



Monthly brief on the monitoring of Chapter 23- Judiciary, Fight against Corruption and Fundamental Rights -July 2017-

I JUDICIARY

1. Independence

Sick-leave and exemption of judges who were to decide on the detentions proposed by SPO

The Primary Court Skopje 1 informed that due to some health issues, which according to the court were established by the on-duty doctor on 01.07.2017 (Saturday), one of the judges (judge Kocevka), from the Criminal Council of three judges (Biljana Kocevka, Darko Todorovski and Diana Gruevska Ilievska) which was established in order to rule on the request for detention submitted by SPO in the “Titanik” case against the former chief of the Fifth Department of the Ministry of Interior, Goran Grujovski, and four other persons, was unable to participate in the decision-making. Judge Dzeneta Bektovikj was appointed to her position on the same day.¹ It remains unclear how the defendants and the defense discovered the identity of the members of Criminal Council so that on the same day, at 5:20 pm they already submitted a request for exemption of judge Todorovski in the court filing station. The court did not come up with a specific explanation for this, although the news caused turbulent reactions in the public and the media.

New Presidents of the Administrative Court and the Primary Courts in Gevgelija, Sveti Nikole and Krushevo

The Judicial Council informed that at its 259 session held on 03.07.2017 they upheld the selection of new president of the Primary Courts in Gevgelija, Sveti Nikole, Krushevo and the Administrative Court. All the positions were advertised on an open call.² Only the Primary Court in Kumanovo did not get a new president because the candidates did not achieve the necessary majority of votes from the Council. On its next 260th session, the Judicial Council adopted a decision to open a call for selection of presidents of the following courts: the Appellate Court Shtip; the Primary Court Skopje 1, Skopje; the Primary Court Kumanovo; the Primary Court Tetovo; the Primary Court Debar, and the Primary Court in Resen.³

PPPOCC ceded the authority over the Sopot Case to SPP

¹ <http://bit.ly/2hITGPx>

² <http://bit.ly/2vI60Iz>

³ <http://bit.ly/2uF8G2g>



The Primary Public Prosecution Pursuing Organized Crime and Corruption (PPPPOCC) asked from the Council of Public Prosecutors to state whether the request for cession of the criminal case “Sopot” is a lawful action of the Public Prosecutor in charge of the SPP, believing that considering the fact that the criminal and legal event took place prior to 2008, in 2003 to be more specific, the case in question is not related and does not arise from the content of the unauthorized interception of communications.⁴

The Public Prosecutors’ Council replied to PPPPOCC in writing, without taking a decisive stand on whether the case should be ceded, indicating the PPPPOCC should make an independent decision on whether to submit the case to SPP. Consequently, PPPPOCC came to a conclusion to cede the “Sopot” case, which is in the stage of a preliminary proceedings before the Primary Court Skopje 1 – Skopje, with its files, to be submitted to SPP so that they can decide whether to assume authority over it.

Analysis of the implementation of the international standards for fair trial

Under the Network 23 Project, an analysis drafted by the “All for a Fair Trial” Coalition was presented⁵ which was conducted by monitoring 80 court proceedings, 60 of which were on criminal cases, while 20 were on civil cases in the two primary courts in Skopje. This analysis provides its contribution to the perception of the situation in the judiciary from the viewpoint of its independence, being a realistic picture “from the field” drawn from the experiences of the observers who were monitoring the actions taken by the courts in the monitored proceedings. The cases were analyzed from the aspect of the right to independent and impartial trial, trial within a reasonable time, the public, the presumption of innocence Equality of arms, respect for minimum rights of the defense and the right to appeal, and it includes the practice of the European Court of Human Rights⁶. With minor exemptions, the analysis indicates a relatively correct implementation of the standards for fair trial, at the same time emphasizing the possibilities for improvement.

Analysis of the implementation of the Law on Determining the Type and Amount of Penalty

The Analysis conducted by the Council for Prevention against Juvenile Delinquency (CPJD), presented over the course of July, had the goal to determine the impact of the Law on Determining the Type and Amount of Penalty (LDTAP) on the punitive policy⁷. Through a comparative analysis of 150 judgments from the courts in Tetovo, Veles Kochani and Kavadarci it was established that there is no law with similar content in any of the European counties, or the countries of the Anglo-Saxon law where the regulations are of a consultative nature or only serve as guidelines, i.e. starting point in the determining of the sanction. According to the analysis, the implications of LDTAP are mainly reduced to more frequent confession of guilt during the main hearing; more frequent application of the procedures for issuing a penal warrant;

⁴ <http://jorm.gov.mk/?p=4139>.

