

SPECIAL REPORT



1.5m

ON THE SITUATION WITH



1.5m

HUMAN RIGHTS

1.5m

DURING COVID-19



British Embassy
Skopje



IMPROVED
PRODUCTIVITY
THROUGH
BETTER LABOUR
LEGISLATION
IN MACEDONIA

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ПРЕВЕНЦИЈА ОД ШИРЕЊЕ НА ВИРУСОТ КОВИД-19



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ХЕЛСИНШКИ
КОМИТЕТ ЗА ЧОВЕКОВИ
ПРАВА НА РЕПУБЛИКА
МАКЕДОНИЈА

INTRODUCTION

The COVID-19 virus pandemic has caused global effects on a scale incomparable to any other event in human history. The fast-growing health crisis, which hit almost every country in the world, is causing unforeseeable economic and social consequences, from which humanity is yet to recover. Given the seriousness and uncertainty of the events, many governments, including ours, considered it necessary to declare a state of emergency in order to properly address the dangers and harms of the new coronavirus. And since in times of a state emergency the Government can take action beyond what would normally be allowed, it also meant an alarm for the vigilance of human rights defenders.

After the President of the Republic of North Macedonia had signed the regulation declaring a state of emergency on March 18 2020, the Helsinki Committee **publicly stated** that the state of emergency must in no way be an excuse for the competent authorities to violate human rights.

The Committee stressed that the measures to be taken must not deviate from the obligation to protect the most vulnerable categories of citizens and that human rights and freedoms must be considered. The state is responsible for providing and protecting human rights and as must not arbitrarily impede the enjoyment of human rights or arbitrarily restrict human freedoms during a state of emergency. The Helsinki Committee also advised that in accordance with domestic and international standards, the restriction of rights and freedoms must in no case be discriminatory on grounds of sex, race, colour, language, religion, national or social origin, property or social status. Arbitrary interference would be contrary to the public interest and the common good, and government-issued regulations would be contrary to international law.

Even before the state of emergency was declared, the Helsinki Committee reorganized its work in accordance with the recommendations for

prevention of the Ministry of Health. We have provided uninterrupted service for free legal aid for citizens via phone and e-mail, leaving the opportunity for direct meetings in case of emergencies. And as restrictions on freedom of movement and the economic crisis meant an inevitable blow to human rights, the Committee

This report is based on the data recorded by the Committee in the daily communication with citizens seeking legal aid, on the analysis of the effects of the adopted government regulations in this crisis period, as well as on the regular monitoring of the situation in individual areas.



focused on monitoring labour rights, the rights of vulnerable and marginalized groups, and those deprived of liberty during a pandemic. In addition, the organization was continuously active through the networks in which it is a member, and during the past period, it supported the joint initiatives for protection of workers.

The health crisis is far from over, and the economic and social crisis will intensify with each passing day of uncertainty and imposed restrictions. Hence, we hope that this special report will serve as a guideline in the further action of decision makers because it precisely determines whose rights have suffered the most in the past critical period and where urgent and effective intervention should be made so further damages can be prevented.



10 MARCH - 30 JUNE

Free legal aid

197

Cases

2723

Workers

1

Employers

Gender statistics

39.09%

Male

Female
60.91%

Cities



Most common violations

	Reports ¹	Workers ²
Layoffs	44	460
Coerced settlements	39	323
Other violations	38	38
Unpaid salaries and/or salary cuts	35	912
Violation of government measures ³	23	1022
Coerced use of annual leave and/or unpaid leave	12	12
Non-renewal of fixed-term contracts	10	10
Non-renewal of fixed-term contracts of pregnant workers	6	6

¹ The total number of reports/workers shown here is greater than the number of registered cases/scope of workers since some cases refer to more violations simultaneously.

² Workers file reports for themselves, but a violation can consist more workers.

³ The measure for releasing of the (temporarily) ill workers, pregnant workers, and parents with children who are under ten years of age and the measure for organizing the work process in accordance with the recommendations of the Ministry of Health (isolation, disinfection).

Legal advice



- Advising workers not to sign settlements.
- Workers to file complaints about termination decisions.
- Workers to use protective mechanisms, primarily the State Labour Inspectorate.
- Clarification of the Government's measures for workers.
- Advice on the benefits in case of unemployment.
- Workers to file criminal charges for violations of employment rights.
- Workers to reject verbal layoffs due to deficiency in terms of the form and content of the dismissal, the manner of delivery, and the reasons and obligation to prove it.
- Other legal information on the exercise and protection of workers' rights.

LABOUR RIGHTS

The coronavirus caused a health crisis, but a labour one as well.

Workers were the first to be hit after the state of emergency was declared because they had to deal with the consequences of the coronavirus. The crisis for them meant a struggle to preserve their own health and the health of their loved ones, but also a struggle to save their existence.

Right after the declaration of the state of emergency, we witnessed gross violations of labour rights, whose number was increasing daily. During the crisis, the Helsinki Committee continued to provide free legal aid to all workers.

In the period from 10th March to 15th May, 152 cases labour rights violations¹ were reported to the Committee, affecting 2481 workers.²

¹ The description of the cases, divided into four periodic reports in the form of an infographic of two weeks, is available at the following link: <https://mhc.org.mk/specijalni-izvestaji/>.

² The scope of employees is defined based on the number of employees affected by the reported violation.

Laying off a large number of workers and forced settlements

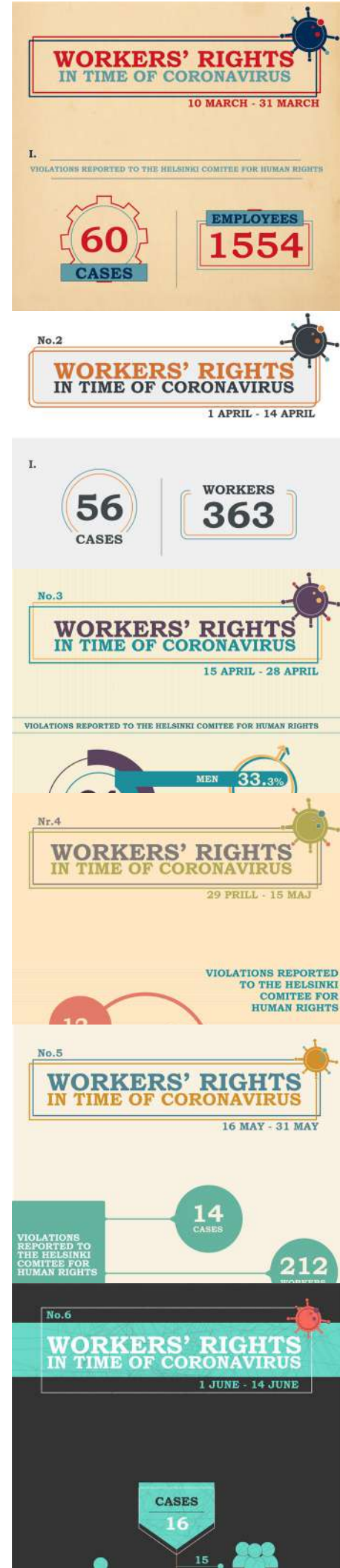
The employers immediately started with mass layoffs, i.e. termination of their employment contracts, and 37 such cases were reported to our organization, which referred to approximately 453 workers³. The reduced workload was the reason why some of the employers, without notifying the workers at all, terminated their employment contracts due to business reasons. In a few cases, workers were only verbally informed not to come to work without being notified in writing.

Employers, where they could, influenced their workers to sign settlements to terminate their contracts. Some workers had their contracts terminated by forging or by using their signatures previously placed on blank pieces of paper. Involuntarily, 321 workers in 35 cases signed settlements for termination of their employment. By doing so, they were denied any access to a protective mechanism and they remained to struggle for survival on the margins of society.

Furthermore, to avoid the use of protective legal mechanisms in the event of layoffs, there were frequent reports of cases where certain employers offered their permanent workers to sign new fixed-term employment contracts. Those, on the other hand, who were already employed with fixed-term employment contracts, were among the most vulnerable workers. In 12 cases, their employment contracts were not extended, including pregnant workers, who lost their right to maternity leave due to the new situation.

