in Strasbourg. As for the other two cases, there have been no resolutions yet. Additionally, the Helsinki Committee documented two cases of hate crimes. The first incident involved an attack on two gay men in a small town. Unfortunately, the victims did not want to pursue the case due to fear of further victimization. The second case concerned a physical attack on a foreign individual near a location that is known within the LGBTI community. Despite the victim's initial reluctance to proceed with the case before the state authorities, the gravity of the crime prompted the Helsinki Committee to hold a meeting with the head of the Violent Crime Department in PS Kisela Voda. Subsequently,

information was received that the police will ex officio file a criminal complaint for serious bodily injury. When requested to categorize this act as a hate crime, the chief deferred the decision to the public prosecutor. As of the publication of this report, there have been no new developments in the procedure.

What is most needed is timely and efficient investigation and prosecution of hate crimes and hate speech. This includes considering biased motives during criminal proceedings, implementing measures to make it easier for victims to report hate speech and crimes (including building trust in the police and other state institutions), and establishing and maintaining collaboration between institutions and civil society organizations to reduce hate speech and hate crimes. This collaboration can involve training, supporting victims, and increasing reporting of these cases.

ADVOCACY FOR LGBTI RIGHTS

In 2023, the LGBTI support center made a significant stride in advocating for LGBTIQ+ equality in North Macedonia. For the first time, the Center initiated efforts to enhance the representation of LGBTIQ+ individuals in the political sphere. This long-term initiative aims to ensure that the diverse voices and perspectives of the LGBTIQ+ community are genuinely heard and considered in policy-making. This is particularly crucial for addressing specific issues, problems, and needs that the community may face, which could otherwise be ignored or marginalized. Political empowerment of the LGBTIQ+ community allows representatives to push for legislation that promotes equality and fights against prejudice and discrimination.

The Center initiated this process with partnership and support from the LGBTIQ+ Victory Institute. The first step was organizing a Summer School for LGBTIQ+ individuals on political leadership and social change, which took place from August 12 to August 19 in Ohrid. During the training, participants explored the intricacies of political leadership and social change, fostering a sense of unity and empowerment within the LGBTIQ+ community. The project, which will unfold over the next four years, aims to raise awareness about the significance of LGBTIQ+ political representation, inspire young people to engage in political life and strengthen the community through ongoing education.

The National Network Against Homophobia and Transphobia had a meeting with representatives of the Inter-Party Parliamentary LGBTI Group (IPPG) to discuss the next steps for the Civil Registry Law. IPPG organized the commemoration of May 17 - International Day Against Homophobia, Transphobia, and Biphobia. MP Maja Morachanin, coordinator of the IPPG, emphasized that the cross-party group has remained committed to advancing the rights of LGBTI people, which are fundamentally human rights. Working with this group continues to be a powerful tool for improving the human rights situation of LGBTI individuals. The upcoming challenge will be forming the IPPG in the new parliamentary composition following the parliamentary elections in May 2024.

CULTURAL AND SOCIAL CENTER “COMMITTEE”

The cultural and social space “Committee” is known as a local queer center that hosts various community activities, including cultural and social events, movie nights, board game nights, and meetings. “Committee” provides a platform for independent collectives of queer artists, particularly drag artists. In 2023, the “Committee” hosted various organizations that carried out their own

activities, such as training courses, one-day workshops, seminars, and panel discussions. The events were organized by organizations working on LGBTI issues but also by a host of allied NGOs working in areas such as women's rights, human rights, and sexual and reproductive rights. Throughout the year, the "Committee" hosted 30 workshops and lectures, 22 meetings, 7 semi-open events for informal groups, 1 exhibition, and approximately 80 social events open to the public. Furthermore, "Committee" was the venue for several events held in conjunction with Skopje Pride.

In June 2023, Skopje Pride weekend was held, featuring a festival celebrating queer art and culture. The main theme for this year's edition was "QUEER-CHRONOPOLITICS: History, Affects, Utopias." Particular emphasis was placed on questioning the hegemonic nationalist historiographical narratives and policies of national archives, their strategies for erasing, excluding, and ignoring the invisible and secret histories of sexual and gender minorities and their experiences, as well as the possibilities of revision, rereading, rewriting, and reimagining of historical (absent) traces and voices and the ephemeral archives of queer people. The festival lasted from June 1 to June 13. The festival events were visited by 1,500 to 1,700 visitors, and information about this edition was published in more than 70 media.

PRIDE PARADE

The fourth Pride Parade in Skopje was marked by strong and courageous messages advocating for equality, dignity, and love. Despite the prevalence of hatred, violence, and aggression towards the LGBTI community, particularly due to intensified anti-gender and anti-LGBTI movements, the streets of Skopje on June 24 were filled with a large number of smiling and positive people. Members of the LGBTI community and their supporters marched together united in the fight for equal rights for all.

The Pride Parade served as a platform for many other causes and groups that wanted to convey their message to the public, to be more visible and recognized with their symbols. It began at the "Zhena Borec" park in Skopje, where the main messages of Skopje Pride were conveyed. The march proceeded through the center of Skopje in the afternoon and concluded at the ARM stadium in the City Park. At the stadium, an all-night cultural program featuring drag performances, live music, and DJ sets took place, creating a sense of togetherness and solidarity among the community and supporters. Skopje Pride, as an event that casts off the shackles of stigma and systemic and domestic violence, managed to shift the public's focus to equality and diversity, as opposed to hatred and intolerance. In 2023, over 120 pieces of content covering the Pride Parade were published in 73 different media outlets.