⁵ http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Megunarodni-standardi_fer-i-pravichno-sudenje.pdf

⁶ <http://www.merc.org.mk/aktivnost/25/analiza-na-implementacijata-na-megjunarodnite-standardi-za-fer-i-pravichno-sudenje-vo-makedonija>

⁷ http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Analiza_Primena-na-ZOVOVK_SPPMD-Juni-2017.pdf



milder sanctions for more serious crimes; stricter sanctions for minor offenses; non-uniformity of practice. Based on this, the researchers recommend appropriate legal interventions.⁸

2. Impartiality

The Criminal Councils under the Primary Court Skopje 1 were deciding on SPP's proposals for measures to ensure presence and precautionary measures

SPP submitted proposals for precautionary measures for 22 persons, 15 of which were accepted, while 7 were rejected. The measure of detention was proposed for four persons, but all of the proposals were rejected, and the court imposed precautionary measures for these people ex officio. These proposals referred to people who were involved in the cases of "Tarifa", "Trezor", "Titanik 2", "Toplik", "Tenderi", "TNT" and "Traketorija".⁹

After the submission of the proposals for measures to ensure presence and precautionary measures with regards to the cases "Target" and "Tvrdina", which requested the measure for detention of the former Head of the Security and Counter-Intelligence Directorate, Sasho Mijalkov and the Fifth Department of the Interior Ministry Goran Grujovski, the Criminal Council rejected the requests as ungrounded and imposed on or several precautionary measures ex officio (temporary seizure of passports and prohibition on issuing a new one of both the personal and official passports and obligation for compulsory visits to the court once a week).¹⁰

When it comes to the "Titanic" Case, the Criminal Council under the Primary Court Skopje 1, rejected SPP's requests for the measure of detention against the former Prime Minister Nikola Gruevski, the former Minister of Internal Affairs, Gordana Jankuloska, the former Head of the Cabinet of the former Prime Minister, Martin Protugjer, the former Secretary General of the Government of the Republic of Macedonia. Kiril Bozhinovski and the former Minister of Transport and Communications, Mile Janakievski, and imposed ex officio precautionary measures against all these persons.¹¹

The detention of journalist Zoran Bozhinovski terminated

Acting on the proposal of the public prosecutor for termination of the measure of detention against the accused Zoran Bozhinovski, a defendant in the case with COC no. 79/16, the trial judge at the main hearing held on 14.07.2017 adopted a decision upholding the proposal of the prosecutor and abolishing the measure of detention, and in line with the proposal, precautionary measures to ensure the defendant's presence over the course of the proceedings were imposed.¹²

⁸ <http://www.merc.org.mk/aktivnost/24/analiza-na-primenata-na-zakonot-za-odreduvanje-na-vidot-i-visinata-na-kaznata>

⁹ <http://bit.ly/2viYRe0>

¹⁰ <http://bit.ly/2vi8BF2>

¹¹ <http://bit.ly/2h1Vx6X>

¹² <http://bit.ly/2uodCt6>



SPP's appeal on Grujovski, Boshkovski's and Jakomovski's detention upheld.

After the sessions held on 17.07.2017, the Skopje Court of Appeal adopted decisions on the cases of "Target" and "Tvrдина" which refer to the unlawful wiretapping and the destruction of the equipment in the Directorate for Security and Counterintelligence. With these decisions, the Court of Appeal upheld SPP's appeal for the three accused – Goran Grujovski, Toni Jakimovski and Nikola Boshkovski, thus altering the first instance decisions based on the appeals of SPO, and imposed the measure of the detention on the accused in order to ensure their presence in the criminal proceedings, while when it comes to the rest of the defendants, the first-instance decisions were confirmed, meaning that the appeals of the defendants, as well as the appeals of SPO were rejected as ungrounded.¹³

The Supreme Court rejected the requests of the attorneys of Grujovski and Boshkovski, the defendants are on the run

On 26.07.2017, the five-member Council of the Supreme Court of the Republic of Macedonia adopted decisions to reject the appeals of the attorneys of Goran Grujovski and Nikola Boshkovski and endorsed the decisions of the Skopje Court of Appeals to impose the measure of detention with a duration of 30 days.¹⁴

The acceptance of the compensatory effect of the appeal left room for the accused to flee, which caused serious indignation among the expert public which insisting on holding the judges responsible for this outcome.