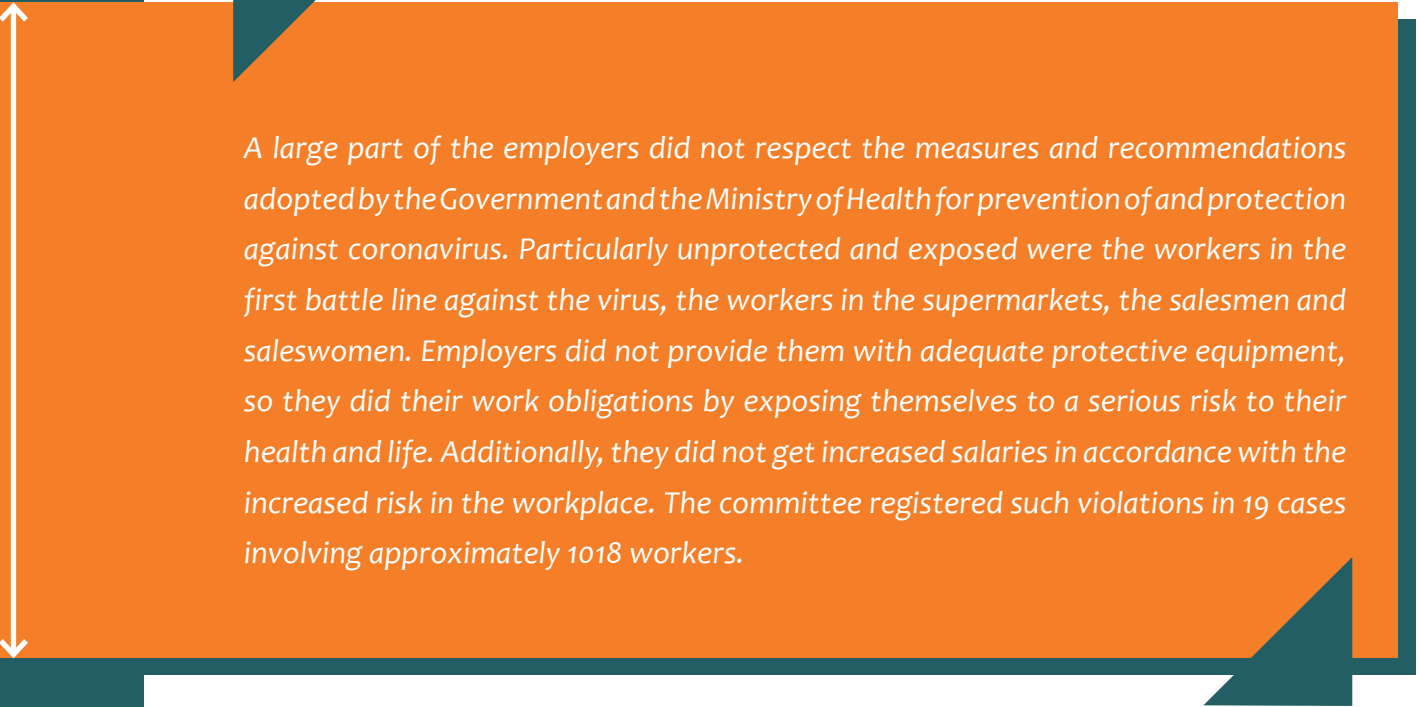
Difficulties at work, especially in sectors such as catering, tourism, clothing and footwear, trade, and the like, were the reason why the salaries of thousands of workers were reduced, and some of them did not even get their salary. In the Committee alone, 24 such cases were registered, affecting almost 702 workers.

³ The obtained data are a sublimation of the periodic reports which will be subject to more detailed analysis below in the text.



The measures adopted by the Government proved difficult to be put into practice

Those workers who were freed from work obligations, according to the measures adopted by the Government⁴, were not spared as well. The chronically ill, the pregnant workers, and the parents of children younger than 10, who were relieved from work, faced 50% reduced wages. In addition, the Committee registered cases in which employers did not exempt the workers who fall into this category.



A large part of the employers did not respect the measures and recommendations adopted by the Government and the Ministry of Health for prevention of and protection against coronavirus. Particularly unprotected and exposed were the workers in the first battle line against the virus, the workers in the supermarkets, the salesmen and saleswomen. Employers did not provide them with adequate protective equipment, so they did their work obligations by exposing themselves to a serious risk to their health and life. Additionally, they did not get increased salaries in accordance with the increased risk in the workplace. The committee registered such violations in 19 cases involving approximately 1018 workers.

The first two weeks after the declared state of emergency were the most critical, when the largest number of violations of workers' rights were registered, i.e. 60 cases involving approximately 1554 workers.⁵ In May, the number of reported cases decreased to 12. In the period from 10th to 31st March, most violations were registered - 375 workers were laid off, compared to the first half of April when 67 workers⁶ were laid off.

⁴ The categories of workers who were relieved from work in accordance with the measures adopted by the Government are available at the following link: <https://koronavirus.gov.mk/merki/mtsp>.

⁵ Biweekly report on the state of labour rights during the coronavirus for the period from 10th to 31st March 2020, available at: <https://mhc.org.mk/wp-content/uploads/2020/03/1-infographic-mkd.pdf>.

⁶ Biweekly report on the state of labour rights during the coronavirus for the period from 1st to 14th April 2020, available at: https://mhc.org.mk/wp-content/uploads/2020/04/2_infographic_mk-1.pdf

The number of layoffs continued to decline, with a total of 11 laid-off workers ⁷ registered between mid-April and mid-May. The number of forced settled terminations of employment contracts also decreased, and while 53 workers voluntarily reported that they had signed such agreements in March, in May this number was reduced to 3 workers. The same trend applies to the violation of the measures adopted by the Government and the Ministry of Health, reports that fell from the 1007 workers to a case of only 1 worker. The decline in numbers is likely due to the strong pressure from the public, unions, and the civil society sector. However, the work of the State Labour Inspectorate had a great impact, which, besides its particularly increased workload, showed professionalism and efficiency in conducting inspections of employers and determining violations of labour rights.

As time went on, only the trend of salary cuts or non-payment continued to increase. While in the first weeks a total of 3 reports of such violations were registered, covering approximately 102 workers, in the second half of April this number increased to 538 workers. Employers justified the said violations of labour rights by illegally invoking the institute of «force majeure».

The gender dimension of the labour crisis

Almost two thirds of all cases are female workers, which is why we cannot help but conclude that the crisis has acquired a gender dimension. This is because most of the employees in the most affected sectors by the crisis, such as catering, clothing and footwear stores, and hairdressers and beauty salons, are women. It is inevitable to be mentioned the fact that women more often establish employment with a fixed-term employment contract, unlike men, so due to the crisis, to a large extent their contracts were not extended by their employers.

The Helsinki Committee repeatedly urged and advised workers not to sign agreements to terminate employment contracts, and the Committee assisted those workers who received written termination letters in submitting complaints to their employers. Workers were advised to use protective mechanisms, such as the State Labour Inspectorate, in the event of a breach of their rights, and in one case the Committee advised them on the possibility of filing criminal charges against the employer for breach of employment rights. In addition, the workers were explained the measures and recommendations adopted by the Government and one of the most common questions was about the conditions and manner of exercising the right to monetary compensation in case of unemployment.

⁷ Biweekly report on the state of labour rights during the coronavirus for the period from 15th to 28th April 2020, available at: <https://mhc.org.mk/wp-content/uploads/2020/04/info-3-mk.pdf> and for the period from 29th April to 15th May, available at: <https://mhc.org.mk/wp-content/uploads/2020/05/infografik4-mk.pdf>.

⁸ The data show that there are more women employed in the category “Other service activities” than men. State Statistics Office, MAKStat-database “Employees according to employment, by the National Classification of Occupations Rev. 2, by gender, by age”.

⁹ In 2018, 28% of women had fixed-term employment contracts, unlike men who in 23.9% of cases had such contracts. Source: State Statistics Office, MAKStat database “Employees by employment, by the National Classification of Occupation Rev. 2, by gender, by age”.

Regulations on the application of the Law on Labour Relations

During the state of emergency, the Government of the Republic of North Macedonia adopted two regulations with legal force for the implementation of the Law on Labour Relations.

During the state of emergency, the first Regulation with legal force for the implementation of the Law on Labour Relations was adopted on 2nd April 2020. This Regulation extended the deadline for workers to go back to work in cases where workers were prevented from working or could not do their work obligations in cases provided by law, such as workers who used sick leave. The regulation also amended the use of the holiday of the workers in the private sector covered by the temporary measures for protection and expansion of COVID-19. According to the changes, workers in this group will have to use the unused annual leave for 2019 until the end of May 2020, and the part of the annual leave for 2020 (two uninterrupted working weeks), until the end of June 2020. The last significant provision of this regulation stipulates that the absence from work of a worker due to pregnancy, childbirth and parenthood, and adoption continues to run, and the payment of salary continues until the end of the temporary measures for protection against spread and prevention of COVID-19.