SAFE HOUSE

In 2023, the Safe House shelter center recorded that domestic violence and gender-based violence remain the most prevalent forms of violence. As a result, a significant number of LGBTI+ individuals seek accommodation at the Safe House shelter center.

Non-acceptance by families, psychological violence and expulsion from home due to different sexual orientation and/or gender identity are the main reasons that the users of the Safe House shelter center state as risks they face in their biological families. Additionally, the global economic crisis poses a risk of unemployment, which disproportionately affects LGBTI+ individuals and makes

it difficult for them to achieve economic independence. This can force them to remain in homes where they suffer violence. Furthermore, the increasing momentum of anti-gender movements promoting misogyny, homophobia, and transphobia represents a direct threat to the safety of LGBTI+ individuals.

In that direction, the safe and reliable environment that we offer in Shelt the Safe House shelter center is essential for the process of breaking the cycle of violence and for the process of strengthening the mental and physical health of the most marginalized members of the LGBTI+ community. From January to December 2023, the Safe House shelter center provided the following services: housing for 7 individuals, 8 services related to social protection, 8 cases of legal aid and counseling, 5 individual psychological counseling and psychotherapy sessions, and 4 psychiatric services.

SELF-EVALUATION OF THE HUMAN DIMENSION DURING THE OSCE CHAIRPERSONSHIP

For the first time in its history, the Republic of North Macedonia assumes the leading role in the Organization for Security and Cooperation in Europe (OSCE) as the chair for 2023.

The OSCE is the world's largest regional security organization, consisting of 57 participating countries from Europe, North America, and Asia.

The connection between the Helsinki Committee for Human Rights and the OSCE dates back to the signing of the Helsinki Final Act in 1975, which marked the beginning of the Helsinki Committee's operations in the OSCE region. This connection is further evident in the three dimensions of the OSCE's actions: political-military, economic-ecological, and human. The work of the Helsinki Committee aligns with the third dimension, focusing on human rights.

In 2022 and 2023, the Committee, in cooperation with partner organizations - the Macedonian Young Lawyers Association and the European Policy Institute (EPI) - implemented the project "Self-evaluation of the human dimension during the OSCE presidency." The project involved methodologically mapping six key areas of human rights that were monitored throughout its duration.

Each organization took on two areas according to its expertise, which resulted in the Self-Assessment Report—a document that provides an overview of the human rights situation in the following areas: hate speech and acts of hate, gender equality, human trafficking, freedom of expression and association, protection of national minorities, and election observation.

As a result of this process, In November 2023, the Parallel Conference on Civil Society took place, marking the end of the Republic of North Macedonia's chairpersonship of the OSCE. The conference was organized by the Committee and its partners in cooperation with the Platform for Civil Solidarity, a network of civil organizations in the OSCE region.

The conference, held on November 29, 2023, brought together more than 120 representatives of civil society. During the conference, the Skopje Declaration was adopted, emphasizing the importance of ending the war against Ukraine and strengthening civil society and urging participating countries to uphold their commitments to the human dimension. Urania Pirovska, the executive director of the Helsinki Committee for Human Rights, presented findings on hate speech, acts, and gender issues.



Findings from the Self-Evaluation Report

The phenomena of hate speech and hate crimes in the Republic of North Macedonia are very concerning, given the country's multicultural, multi-ethnic, and multi-confessional makeup. It is crucial to foster an environment of acceptance of diversity within society. Instances of hate speech and hateful acts highlight the significant polarization within society. The majority of hate crimes in the country are based on ethnicity, which speaks volumes for the relations between ethnic communities. It also signals that the Republic of North Macedonia has not invested enough in accepting diversity. Additionally, the number of hate speech incidents and hate crimes tends to rise in line with changes in the political landscape.

There is a lack of adequate law enforcement response when it comes to hate speech and acts. Only five hate speech convictions have been made, and hate speech is a common occurrence. Hate speech is particularly prevalent on social networks, and those who spread hate speech have influence in the public sphere.

The Republic of North Macedonia is the only country in the region that does not have a state institution collecting data on these crimes on a daily basis. The Helsinki Committee undertakes this task through two platforms, with the support of the OSCE mission in Skopje since 2013.



Gender issues became particularly significant when attempts were made to restrict women’s right of choice when it comes to their bodies, that is, the right to terminate a pregnancy.

In the Republic of North Macedonia, women are a vulnerable category. There is a high percentage of femicides, and it has been found that the authorities responsible for acting and protecting the victims have not taken appropriate measures to ensure the safety of the victim and remove the perpetrator. Instead, the opposite occurs. Due to economic dependence, women and their children frequently have to leave their homes to seek shelter, while the abuser remains in the home. This is again due to the failure of law enforcement authorities and the court to promptly implement temporary measures to keep the abuser away from the home.

Women are being exploited, particularly in the textile industry where they are paid less. Even though over 60 percent of employees in the state administration are women, their salaries are not on par with those of male civil servants. At the same time, anti-gender movements are gaining momentum. In the Republic North Macedonia, efforts to pass a Law on Gender Equality have been unsuccessful, largely due to the opposition of anti-gender movements. These movements perceive the proposed law as a threat because it aims to define gender, potentially granting rights and visibility to transgender individuals. Consequently, political parties have hesitated to support the law before elections, fearing a loss of political support. Similar challenges were encountered in passing the Civil Registry Law.

The civil sector is situated on the fringes of society. The Council for Cooperation and Development of the Government and the Civil Sector has ceased to function because its members are boycotting its work. This is due to changes made to its functioning without consulting the members and funds being diverted. This represents a setback in terms of the government’s perception of the civil sector.