Some media informed that the possible dismissal and disciplinart responsibility of the judges who devided on the detention of Horan Grujovski and Nukola Boshkovi which be decided on by the Council Determining the Facts which had already asked for jurisdiction over the case at their own initiative after they heard in the media baout possible irrregularities in the detentions, whereby the entire case of "Target-Tvrдина" was sent to them by the Primary Court Skopje 1.¹⁵

SPP's appeal for detention of the former Minister of Culture, Kancheska-Milevska, rejected

After the public sessions held on 24.07.2017, the Skopje Court of Appeals adopted decisions to reject the appeals of the accused as ungrounded, along with the appeal of SPP for imposing the measure of detention to the accused Elizbeta Kancheska Milevska, former Minister of Culture and endorsed the first-instance decisions for precautionary measures: an obligation to the defendant to visit the court, temporary seizure of the passport and ban on taking out a new passport. At the same time, the Court of Appeal Skopje endorsed the first-instance decisions which imposed the same precautionary measures against the accused L.L.C and J.U.¹⁶

¹³ <http://stara.kajgana.com/pritvor-za-goran-grujovski-toni-jakimovski-i-nikola-boshkovski>

¹⁴ <http://bit.ly/2vN7AFB>

¹⁵ <http://24vesti.com.mk/kje-ima-li-odgovornost-za-sudiite-koi-dozvolija-begstvo-na-grujevski-i-boshkovski>

¹⁶ <http://bit.ly/2uF92WE>



The Court of Appeal discussed on Peshevski's appeal against the decision of the Criminal Court which ruled to seize his passport¹⁷

The former Vice-Premier in charge of economic issues, Vladimir Peshevski attended the public session at the Court of Appeals where they discussed his appeal against the decision of the Criminal Court to seize his passport.

His appeal was decided upon by the Criminal Council consisting of: Luljana Uvanovski Shopova as judge-rapporteur, Jani Nicha and Afrim Fidani. They decided to endorse the decision of the Criminal Court to seize Peshevski's passport as a precautionary measure.

Previously, SPP requested detention for Peshevski, but the Criminal Council made a decision to only seize his passport. The Prosecution submitted an appeal to the Court of Appeal against the decision to not impose the measure of detention to Peshevski.

3. Professionalism and expertise

Coordinative meeting with regards to the Strategy for Reform in the Judicial Sector

At the coordinating meeting held at the premises of the Ministry of Justice, the Minister Bilen Saljiji, his Deputy, Oliver Ristovski, as well as the president of the Working Group Drafting the Strategy for Reform of the Judicial Sector, Prof. Dr. Ana Pavlovska-Daneva, emphasized the need of active involvement and participation of all the stakeholders in the judiciary in the process of drafting the Strategy that is being drafted by a working group established within the Ministry of Justice and they were invited to give their honest and constructive contribution to the reform, by submitting all of their remarks, suggestions, research, opinions and standpoints to the working group preparing the Strategy.¹⁸

First meeting of the Council for Judicial Reform

Justice Minister Bilen Saljili convened the first meeting of the Council for Judicial Reform, where the Minister emphasized the role of the Reform Council as an advisory body whose primary task is to discuss the most important decisions on legal issues from the Strategy for Reform of the Judicial Sector in all the stages of the process, starting from the working, draft version of the Strategy to its final adoption, as well as the legal solutions that will emerge from it. The Minister also emphasized the possibility for the Council itself to initiate issues, legislative changes and define the best practices for overcoming all open problems and dilemmas in the judicial sector, as well as have a key role in the monitoring of the activities that will arise for the implementation of the Strategy and the accompanying Action Plan for the next 5 years.¹⁹

At the same time, Mr. Priebe had a meeting with the judges from the Constitutional Court, where they discussed the current state of affairs in the constitutional judiciary and the draft-measures for improving