The second Regulation with legal force amending the regulation with legal force for the application of the Law on Labour Relations during the state of emergency was adopted on 1st May 2020. This regulation stipulates that workers who have been unregistered from the compulsory social security system by their employers must return to work. This provides an opportunity for a settlement between employers and workers deregistered from the compulsory social security system in the period from 11th March 2020 to 30th April 2020 to return to work. The regulation also stipulates the process for concluding the settlement, return of the deregistered workers in the compulsory social system and their registration in the Employment Service Agency.

Female textile workers

With the introduction of the state of emergency and the adoption of new measures and regulations concerning labour rights and the regulation of the work process, there was a great fear among female textile workers of the spread of the virus. Through the paralegal aid, there were reports from the female textile workers on daily basis who expressed their revolt because they considered they were discriminated against because the process of introducing work from home in other sectors had started. While most companies reduced working hours and took protective measures for workers, female textile workers remained at increased risk of spreading the virus in the manufacturing plant, where at the beginning of the state of emergency there were no changes or intensified protection measures. This also applied to the buses and their transportation to work.

At the beginning of the state of emergency, there was no special regulation and measures to regulate the work process in the production plants, so workers and employers faced a problem - lack of information. Several of the dilemmas that emerged were in regard to workers wearing masks in the workplace, whether and how to disinfect production plants, how to organize the work process, and the like. For that reason, the Helsinki Committee together with Glasen Tekstilec Association on 17th March 2020 held a coordination meeting on local level with the Mayor of Shtip, Blagoj Bocharovski, employers from several carriers for textile workers, representatives of the State Sanitary and Health Inspectorate (SSHI) and the Director of the Public Health Centre (PHC). At the meeting, the problems

both female workers and employers face were presented. The representatives of SSHI and PHC proposed measures that were supposed to be taken by employers and it was agreed that the mayor should ask for unified guidelines and measures that every employer in the private sector should follow in the workplace. Immediately after this meeting, at a session of the Government, conclusions and measures were adopted on the manner of organization of the work process as well as protective measures in the workplace.

During the months of March and April, the Helsinki Committee registered an increased volume of violations of the labour rights of textile workers. In these two months, 146 cases of labour rights violations were registered. Most of the violations were related to improperly organized transportation, where the buses were carrying an a large number of female workers without reduced number of passengers and adequate distance, inadequate distance inside the production plants and forced «settlements» to terminate employment contracts. Many employees with fixed-term contracts did not have their employment contracts extended, so they needed legal aid to exercise their right for a compensation while being unemployed. The chronically ill were not given released from work and, also, needed legal aid for the application and the manner of submitting appropriate documentation to the employer so they can be relieved from work.

The efficiency of the State Labour Inspectorate

During the state of emergency, the Helsinki Committee submitted 15 requests for an extraordinary inspection for violation of the labour rights of textile workers:

- » 6 requests for an extraordinary inspection for not providing an organized transport to work during a curfew in accordance with the measures adopted by the Government, for not providing safe distance of 2 meters in the workplace, and for not disinfecting the work space;
- » 4 requests for an extraordinary inspection for payment of a lower salary than the legally determined one;
- » 1 request for an extraordinary inspection for non-compliance with the recommendations of the Government for temporally relieving a parent of a child who is under the age of 10;
- » 1 request for an extraordinary inspection for collective layoffs;
- » 1 request for an extraordinary inspection for signing blank holiday leaves;
- » 1 request for an extraordinary inspection for unreported work on a public holiday and
- » 1 request for an extraordinary inspection for unpaid salaries.

In 14 of the submitted requests for an extraordinary inspection, the State Labour Inspectorate found labour rights violations and instructed the employer to eliminate them, and for 1 of the initiated procedures, we still have no answer.


Taking protective measures for workers

On 21 March 2020, the Helsinki Committee demanded urgent measures to be taken against layoffs during the crisis since ground research showed there were already strong indications that certain employers were abusing the state of emergency¹⁰. Announcements of terminated employment contracts for entire groups of employees or significant salary cuts were made and many workers were left without their income for basic necessities. Because of this, the Helsinki Committee, together with a dozen trade unions and civil society organizations, submitted a set of requests to the Government and specific proposals on how each of these requests can be easily implemented¹¹.

The measures adopted by the Government throughout the period seemed belated and the declarative protection of labour rights in practice was often reflected in ineffective measures and contradictory policies

¹⁰ Available at: <https://mhc.org.mk/news/itno-da-se-prezemat-merki-protiv-otpushtanja-od-rabota-dodeka-trae-krizata/>.

¹¹ Available at: <https://mhc.org.mk/news/baranja-do-vladata-za-zashtita-na-rabotnicite-i-siromashnite/>



in dealing with the labour market crisis. Such was the case with the process of amending the Regulation with legal force for financial support of employers from the private sector in order to enable employers who use financial assistance from the state to lay off employees. Then it turned out that the Government of the Republic of North Macedonia not only did not listen to the proposed requests, but quite the opposite, significantly worsened the situation by changing the Regulation again. On 29th April 2020, the Minister of Finance, Nina Angelovska, announced that companies that use state financial support for salaries will be allowed to lay off up to 15% of their employees. The Helsinki Committee, together with several trade unions and civil society organizations that fight for the rights of workers and for a dignified life of workers, strongly opposed and condemned such an announcement by the Ministry of Finance and the Government of the Republic of North Macedonia. This change was particularly suspicious because the Government had previously amended this Regulation, shortening the deadline in which employers must not lay off workers from September to July, i.e. by two months.

In the end, the advocacy was successful because the Government withdrew the regulation and proposed new changes, aligned with trade unions and civil society organizations for protection of labour rights. According to the current phrasing of that Regulation, it is determined that the employer who will use financial support for salaries, must not have a reduced number of employees in April and May 2020, as well as in the two following month, until July 2020.

Finally, during the presentation of the third economic package, the Government presented the measure «Monetary compensation for all people who lost their jobs from 11th March to 30th April 2020» as compliance with the requirements of trade unions and civil society organizations. The Helsinki Committee, together with several civil society organizations and trade unions, ever since the beginning of the health crisis was pointing to the numerous abuses of «settled» terminations of employment contracts and extorted statements of termination of employment by workers. As a result, many workers and their families were left without any income and new employment opportunities during the state of emergency. With this measure, all people who lost their job, including those who terminated their employment through a written statement, through a settlement or a dismissal from the employer, will receive monetary compensation from the Employment Service Agency and this is undoubtedly a good start. The compensation covers at least 8000 workers whose livelihoods were seriously endangered because they were left without a single source of income.

However, the Government does not respect the agreement reached at the meeting on 30th April when it was agreed these people to be covered with the systemic insurance solution in case of unemployment, i.e. to receive compensation for a period of time that depends on their length of service, not only for 2 months. By not keeping its word and retreating from the initial decision, the Government showed how much it respects the workers and the trade unions as their representatives. In the coming period, we expect the Government to match this measure with the logic behind the Law on Employment and Insurance in case of unemployment, and the insurance period to be matched with the length of working experience instead of a lump sum of two months for all workers regardless of their experience.

DOMESTIC VIOLENCE

The warnings about the risk of increased cases of domestic violence, amid a large-scale crisis, started in March. Although there were insufficient official data for this relatively short period, initial statistics from countries where the virus had already spread significantly indicated a substantial increase in domestic violence. This was undoubtedly one of the negative effects associated with the restrictive measures to prevent and protect against the virus. The fact that countries were fully focused on protecting against the spread of the virus, inevitably contributed the challenges faced by many citizens who are already vulnerable to be neglected and brought about the difficulty of accessing certain services. At the same time, the redirection of a large number of funds towards the health system was at the expense of the access to certain rights and services, which affect numerous marginalized groups of citizens.

It is estimated 162 countries proposed self-isolation and distance measures,¹² forcing about 2.73 billion women worldwide to comply with home isolation measures . If we take into account that even in conditions when there is no crisis of this magnitude, the home is the most unsafe place for women (as indicated by statistics in our country) ¹³, so the vulnerability of women in their own home is expected to increase during the pandemic.

The restrictive measures that the Government of the RNM had been adopting daily since the beginning of the pandemic, including the recommendations for self-isolation, although considered the most effective way of prevention are still a serious factor in increasing the risk of violent behaviour in the home. In addition, the stress caused by job losses, the closing of kindergartens and schools, the uncertain financial situation, the existing health problems, are fertile ground for an increase in domestic violence. This does not necessarily mean an increase in the number of cases, but also a danger of intensifying the existing violence. In European Union countries, one in five women is a victim of domestic violence, and the risk is even higher for women living in households that have problems meeting basic existential needs .¹⁴

From the very beginning of the pandemic, the Helsinki Committee for Human Rights appealed to the institutions to act accordingly and in a timely manner on reports of domestic and gender-based violence in order to prevent their increase and fatal consequences. Providing support and encouragement to the victims to report the violence was especially important during this period because the experience in the field research shows that one of the most serious problems is when the victim do not report. The rate of reporting cases of violence is around 14% in Europe ¹⁵, while in our country only 2% of women who had

¹² Available at: <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/justice-for-women-amidst-covid-19.html>.

¹³ Available at: http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2013/11/Femicidi-mk.final_.pdf.

¹⁴ Available at: <https://eige.europa.eu/news/eu-rights-and-equality-agency-heads-lets-step-our-efforts-end-domestic-violence>.

¹⁵ Available at: <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/justice-for-women-amidst-covid-19.html>.

experienced violence from a partner reported it to the police¹⁶, which is a result of mistrust in institutions, impunity for perpetrators, but also fear and shame, and proof that victims themselves are not always able recognize violence.

In terms of domestic violence reporting services, during the isolation period victims were able to report violence to the National Free Mobile SOS Hotline for Victims of Domestic Violence, which provides 24-hour confidential information on victim protection, available services, and telephone victim counselling, as well as to the nearest Police Station or the responsible Centre for Social Work. The free legal aid service of the Helsinki Committee was available to the victims every working day, part-time, by telephone, as well as by e-mail.

On 9th April 2020, the National Network against Violence against Women and Domestic Violence, of whose member is the Helsinki Committee for Human Rights, submitted a Request for amendment to the Government of the RNM of the decision banning the movement of citizens throughout the country¹⁷, in order to adopt measures that will make an exception to sanctioning women victims of violence and their children who leave the home due to the threat and direct risk of violence. Shortly after submitting the request, the Ministry of Internal Affairs issued a statement¹⁸, informing that victims of violence will be able to move freely to the nearest police station during curfew or, if they need medical assistance, to the nearest health facility, i.e. they did not need a special movement permit for these needs.

On 13th April 2020, the Network submitted an official Request for imposition of urgent

¹⁶ Available at: <https://www.osce.org/mk/secretariat/424409?download=true>.

¹⁷ Available at: <https://mhc.org.mk/news/baranje-dovlada-na-rsm-za-dopolnuvanje-na-odlukata-za-zabrana-za-dvizhenje-na-graganite-vo-celata-teritorija-na-drzhavata/>.

¹⁸ Available at: https://mvr.gov.mk/vest/11716?fbclid=IwAR22dRPTvDTbXfoYH_G93_i2vY21o4tz0qHkt-1l3qy7-U8A14EZgBFnWKO.

Поради моменталната ситуација со вирусот COVID-19,
повеќето луѓе треба да останат дома.

За многу жени и деца домот не е безбедно место и претставува
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measures for protection of women and children victims of domestic violence during the state of emergency to the Government of the RNM ¹⁹ with proposed measures whose adoption would provide adequate protection of victims of violence in accordance with the new conditions. The request specifically pointed out the risks specific to domestic violence and contained a proposal for urgent measures on dealing with violence, as well as development of a protective system for dealing with cases of domestic violence after the end of the pandemic.

During the state of emergency in the country, the Helsinki Committee for Human Rights registered a total of five reports of domestic violence, which does not indicate an increased trend of cases. According to the statistics of the Ministry of Internal Affairs and the Ministry of Labour and Social Policy in our country, there is no increase in the number of cases of domestic violence compared to the same period last year. On a weekly basis, the single increase was recorded only in the first week of April, while during the remaining weeks the cases of domestic violence were stagnant. ²⁰ Compared to many countries in Europe, globally as well, where the increase in domestic violence since has reached over 25% ²¹ the beginning of isolation, we have reason to believe that the data confirm the long-standing problem where victims do not report violations, but also the inappropriate way of recording crimes and keeping gender-based statistics. Another reason for this number is the inadequate way of qualifying cases of domestic violence which are often treated as violations against public order and peace instead of as crimes. The information from the Ministry of Internal Affairs claims the same, according to which some of the victims who reported a case to the police later withdrew it; hence, a decrease in the number of crimes and misdemeanour crimes of domestic violence was registered in this period. ²²

In cases where domestic violence remains unreported or the relevant institutions do not provide adequate protection to the victim, the likelihood of the violence escalating into femicide increases. Femicide, or the murder of a woman because she is a woman, as the most serious form of violence against women, is one of the leading causes of premature death among women globally. According to research in our country²³, in more than 80% of cases, the murder took place in the shared home or if a divorce proceedings were initiated, in the home of the victim's parents, and in most cases the murder was committed by a current or former partner. In the past period, the media reported on two murders of women by an intimate partner, in Aracinovo²⁴ and Skopje²⁵. Considering that in our country femicide is not recognized as a separate crime in the Criminal code and qualifies as a more serious form of murder, when committed while committing domestic violence, the lack of statistics on femicides remains problematic and the most common source of unofficial statistics are reports and, as in this case, media data.



19 Available at: <http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2020/04/Itni-merki-za-zashtita-na-zhenite-i-detsata-zhrtvi-na-semejno-nasilstvo-vo-kriza.pdf>.

20 Available at: <https://bit.ly/2GQbYLE>.

21 Available at: <https://bit.ly/3hsro6Y>.

22 Available at: <https://bit.ly/2RICD56>.

23 Available at: http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2013/11/Femicidi-mk.final_.pdf.

24 Available at: <https://36ostepeni.mk/ubistvo-vo-aracinovo-edno-litse-privedeno/>.

25 Available at: <https://bit.ly/2RqqcVy>.

With the ratification of the Istanbul Convention, the Republic of North Macedonia has undertaken the obligation to criminalize any intentional act of physical violence against another person regardless of the context in which it occurs, and the term «physical violence» refers to bodily injury as a result of direct and unlawful force, including violence resulting in the death of the victim. Our country undertook the obligation to standardize our legislation with this convention, so it started preparing the Law on Prevention of and Protection from Violence against Women and Domestic Violence; representatives of the Helsinki Committee also participated in the preparation of the Law. This law was expected to be adopted by the end of 2019, but due to the scheduling of early parliamentary elections, it was not put to a vote in Parliament, and with the crisis caused by the pandemic, its adoption was further delayed.

In this period, it was of particular importance to find new and creative solutions to support and protect victims, so violence and its fatal consequences can be prevented. Given the limited opportunities to report domestic violence in situations where most of the time the partner is at home and movement outside the home is reduced to a minimum, many countries have introduced alternative ways of reporting domestic violence by using existing tools - via social media, SMS, WhatsApp, but also developing new free applications, sending messages to locate victims via GPS, as well as the use of secret codes when visiting pharmacies and shops.²⁶

With the beginning of the period of isolation, the Ministry of Labour and Social Policy warned about the risk of increased domestic violence by sharing contacts from the services for reporting and support of victims, and during the month of May a campaign was launched for reporting domestic violence in a state of emergency²⁷. However, despite the submitted proposed measures, except the measure for to file a report at any time during the curfew, the state failed to implement any creative solutions - neither to prevent violence, nor to facilitate filing a report.

Additionally, on 9th April, the Government of the RNM adopted a decision²⁸ to reallocate 5 million MKD from the gender equality programme of the Ministry of Labour and Social Policy, intended to support the civil sector, which is a major driver in the field of prevention of and protection against domestic violence. Bearing in mind that in this period it is extremely important to support the activities for reducing the negative consequences of the crisis on the basic human rights of women, such moves indicate that gender equality is not a priority in the state system.²⁹

²⁶ Available at: <https://bit.ly/2Zwl45x>.

²⁷ Available at: <https://bit.ly/3hu1Vsc>.

²⁸ Decision on redistribution of funds between the budget users of the central authority and among the funds (Official Gazette of the RNM no. 97/2020 of 9th April 2020).

²⁹ Available at: <https://bit.ly/3kgjgXz>.