¹⁷ <http://makfax.com.mk/daily-news/нема-притвор-за-латас-екс-вицепремиер/>

¹⁸ http://www.pravda.gov.mk/novost_detail.asp?lang=mak&id=1375

¹⁹ http://www.pravda.gov.mk/novost_detail.asp?lang=mak&id=1376



the work of the Constitutional Court, as a protector of the highest legal act in the country, the Constitution of the Republic of Macedonia.²⁰

Meeting between the Minister of Justice and the President of the Union of the Workers in the Administrative, Judicial and Civil Sector (UWAJCS)

The Minister of Justice, Mr. Bilen Saljii, had a meeting with the President of UWAJCS, Mr. Pece Grujovski, who informed the Minister about the problems that this union faces. The Minister of Justice assured Mr. Grujovski of the readiness and goodwill of the Government to improve the conditions of the employees of this tremendously sensitive sector and acquainted the representatives of the trade union with developments in the judicial reforms. Both sides agreed to have occasional meetings and establish working groups regarding the improvement of the conditions of all of the employees in the judiciary.²¹

The Judicial Council of the Republic of Macedonia adopted the Annual Report on its Work for 2016

The annual report for 2016²² on the work of the Judicial Council of the Republic of Macedonia was reviewed and adopted at the session held on 03.07.2017. It contains data on the work of the Judicial Council regarding the number of dismissed judges and lay judges, procedures for determining unprofessional conduct, assessment of the work of judges, information on acting upon complaints by citizens and other data on the work of the courts in the Republic of Macedonia.

ONGOING JUDICIAL PROCEEDINGS

“Divo Naselje” – COC 127/15

The hearing scheduled for 10.07.2017 was postponed for 20.07.2017, at the request of the prosecution

At the hearing on 20.07.2017 on the case "Divo Naselje" the public prosecutor first specified the indictment. Thereafter, the procedure was continued with the closing statement by the public prosecutor in which he referred to each defendant individually by listing all the evidence that the prosecution possesses against the accused, who are charged with committing the criminal acts of Terrorism and Terrorist Organization according to the Criminal Code of the Republic of Macedonia. The hearing when the closing arguments will be given will continue on July 28, 2017 at 9.30 am.

At the hearing on 28.07.2017 from the case "Divo Naselje" Case, the public prosecutor proceeded to give his closing statement. In his closing arguments he said that that it was undisputedly established that the defendants were perpetrators of the crime in accordance with the evidence brought by the public prosecutor's office against the defendants, and he asked from the court to find them guilty of the offenses

²⁰ <http://ustavensud.mk/domino/WEBSUD.nsf>

²¹ http://www.pravda.gov.mk/novost_detail.asp?lang=mak&id=1372.

²² http://sud.mk/wps/wcm/connect/ssrm/64671434-2331-4bc3-8fba-f58f15f89cdc/IZVESTAJ+ZA+RABOTATA+NA+SSRM+2016.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8_CC1J41L0B520APQFKICD0CR4-64671434-2331-4bc3-8fba-f58f15f89cdc-IQIFXWY



they were charged with and punished according to The Criminal Code of the Republic of Macedonia, leaving the length of the sentence up to the court to determine."

Then the proxy of the damaged party stated that he fully joins the closing arguments of the public prosecutor, and asked the court to punish the defendants, and to bring them to the litigation for the legal claim. The court informed the attendees that at the request of the defense for preparing the closing words and due to the annual holidays, the next hearings will be held on 30 and 31.08.2017, and in September on 12, 14, 18, 20, 22, 26 and 28.09.2017.

Separate proceeding "Divo Naselje" COC-95/16

At the hearing held on 19.07.2017, an examination of the defendant in the capacity of a defense witness was conducted. The questions in the direct interrogation were very general, and in fact the defendant himself had to narrate. The cross-examination by the PPO will be carried out at the next hearing scheduled for 27.07.17 at 10:00 am, because the prosecutor had too many questions and would not have been able to pose them all before the end of the working hours of the court.

At the hearing held on 27.07.2017, the evidentiary proceedings and cross-examination of the defendant by the PPO and the court continued. The next hearing was scheduled for 11.09.2017.

"Tvrđina 2" C - 1905/16

The trial on 03.07.2017 was relocated to a courtroom where there were no conditions to hold a trial. Consequently, at the request of the defense, the trial was immediately postponed for 05.09.2017.

"Mariglen" - C 127/16

The hearing scheduled for 11.07.2017 was immediately postponed because the prosecution had not taken the evidence from the judge, which was, on the other hand, moved to another department according to the new schedule in the Primary Court Skopje 1 Skopje. The trial will continue on 10.10.2017.

"ERASMUS" – COC 115/16

The trial scheduled for 03.07.2017 was closed to the public because a protected witness was being examined. It was postponed for 29.08.2017, at 10 am.

II FIGHT AGAINST CORRUPTION

Coordinative meeting of the Minister of Justice with regards to the GRECO recommendations

On 17.07.2017, a coordinative meeting regarding the realization of the recommendations of the Group of States Against Corruption - GRECO of the Council of Europe from the fourth round of evaluation was held at the Ministry of Justice, on the topic: "Corruption Prevention in respect of members of parliament, judges and prosecutors", which apart from the Minister of Justice, Bilen Saljii, was also attended by Aneta Arnaudovska, Head of the Delegation of the Republic of Macedonia in GRECO, the President of the Judicial Council, the President of the Association of Judges, the President The Association of Public Prosecutors,



the President of the State Commission for Prevention of Corruption, a representative of the Assembly of the Republic of Macedonia and representatives of the competent departments of the Ministry of Justice.

The participants at the meeting informed about the activities undertaken for the purpose of further realization of the recommendations that GRECO, in the First Compliance Report for the Republic of Macedonia - Fourth Round, found to be unfulfilled or partially fulfilled. Considering the fact that GRECO, in the abovementioned report, set January 31, 2017 as a deadline for the implementation of the recommendations, information on the situation and institutions' plans in this direction for the forthcoming period were also exchanged²³.

III FUNDAMENTAL RIGHTS

Rule of law

In the course of July, in the area of the rule of law, several activities were undertaken that arose or followed up on the "3-6-9" plan of the Government of the Republic of Macedonia. First of all, the ruling SDSM party, at a press conference held on July 25, 2017, once again emphasized the importance of the judicial reforms covered by the aforementioned government plan, which will be "implemented in accordance with the best European practices, provide professional and independent judiciary, free from any party pressures and controls." The ruling SDSM reminded that: "The rule of law is a top state and national interest (...)"²⁴ In the direction of this government's commitment to the rule of law in Macedonia, a meeting was held between the Deputy Minister of Justice Oliver Ristovski prosecutor and legal advisor at the US Embassy in Skopje, **Ray Wuss**. At the meeting it was stressed that the cooperation between the United States and Macedonia should continue in the future, "especially in the processes of strengthening the rule of law, strengthening the independence of the judiciary and restoring the citizens' confidence in the institutions of justice."²⁵

On July 17, 2017, the President of the Supreme Court of the Republic of Macedonia, Jovo Vangelovski met with the group of senior experts on systemic rule-of-law issues led by Reinhard Priebe. At the meeting they discussed the current situation in the judiciary and the draft measures for the implementation of the judicial reforms prepared by the President of the Supreme Court in order to achieve the concept of an independent and impartial judiciary as a guarantor of democracy and the rule of law fostering the protection of human freedoms and rights.²⁶

At the same time, Priebe had a meeting with the judges of the Constitutional Court, where they discussed the current situation in the constitutional judiciary and the draft measures for improving the work of the Constitutional Court, as protector of the Constitution as the highest legal act in the country.²⁷

²³ http://www.pravda.gov.mk/novost_detail.asp?lang=mak&id=1371.