VULNERABLE CATEGORIES

People at social risk

The latest data from the State Statistics Office from 2018 show that as much as 21.9% of the country's population lives in poverty,³⁰ and the United Nations released a Report³¹ stating that the coronavirus crisis this year could lead 34 million people worldwide to extreme poverty. In an effort to minimize the damage and help those at risk, governments around the world have faced a double challenge: tackling the epidemic, but also taking appropriate measures to protect the most vulnerable. The International Labour Organization in the period from 1st February to 17th April registered 548 adopted measures for social protection in 108 countries.³²

In our country, mass layoffs, cuts, or non-payment of salaries to thousands of workers have left many households with drastically lower or no income at all, and this crisis has only further exacerbated pre-existing inequalities. The Government of the RNM announced that for the months of April and May 2020³³, a quick entry into the system of social protection is provided for the households left without any income. Namely, these people could use the right to guaranteed minimum assistance after assessing their total average income from the last month, and not from the last three months as provided by the Law on Social Protection. The Government adopted a Regulation by which 30,000 social protection beneficiaries received an additional amount of 1000 denars to cover part of the costs for energy consumption in the household for the months of April and May 2020. For the social protection beneficiaries who receive an energy allowance for the months from October to March,³⁴ this measure meant an extension of the said allowance for an additional two months.

Also, it has ceased to apply the condition for a statement for regular student status for payment of the education allowance for the third and fourth period of the 2019/2020 academic year. The payment of

30 State Statistical Office, "Laeken Poverty Indicators in 2018 - Definitive Data", available at: <<http://www.stat.gov.mk/PrikaziSooopstenie.aspx?rbtxt=115>>.

31 United Nations: "COVID-19 will reduce world economic output by \$8.5 trillion over the next three years.", available at: <<https://www.un.org/development/desa/en/news/policy/wesp-mid-2020-report.html>>.

32 International Labour Organization, "Responding to the COVID-19 Crisis in the Field of Social Protection: Responding to States and Policy Thinking", available at: <<https://www.social-protection.org/gimi/RessourcePDF.action?id=56044>>.

33 Government of the Republic of North Macedonia, Regulation with legal force on the application of the Law on Social Protection during the state of emergency ("Official Gazette of the Republic of North Macedonia" no. 89/2020).

34 Article 42 of the Law on Social Protection ("Official Gazette of the Republic of North Macedonia" no. 104/2019).

the educational allowance continued, in the amount of 700 denars per child in primary education and 1000 denars per child in secondary education, which meant that about 17,000 children continued to receive educational allowance.³⁵

The state has adjusted the administrative procedures for the existing beneficiaries of social protection rights, and among other things, extended the deadline for submitting the necessary documentation, performing health examinations, and inspection of the beneficiaries' homes. Although these measures were intended to facilitate the exercise of social protection rights of citizens at social risk, some of the persons who sought legal aid from the Committee informed us that while trying to do so, they encountered certain problems and inconsistencies.

The recommendations citizens to stay at home meant reduced movement, which also affected their access to institutions. Many of those citizens who wanted to comply with government measures and protect public health tried to contact the social work centres by phone, but for the most part, they were unavailable. Some of them decided to go to the centres in person, but at the same time they came across officials who did not help them at all in exercising their rights.

CPoor households living in substandard conditions are at the highest risk of catching coronavirus due to low or no income for personal hygiene items and disinfectants. Some of them do not even have access to water. The Ministry of Labour and Social Policy distributed hygiene kits to 400 families living in these conditions in the cities of Probistip, Tetovo, Skopje, Resen, Vinica, Sveti Nikole, Krushevo, Struga, Gostivar, Kriva Palanka, Valandovo, and Kumanovo. Among the vulnerable categories of citizens are single-parent families receiving guaranteed minimum assistance, most of which are women (95%), victims of domestic violence, as well as those victims who are placed in foster care. The Ministry in cooperation with UN Women provided 1860 food and hygiene packages for this category of citizens.

The third package of economic measures adopted by the Government to help the poor, the youth, and low-income households provides payment cards in the amount of 9000 denars for 100,000 citizens so they can purchase Macedonian products and services. This measure is available to all unemployed persons, job seekers who do not have more than 15,000 monthly income, as well as beneficiaries of guaranteed minimum assistance. The same group of citizens from the country received vouchers in the amount of 6000 denars for tourism. The Helsinki Committee, together with several trade unions and non-governmental organizations, reacted that the proposed measures should not differentiate between employed and unemployed people. Many employees did not get their salary during the crisis or were paid lower salaries, so being formally employed does not mean much to them. It was proposed the citizens who in the last 3 months had an income average lower than 15,000 denars per month to receive a one-time allowance of 9000 denars. Additionally, the use of the payment card was supposed to limited to

³⁵ Ministry of Labour and Social Policy, "The state looks after people who were part of the informal economy and lost their income - provides financial assistance to households and energy allowance for social protection beneficiaries", available at: <http://mtsp.gov.mk/covid-19-ns_article-drzavata-se-grizi-za-licata-koi-bile-del-od-neformalnata-ekonomija-i-ostanale-bez-prihodi-obezbeduva.nsp>.

such a short period of time, i.e. to be valid even after the citizens will not be able to use this social assistance and to leave them space to plan their expenses depending on their real needs. Hence, the Helsinki Committee considered that the most appropriate way would have been if the state directly gave financial support to the affected citizens.

Child protection - contact with a parent

The Committee on the Rights of the Child noted with concern that in the countries that have declared a state of emergency and quarantine as a result of the effects of the pandemic, many children (especially those in vulnerable situations) are severely affected physically, emotionally, and psychologically. In our country, it has not been paid much attention to an important aspect of the crisis - it is difficult for a child to maintain personal contact with the parent with whom they do not live. The Ministry of Labour and Social Policy **pointed out** that in conditions of a pandemic when the health and lives of people are at stake, parents have an obligation to take care of the health of their children and to adjust their movement in accordance with the recommendations adopted by the Government during a state of emergency and curfew. In these conditions, the Ministry referred to a mutual agreement between the parents of a child on how to maintain the contacts of the child with the parent with whom they do not live, but at the same time, children should not be exposed to the dangers of the pandemic. In addition, they informed that the centres for social work as competent authorities are open and available to parents to provide the necessary professional and advisory support in agreeing on how to maintain the relationship between parents and children.

In cases where the parents did not come to a mutual agreement for the child to see the parent not living with them, the centres for social work made that decision. Hence, to a certain extent, this recommendation of the Ministry is unsubstantiated, which instructs the parents to come to a mutual agreement on how they are going to see their child. For some of the parents who approached the Helsinki Committee, this was an additional challenge. Due to the impossibility to reach a mutual agreement and the fact that some centres for social work were unavailable (despite the commitment of the Ministry for their openness and availability of assistance), some of the children did not have contact with one parent for a long time. In this way, the competent institutions have failed in their obligation to always consider the protection of the best interests of the child.

Homeless people

The European Federation of National Organizations working with the Homeless has pointed to the fact that the homeless are a particularly vulnerable category in the context of the COVID-19 pandemic. They warned that staying in temporary or emergency accommodation (hostels, night shelters, etc.) puts them at high risk of contracting the virus and jeopardizing their access to personal hygiene facilities. In addition, homeless people face significantly more serious barriers to accessing health care, including access to testing for the presence of the virus, as well as access to public health information in general. In the case of getting infected with COVID-19, transmission among these people can be more difficult to control, which means that the protection of the homeless is an important element in dealing with the wider health crisis. Many of the measures aimed at the general population - self-isolation, staying at home, improving personal hygiene, maintaining social and physical distance - are not realistic solutions for the homeless.³⁶

The Ministry of Labour and Social Policy informed that the shelters in Skopje, Bitola, Strumica, and Struga, opened in cooperation with the Red Cross, are functional and in accordance with the recommendations of the Government, they distribute packed food, masks, and disinfection gels for the homeless. The Ministry informed that there is an additional medical centre in Momin Potok in Skopje, organized by the Red Cross, and that hygiene products are distributed to homeless families located in Vizbegovo. However, the competent institutions did not inform the public about the full treatment of the problems the homeless face. There was no information on providing appropriate conditions in which homeless people can take care of their personal hygiene. The institutions did not inform us at all about the implemented actions where they inform the homeless about the pandemic and its negative consequences, as well as about the way they can protect their own public health.

If the specific conditions of the homeless are not taken into account and if appropriate measures are not taken that will be directly aimed at their protection, this vulnerable category of citizens will be left out of the public policy responses to dealing with the pandemic.