²⁴ <http://sds.org.mk/News.aspx?idNews=9353&lng=1&cat=3>

²⁵ <http://www.akademik.mk/vladeeneto-na-pravoto-i-sudskata-nezavisnost-vo-fokusot-na-sredbata-ristovski-vuds/>

²⁶ <http://bit.ly/2uFTkKO>

²⁷ <http://ustavensud.mk/domino/WEBSUD.nsf>



In July, the Ministry of the Interior had an activity stemming from the "3-6-9" government plan, whereby a working meeting was held with the members of the working group (which included representatives from the Ministry of Interior, the Ministry of Justice, the Public Prosecutor's Office of The Republic of Macedonia, the Ombudsman, a Supreme Court judge, representatives of the expert and scientific public) formed within the Project of the Council of Europe "Strengthening the respect of human rights in police procedures". The purpose of the meeting was the adoption of a model for external control of the police, which will upgrade the already existing mechanism - the Sector for Internal Control within the Ministry of Interior. As pointed out at the meeting, this model should respond to "the need to establish independent, efficient and timely mechanisms for control of the work of the police, established in a multitude of documents and reports, such as the European Court of Human Rights, the Council of Europe, the European Commission, international organizations and national human rights non-governmental organizations." It will need to involve all employees who have police powers as well as the prison police, with particular emphasis on the need to determine the responsibilities of all stakeholders involved in the process of establishing the external mechanism.²⁸

The civil society also fulfilled certain activities in the field of the rule of law. On June 19, 2017, the Civil Society Organizations "Proposal for Urgent Democratic Reform"²⁹ was presented, a document prepared by several civil society organizations and experts that were part of an inclusive process (where a total of 146 people, i.e. 73 civil society organizations participated). The document incorporates the priority goals, measures and activities for the next 3, 6, 9 and 12 months in a wide range of areas, including the judiciary, the fight against corruption and the media, thus representing an upgrade to the initial document drawn up in July 2016.

Freedom of expression and media pluralism

In the section dealing with media, the Government "3-6-9" Plan also covers the requests for urgent reforms of the five associations/organizations and the Draft Law on Amending and Supplementing the Law on Audio and Audiovisual Media Services from March 2016 Year, which was the subject of analysis and drafting of recommendations by the Agency for Audio and Audiovisual Media Services, which submitted its views and opinions to the Ministry of Information Society and Administration.

The agency was visited by Reinhard Priebe and his team of experts, within the framework of the agenda for urgent reform priorities that emerged from the 2015 Recommendation Report. The meeting covered the topics of the functioning of the regulatory body after the entry into force of the Law on Audio and Audiovisual Media Services and the Law on Media, the political and financial independence of the Agency, its transparency, as well as the weaknesses in the media sphere and the need for their overcoming,

²⁸ <http://www.mvr.gov.mk/vest/4560>

²⁹ http://idscs.org.mk/wp-content/uploads/2017/07/Blueprint_2017_MK-01.pdf



especially with regard to the sanctioning of hate speech, compliance with the professional journalistic standards and providing conditions for the uninterrupted work of journalists.³⁰

The television station Kanal Vis from Strumica informed the Agency for Audio and Audiovisual Media Services that their journalistic team that followed the session of the Council of the Municipality of Novo Selo was not only impeded to perform its professional duty, but was also exposed to verbal attacks. The agency condemned these forms of pressure and insults against the journalists and media workers and called for respect for both the dignity of the journalistic profession and the personal dignity of media professionals and reminded that the provision of conditions for uninterrupted operation of the media is a necessary prerequisite for the functioning and development of a Democratic society.³¹

At the same time, the Agency condemned the incident in the municipality of Cair, where a crew of journalists from TV Shenja was exposed to threats by people who claimed to be supporters of a political party.³²

Ombudsman

In July, the Parliamentary Committee on Financing and Budget reviewed the changes and amendments to the budget of the Republic of Macedonia, which according to the Ombudsman Ixhet Memeti will further weaken the role of the Ombudsman, having in mind that this institution has a lawfully established independence which can only be possible if it is allocated adequate funds from the budget of the Republic of Macedonia. At the hearing, Memeti also raised the issue of new employments in the Ombudsman's office, that neither funds have been provided for in the budget rebalance, nor is there an approval for those new employments so that the funds available on the account of the Ombudsman could be used up.”³³

The Ombudsman also had a meeting with Priebe, whereby the conversation revolved around the topic of ensuring independent functioning and continuous support of the institution, especially in light of the changes envisaged in the new Law on the Ombudsman and the obligations arising thereof.³⁴

Discrimination

³⁰ http://avmu.mk/index.php?option=com_content&view=article&id=3312%3A2017-07-21-07-44-51&catid=171%3Anastani&Itemid=504&lang=mk