The elderly

The risk of contracting the virus for the elderly, and especially for people with unstable health, is much higher and can more easily lead to the development of diseases and death.³⁷ The high risk of mortality caused by the virus in the elderly is shown by the statistics of the World Health Organization, according to which the mortality from the virus in people over the age of 80 is five times higher than the «normal» average.³⁸

³⁶ European Federation of National Organizations working with Homeless, “COVID-19: Staying at home is not an option for the homeless”, available at: <<https://www.feantsa.org/en/news/2020/03/18/covid19-staying-home-not-an-option-for-people-experiencing-homelessness?bcParent=26>>.

³⁷ Fundamental Rights Agency (FRA), ‘The coronavirus pandemic in the EU - fundamental rights implications’, available at: <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin_en.pdf>.

³⁸ UUnitaed Nations, “The impact of COVID-19 on the elderly”, available at: <<https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-The-Impact-of-COVID-19-on-Older-Persons.pdf>>.

In our country, the elderly, especially people over the age of 67, were one of the most severely affected citizens by the health risks posed by the pandemic, but by the restrictive prevention measures as well. The measures to restrict the movement adopted by the Government of the RNM, which were the strictest for this group of citizens from the very beginning, and which aimed at prevention and protection as people at greatest risk, proved to be unsuitable for the elderly. This is primarily due to the short time provided for their obligations, which only contributed to a greater concentration of more people in places of interest, but also due to the additional social isolation of the elderly, especially for people living alone. Bearing in mind that a significant proportion of the elderly depend on the support of others in fulfilling obligations and meeting certain needs, the given recommendations for maintaining social distance imposed a significant difficulty on their daily life. As a result of the inability to fully comply with the recommendations for protection, there was an increased presence of hate speech on social media, where pictures of elderly people waiting to enter banks and shops were published, without complying with the recommendations for the required physical distance.

The Government Decision of 23rd March 2020 prohibits the movement of people over the age of 67 in the period from 11:00 am to 5:00 am the next day.³⁹ After several changes, the last valid rule in this part prohibits the movement of this category from Monday to Friday in the period from 12:00 pm to 5:00 am the next day and from 11:00 am on Saturday to 5:00 am on Monday.⁴⁰ On 14th May, the Constitutional Court initiated a procedure to assess the constitutionality of this Decision and stopped taking any actions based on it, allowing people over the age of 67 to move like the others - from 5:00 am to 7:00 pm. The Constitutional Court, [as reported by the media](#), stated that the majority of judges considered the measure discriminatory for both categories of citizens,⁴¹ and the constitutionality of the decision should be further reviewed.

From the beginning of the pandemic, the Red Cross mobile teams were active - first on the territory of Skopje and later throughout the country - providing daily support to vulnerable target groups of the population, including the elderly. The teams give their support by buying necessary medicines, food products, and personal hygiene items which they then deliver to the homes of the citizens. The service of the mobile teams is free of charge, while the citizens pay only for the items that are procured for them. Additionally, the Ministry of Labour and Social Policy [provided support for the elderly in their homes](#), intended to facilitate their everyday life, as well as assistance for the implementation of urgent administrative procedures, supply, and other support, which covered only one third of the municipalities in the country.

³⁹Decision on amending the Decision on prohibition and special regime of movement on the territory of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no. 74/2020).

⁴⁰ Decision on amending the Decision on prohibition and special regime of movement on the territory of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no. 107/2020).

⁴¹ The special regime of movement, in addition to persons over the age of 67, also included persons under the age of 18.

PEOPLE WITH DISABILITIES

Multiple vulnerabilities

The disproportionate effects of the pandemic on certain groups of citizens were significantly visible in people with disabilities, as one of the most marginalized groups in society. Although disability does not in itself mean that a person is at greater risk of contracting the virus, many people with disabilities have a more vulnerable health condition that puts them at greater risk of the disease itself.

With the onset of the pandemic, the World Health Organization warned that people with disabilities are at a greater risk from contracting the virus, primarily because of the existing barriers to basic hygiene measures, difficulties in practicing social distance due to the need for additional support, or living in an institution, the need for touching as a way of receiving information from the environment, previous health problems, etc.⁴²

According to the analysis conducted by the Centre for Research and Policy Making,⁴³ the virus prevention measures implemented in our country are not adapted for some people with disabilities, especially for people who use aids (wheelchairs, orthopaedic shoes, etc.). on whose surface the virus can survive for a long time. If we consider that people usually have only one device that they use to move both outside and at home,

to other people with whom they share the home.

People living with disabilities generally have greater health needs than other people, be that everyday needs or disability-related needs, which makes them more vulnerable when they do not have access to health services or their access is limited. From the very beginning of the pandemic in Europe, the European Disability Forum (EDF) alerted the European Union to the risks people with disabilities face, caused by the inaccessibility to necessary services and support, the previously weakened health status of many people with disabilities, which is the basis for the development of disease and death, as well as exclusion from health-related information.⁴⁴

If we take into account that even in «normal» conditions people with disabilities have difficult access to health services, education, employment, media, etc., during a health crisis, access to certain rights for these people can be significantly prevented. For example, people with disabilities who had difficulty entering the labour market before the pandemic are now at much higher risk of losing their jobs, as well as having difficulties returning to work. At the same time, it is estimated that «work from home» recommendation in our country can be implemented by barely 1% of people with disabilities employed in protective companies.⁴⁵

The situation of people with disabilities who have a previous poor health status and/or live in an institution is particularly unpleasant, which is an indicator that the public service system has weaknesses and that certain vulnerable categories⁴⁶ have unequal access to them. People with disabilities who are accommodated in residential institutions, most of the time are in

42 Available at: <https://bit.ly/3hoMq4R>.

43 Available at: <https://bit.ly/2FzL4at>.

44 Available at: <https://bit.ly/3mjzaCp>.

45 Available at: <https://bit.ly/2ZxLRzS>.

46 Available at: <https://bit.ly/33xd4E2>.

close contact with a large number of people, often live in unsatisfactory sanitary conditions, and their prevention and protection depends entirely on the guardians, i.e. the persons responsible for the institutions.⁴⁷

Due to the difficult communication and confinement in the home, the risk of domestic violence is significantly increased in a period of crisis of this kind, and at the same time the possibilities and available resources for reporting are limited. Initial reports on the impact of the pandemic on certain vulnerable groups in society have shown that restrictive measures have led to a substantial increase in domestic violence globally that, given that children and people with disabilities are at greater risk of violence than their peers without disabilities, especially affects women and girls with disabilities.⁴⁸

Free movement

In people with disabilities, especially people with intellectual disabilities and people with autism spectrum disorders, the daily routine is a particularly important segment is their daily routine. In conditions when the movement is time-limited, but physically as well, there is a change in the routine that can cause anxiety in many people with disabilities; hence, those looking after children and people with disabilities faced the challenge of finding alternative ways to make their daily routine function and establish new routines. Closing down day care centres posed an additional challenge for people with disabilities who regularly attended day care centres as part of their day-to-day life, but also for caregivers, given that they have to stay at home, often at the expense of losing their jobs.

Bearing in mind that for a large part of the people with disabilities the movement is a therapeutic activity and part of an established habit, the Government of the RNM adopted a regulation which established a special regime of movement for people with disabilities during the curfew⁴⁹. People with disabilities could go out with a companion at a certain time and they were not obliged to obtain a special permit for movement, but only to have with them a document proving the disability.⁵⁰

47 Available at: <https://bit.ly/2Zzc5BX>.

48 Available at: https://www.un.org/sites/un2.un.org/files/sg_policy_brief_on_persons_with_disabilities_final.pdf

49 Available at: <https://vlada.mk/node/20925>

50 Available at: <https://bit.ly/2FxeG8f>.

Help and support

Restrictive measures, which primarily consisted of recommendations for self-isolation and social distancing, were extremely difficult for many people with disabilities, especially given that a significant proportion of them depended on the support of others, sometimes in the performance of basic physiological needs.

Regarding the support measures for people with disabilities, only 27 municipalities in the country were covered by the measure of the Ministry of Labour and Social Policy for support at home.⁵¹ This measure was intended to facilitate the daily functioning of persons with disabilities, including assistance with the implementation of urgent administrative procedures, procurement and other support in accordance with the needs of the person.

A mitigating circumstance was the decision of the Government to reduce the administrative procedures related to the use of certain social protection rights, whereby the beneficiaries were not obliged to renew the necessary documentation if they wanted to continue using certain benefits, and for using certain services, they were able to submit the documentation electronically.