³¹ http://avmu.mk/index.php?option=com_content&view=article&id=3315%3A2017-07-26-09-36-12&catid=88%3Asoopstenija-media&Itemid=313&lang=mk

³² http://avmu.mk/index.php?option=com_content&view=article&id=3308%3A2017-07-19-09-17-29&catid=88%3Asoopstenija-media&Itemid=313&lang=mk

³³ <http://sdk.mk/index.php/makedonija/narodniot-pravobranitel-veli-deka-ni-vo-rebalansot-nema-pari-za-pomokna-zashtita-na-graganite/>

³⁴

http://ombudsman.mk/MK/aktivnosti/241416/sredba_na_narodniot_pravobranitel_g_idzhet_memeti_so_evropskiot_ekspert_za_reformski_prioriteti_g_.aspx



On July 12, the Minister of Education and Science, Dr. Renata Deskoska, signed the decision on the proposal for the withdrawal of the textbook "Society" for the 4th grade of primary school by the author Biljana Zivkovic, after the Ombudsman established that the textbook contains discriminatory content. The complaint was submitted to him by 40 mothers living in single-parent families, extramarital and marital unions, in addition supported by eight more organizations, including the Coalition "Sexual and Health Rights of Marginalized Groups". She noted that "This exercise [which requires from the pupils to share information on the marital status of their parents, bring a picture from their wedding and indicate where the marriage took place], as it is set out in this textbook is discriminatory and disturbing against entire groups of parents and children who do not live in conventional marital relations and families ... and does not provide the opportunity for children from unconventional families and marital relationships to present the relationships in their family or home without anxiety and stigmatization, because marriage as a unit and a wedding as a way of celebration, are presented as the only "normal" communities and behaviors."

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After an outburst of public reactions was noted with regards to the discriminatory attitude of the Olympic pool "Centar" in Skopje against a person with a wheelchair who was prevented from accessing the pool, the Helsinki Committee for Human Rights reacted by providing free legal assistance and support to this case, and committing to undertake all the measures aimed at protecting the discriminated persons and continuing the struggle to enable full accessibility for persons with disabilities to all facilities. The Committee reminded that the Republic of Macedonia has ratified the UN Convention on the Rights of Persons with Disabilities, according to which the member states commit to undertake appropriate measures to ensure that the private entities that offer facilities and services which are open to the public take into account all the aspects of accessibility to the persons with disabilities. In addition, the discriminatory treatment was also established in accordance with the Law on Prevention and Protection against Discrimination, which stipulates that discrimination of persons with mental and physical disabilities can be established even in those cases when there is failure to undertake measures to eliminate the restrictions i.e. adjust the infrastructure and space for use of publicly available resources, or participation in the public and social life.³⁶

On July 27, the Macedonian Young Lawyers Association, KHAM Delcevo and the Helsinki Committee for Human Rights filed an initiative to organize a public hearing of the Standing Inquiry Committee on Human Rights on the issue of the restriction of the right to free movement and discrimination at the border crossings against the citizens of the Roma Ethnic community, in order to provide "concrete proposals and concrete initiatives to improve the legal framework in order to protect the already established rights and freedoms of the citizen, as well as overcome the systemic practice of racial profiling."³⁷

These organizations remind that in the period from 2011 to date, this discriminatory practice of the Ministry of the Interior has been established in a number of international reports of the United Nations and the Council of Europe, as well as in the reports and other activities of the national civic associations,

³⁵ <http://coalition.org.mk/narodniot-pravobranitel-utvr-di-diskriminatoraska-sodrzhina-vo-ucbebnikot-opshtestvo-za-4-to-oddelenie/>

³⁶ <http://www.mhc.org.mk/announcements/614?locale=mk#.WYNKJoiGPiV>

³⁷ <http://www.mhc.org.mk/announcements/617?locale=mk#.WYNKJiiGPiV>



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Овој преглед го подготвуваат членките на Мрежа 23+, која дејствува во областите покриени со Поглавјето 23 од пристапувањето во Еу правосудството и темелните права.



and that so far 50 complaints have been filed for determining the right to equal treatment at border crossings, whereby, after the adopted negative court decisions, 7 applications were also submitted to the European Court of Human Rights for violation of the right to equal treatment of the Macedonian Roma citizens by the Republic of Macedonia.