(Non)inclusive education

According to the United Nations, there are indications that the current crisis will seriously lead to exclusion of children with disabilities in the education process. It is estimated that children with disabilities will benefit the least from the alternative distance learning solutions, which is followed by a lack of support at home, inaccessibility to the Internet, lack of accessible software, and teaching materials.⁵² Given all these barriers, there is a high risk the education of children with disabilities to cease completely in this period, which would further complicate the return to the educational process after the end of the crisis. In the long run, this gap in the educational process will further contribute to deepening the gap in the participation in the labour market, which for people with disabilities is already significantly large.

51 Available at: <https://bit.ly/3bUgUL7>

52 Available at: <https://bit.ly/3c2Tjb5>.

In our country, children with special educational needs, and especially children with disabilities, faced numerous challenges with the onset of the pandemic. Online distance learning platforms, which replaced regular education, excluded most of the children with disabilities with the onset of isolation. Their education in this period was completely left to their parents and the will of some of the educational assistants. More than a month after the closure of the schools, only at the end of April the online platform for learning and development of children with disabilities was promoted, which should provide additional support, individualized approach, and modified classes for children to be able to continue their education process even at home.

The new Law on Primary Education was adopted in August 2019 and started to be implemented immediately in September with the beginning of the new school year 2019/2020, with which primary education was institutional, personnel, and content organized in order to enable the inclusion of all children in regular education. However, we are also at the beginning of a new school year, and the bylaws that were supposed to ensure proper implementation of the Law and inclusion of children with special educational needs in the educational process from every aspect, and especially to eliminate the numerous shortcomings for which the Helsinki Committee has warned several times since the very beginning of its implementation.



PEOPLE DEPRIVED OF FREEDOM

Prisons are environments at high risk of transmitting infectious diseases. Given that everyday life in prison for the most part involves the movement of its population into smaller or larger groups, often in conditions of poor hygiene, as well as the continuously difficult access to adequate health care, puts persons deprived of liberty in particular vulnerable position during this global pandemic.

After a state of emergency was declared and special measures for protection against and prevention of COVID-19 came into force, the penitentiary institutions resorted to restriction, i.e. banning the visits and benefits of people deprived of their liberty. This action of the institutions seems to have become a tacit practice of the states in general, and in that direction the Fundamental Rights Agency (FRA) in



its report states that «the majority of the member states of the European Union adopted measures in March 2020 which temporarily prohibit or at least restrict visits to prisons». ⁵³

On 15th March 2020, the World Health Organization (WHO) published its document titled «**Preparation, Prevention and Control of COVID-19 in Prisons and Other Places of Detention - Interim guidance**» aimed at «assisting countries to prepare special plans and/or devise additional activities for prisons and other institutions for people deprived of their liberty, in response to the international COVID-19 epidemic». ⁵⁴ When it comes to reviewing measures to restrict access and restricting movement, it is emphasized that temporary suspension of prison visits will need to be carefully considered in accordance with local risk assessments and in cooperation with public health colleagues and should include measures to mitigate the likely negative impact of such a measure on the prison population.»⁵⁵

Regarding juveniles deprived of their liberty, the United Nations Committee on the Rights of the Child called on states to bear in mind that «while these restrictive measures may be deemed necessary in the short term, they will have a marked adverse effect on children in the long term.» Children should always be allowed to maintain regular contact with their families, and if not in person, by electronic means of communication or by telephone. If the period of emergency is extended, a reassessment of the measures prohibiting visits should be considered.»⁵⁶

The Helsinki Committee for Human Rights requested information on alternative means of communication with the outside world are offered to people deprived of their liberty from all penitentiaries in the country, but no response has been received since the publication of this report. Only the Prison Skopje individually reported that the visits of the detainees take place individually in the room for visits of detainees and without any contact, and the room is disinfected after each visit.

Visiting convicts is prohibited, but for communication with the outside world, there are two mobile phones that convicts can use when needed.

On 8th April 2020, a detainee died in Prison Skopje and after the autopsy it was determined that he was positive for the coronavirus. According to the information received from the Ministry of Health, all employees and people deprived of liberty were tested in the prison, and the results of all tests are negative.



⁵³ Fundamental rights agency (FRA), Coronavirus pandemic in the EU- fundamental rights implications - <https://fra.europa.eu/en/publication/2020/covid19-rights-impact-april-1>

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Committee on the Rights of the Child (CRC), Statement: The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children - https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/1_Global/INT_CRC_STA_9095_E.pdf

Prison Kumanovo

The Helsinki Committee received a complaint from convicts serving prison sentences in Prison Kumanovo who stated that the institution did not provide them with neither drinking water nor water for personal hygiene. The problem with the water supply in Prison Kumanovo was noticed when representatives of the Helsinki Committee for Human Rights visited the institution on 5th April 2019. On that occasion, the director of the institution informed them that in cooperation with a socially responsible company in the region, the problem with the water supply in the prison was temporarily solved with an underwater network. However, in a conversation with some of the prisoners, it was stated that there was no water in the prison at all, and a large number of plastic water bottles were spotted in all rooms of the prison. Empty bottles placed in the openings of the toilets in the accommodation rooms were also noticed because the prisoners were trying to prevent the smell. On 19th September 2019, an additional visit was conducted to Prison Kumanovo, where again in a conversation with the convicts it was stated that there is still no water, i.e. that the convicts fill bottles of water from the detention unit of the institution located on the ground floor, after previously obtaining permission from the prison police. According to the guidelines of the Committee for the Prevention of Torture (CPT), all bodies under whose jurisdiction people deprived of their liberty belong to, in the territory covered by the Council of Europe, «taking all possible measures to protect the health and safety of people deprived of their liberty must be a basic principle. These measures also contribute to preserving the health and safety of the employees in these institutions. WHO pandemic guidelines, as well as national health and clinical guidelines that are in line with international standards, must be followed and fully implemented in all closed institutions.»⁵⁷ The Helsinki Committee submitted a request to the Directorate for Execution of Sanctions for conducting extraordinary supervision in the prison. The supervision seeks to determine whether the foreign convicts have been provided with adequate living conditions and hygiene, taking into account the allegations of this complaint, and what measures the institution took during the water supply problems to protect the health and safety of all convicted and detained persons, and employees of Prison Kumanovo.

In cooperation with the Macedonian Young Lawyers Association, **joint recommendations** were submitted to the competent institutions for implementation of intensified measures for protection of people deprived of liberty in conditions of pandemic with the COVID-19 virus. The recommendations are generally aimed at prevention with proposals to reduce the number of people deprived of liberty (through the use of alternative measures and probation-parole, etc.) as well as taking measures that guarantee the protection of human rights and human dignity of people deprived of freedom and in the midst of a pandemic.

⁵⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic - <https://www.coe.int/en/web/cpt/-/covid-19-council-of-europe-anti-torture-committee-issues-statement-of-principles-relating-to-the-treatment-of-persons-deprived-of-their-liberty>



LGBTI COMMUNITY

With the declaration of the state of emergency and the introduction of the first measures, it was already possible to assess what changes will occur in the everyday lives of the people. At the same time, that was an announcement of the consequences this crisis would cause in the lives of the most marginalized. The measures became stricter, and thus the consequences for society and for people became more noticeable. The protection guidelines, which initially concerned primarily physical distance and self-isolation, later escalated into stricter measures leading to forced self-isolation, with a stricter and increased curfew. In such conditions, the most vulnerable are those who are on the margins, those who do not have a privileged social position and therefore are most affected by all measures and events. What is important to emphasize in this context is that the lack of support, the absence of targeted measures and measures that leave no one behind, can often have profound and lasting consequences for the lives of the most vulnerable.

Self-isolation conditions and long curfews are a challenge for LGBTI people, especially for those for whom «being who I am» often means being away from home. In a crisis like this, when there is a curfew and other active measures, these people spend most of the day at home, which can often be an environment in which they are not open, not supported and accepted, and in the worst case can be exposed to violence because their family members do not accept them. In conditions of a strict curfew, which in some weekends lasted up to 82 hours, the risk of serious damage increases as well as the consequences on the mental health of these people and exposure to prolonged mental and physical violence.

Prejudice, homophobia, and transphobia that prevail among a large part of the general population are pushing LGBTI people even deeper into the margins. Because of this, the community faces discrimination from an early age in the educational process and they often leave school too early. This is later reflected in the limitation of employment opportunities and discrimination in the workplace, which is particularly pronounced among transgender people. Hence, most of them are unemployed, have low-paid or part-time jobs and as a result lead quite insecure and uncertain lives. Additional difficulties arise in the process of finding housing, in the process of obtaining services where they are again discriminated against on the grounds of sexual orientation and/or gender identity and expression, as well as in the process of protection from injury and violation of rights or protection from violence.



СИГУРНА КУКА SHTËPIA E SIGURTË SAFE HOUSE

Social status and reputation are closely related to the degree of consequences that the crisis have on a particular group. This pandemic has had serious consequences for the economy, and thus for the standard of living of the people. The crisis has resulted in mass layoffs, loss of basic incomes for many people, and increasing of low standards and poverty.

With the loss of jobs and basic income, many people have been brought to the brink of poverty, and for LGBTI people this largely means returning to a home where they are judged and unaccepted or seeking shelter and support from NGO services. In addition, the difficult living conditions that this crisis has imposed on vulnerable communities are linked to the consequences for their mental and physical health. Life in a pandemic, which brings an increase in the number of sick and dead on a daily basis, and at the same time strengthens measures for distancing and self-isolation to prevent the spread of the virus, can seriously affect the physical and mental health of people, especially those whose health is fragile anyway.

The psychological counseling provided by the stated is limited and linked to employment-based health insurance. The system through which psychological counseling is provided is set up in such a way that first the general practitioner should assess the need for psychological counseling, who if they deem that there is a need for a person to visit a psychologist, issues a referral through the «My appointment» system and later, based on this referral, the person can get the opportunity to visit a psychologist. What is problematic in this system is that in practice GPs very rarely estimate that a person needs psychological counseling, so often instead of counseling they prescribe tranquilizers as a solution. Moreover, what further complicates access to the necessary psychological support is the fact that the appointment system is overloaded, there are insufficient psychologists, and thus the waiting time is long. When you add to all this the fact that when the person finally arrives at the scheduled appointment, they are provided with a limited number of meetings

with the psychologist at the expense of the state fund and the fact that there are very few psychologists in the country who are informed and trained to work with LGBTI people, it is obvious how effective and efficient this state support is.

In addition, the state has not provided support services to people in the community who are at risk of homelessness and who are victims of violence due to their sexual orientation and/or gender identity and so far such support has been provided by the Ministry of Labour and Social Policy only through partly participation of the costs for a shelter - a Safe house for LGBTI people opened and run by the LGBTI Support Center. Unfortunately, with the outbreak of the crisis, the continuation of this support became uncertain because all the decisions of the Ministry are currently postponed.

NGOs are currently using their limited capacity to minimize the effects of this crisis on LGBTI people by providing shelter, collecting donations, providing psychological counseling voluntarily or by reprogramming existing programmes, providing free legal aid, and using social media and online support, and socialization platforms.

Хелсиншки комитет за човекови права и ЛГБТИ Центар за поддршка

Бесплатна правна помош за ЛГБТИ луѓе во сите области (дискриминација врз основа на СОРИ, говор и дела од омраза врз основа на СОРИ, родово-базирано насилство, работнички права).

Едукација и подигнување на капацитетите на ЛГБТИ млади и нивните поддржувачи преку **онлајн тренинг за човекови права, застапување и креативен активизам** кој ќе се одржи во периодот од 18 до 22 мај.

Поддршка на иницијативи во областа на ЛГБТИ/квир културата преку **втор циклус на мали грантови во областа на ЛГБТИ културата и уметноста**. Повикот ќе биде отворен за сите млади луѓе од 18 до 30 години и ќе биде објавен на 1 мај.

Веб: <http://lgbt.mk/> и <https://mhc.org.mk/>

Е-пошта: info@lgbt.mk

Телефон: +389 (0)2 3119 073, 072/

278-436, за време на пандемијата секој работен ден од 09.00 – 14.00 часот



INSTITUTIONAL RESPONSE

Ministry of Internal Affairs of the Republic of North Macedonia

The introduction of a state of emergency, curfew, as well as all protective measures to prevent of and protect against the spread of the virus throughout the country, meant an increase in the duties and powers police officers have. These circumstances led to selectivity in the actions of the police, i.e. selectivity in punishing the citizens who did not respect the measures adopted by the Government. For example, it was noted that in May the police did not act when a religious litany was organized on the territory of the municipality of Struga with the presence of over 300 citizens without respecting the measures adopted by the Government. This event significantly endangered the public health, and after its holding there was an increase in the number of infected people in this territory. The police did not stop this litany for fear of fierce reactions from the believers present at the event. The Government instructed the Ministry of Internal Affairs to determine the responsibility of the police officers involved in this case, and the Basic Public Prosecutor's Office opened a case for this event upon received report.

A few weeks earlier, a video went viral on social networks. In the video, there are police officers not wearing protective masks and they detain a boy with his pet, who was out during the curfew. In addition to this case, there were many other cases when citizens for justified reasons were found outside their homes during a curfew, but the police initiated criminal proceedings, the outcome of which was always the issuance of a fine in the amount of 2000 euros. From what was registered by the Helsinki Committee, a chronically ill person suffering from asthma was convicted and fined, who went to his sister's house during a curfew to get medicine for his illness, the a person who was found on his way home twenty minutes after the start of the curfew, returning from the home of their sick grandmother who they were looking after, then an employee of the Army of the Republic of North Macedonia, who was late home after finishing her working hours, and her job was outside her place of residence, etc. All these individuals were fined 2000 euros each, and they neither posed danger nor endangered the public health. Hence, it is evident that the police did not consider the circumstances and reasons why these people did not comply with the measures adopted by the Government. Additionally, there were frequent reports from citizens, as well as media reports, about uniformed police officers who did not comply with the measures adopted by the Government - there were police officers attending organized wedding celebrations which caused strong public outrage and raised suspicions that these officers would be held accountable for their actions.

Employment Service Agency of the Republic of North Macedonia

The Government adopted a series of measures to minimize the negative consequences that the state of emergency could have on employers and workers. However, some employers, abusing the state of emergency, began to massively terminate employment contracts of entire groups of workers; where they could, they influenced them to terminate their workers' employment through a settlement; or did not extend their fixed-term employment contracts. In these extremely difficult and unpredictable times, began the struggle for the existence of that group of workers who lost their jobs and salaries regardless on what grounds. Because of this, they have resorted to exercising their insurance rights in the event of unemployment.

Cases in which workers lost their jobs due to forced termination of employment or non-renewal of fixed-term employment contracts were increasing daily. The current legal solution does not provide for the exercise of the right to monetary compensations in case of unemployment of this category of workers due to which the Government in the third package of economic measures, adopted a measure «Monetary compensation for all people who

lost their job position between 11th March to 30th April 2020.»

Some of the workers who asked for legal aid from the Helsinki Committee, informed us that while trying to get monetary compensation in case of unemployment, in accordance with the Law on Employment and Unemployment Insurance, as well as in accordance with the measure of the third package of economic measures adopted by the Government, encountered certain problems and inconsistencies. Namely, it was noticed that the employment centers from different areas in the country have different practice in deciding on such cases. Due to this, the Helsinki Committee submitted a request to the Employment Service Agency of the Republic of North Macedonia to develop, adopt, and publish specific guidelines for the implementation of all adopted government measures affecting those citizens whose rights are decided by the Agency, but we did not receive a response.



Directorate for Executions of Sanctions

The recognition of a COVID-19 pandemic inevitably had a major impact on the way the penitentiary system was managed. In the same way, as in most countries in Europe and the region, some of the rights and benefits previously enjoyed by people deprived of their freedom were restricted. Hence, contacts with the outside world, namely visits and the use of amenities that provide for exit or absence from the institution for a certain period were completely abolished. The Helsinki Committee requested information on alternative ways in which these rights and benefits are compensated, but apart from an individual response from the Prison Skopje, we had not received any response until the publication of this report. Additionally, regarding the situation with the Prison Kumanovo, where convicts complained of a lack of water for hygiene, no notice was received regarding the request for extraordinary supervision sent by the Helsinki Committee.

During the period covered by this report, monitoring visits to penitentiaries were not allowed. Based on the principle of «do no harm», the Committee for the Prevention of Torture in its opinion on the treatment of detainees reminds that «monitoring carried out by independent bodies, including the National Preventive Mechanism (NPM) and the CPT, remains a basic protective mechanism against inhumane treatment». The CPT therefore states that «States should continue to guarantee access to all monitoring bodies in all places where people deprived of their freedom are accommodated, including places where people are placed in quarantine. All monitoring bodies should take all precautionary measures to adhere to the «no harm» principle, especially when working with the elderly and people with existing health problems.»

