



REPUBLIC OF NORTH MACEDONIA
Written information for the examination of the State party's report
Submission to United Nations Committee Against Torture
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Submitted by:

Helsinki Committee for Human Rights - Skopje (MHC)
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This submission was prepared by the Helsinki Committee for Human Rights of the Republic of North Macedonia (MHC), Macedonian Young Lawyers Association (MYLA) and Coalition Margins to present our observations on the situation with regard to prevention and protection of torture and inhuman or degrading treatment or punishment.

The Helsinki Committee for Human Rights is a civic association registered in 1994. The Committee monitors the situation with human rights, provides legal assistance, co-operates with other organisations and state bodies for the purpose of improving the promotion, respect and protection of human rights and freedoms. The Committee's goal is protection and promotion of the human rights and freedoms guaranteed with the Constitution of the Republic of North Macedonia, the international instruments and the Helsinki Final Act from 1975, as well as building democratic conditions in which they can be exercised based on the rule of law. The Committee sets off from the premise that all people should have the possibility to enjoy and practise their basic rights and freedoms and should be able to protect them in case of violation or limitation. This is the basis of the rule of law, human rights and democracy.

Macedonian Young Lawyers Association (MYLA) is an independent, non-profit, professional organisation established in 2003, which provides legal aid and strategic litigation for protection of human rights. MYLA puts the knowledge and innovative capacities of the young lawyers towards affirmation and promotion of the Rule of law principle and influences the public policies through drafting researches and analyses. MYLA aims towards a society in which the rule of law is fully established and the people are proactively requiring respect of their basic human rights and freedoms.

The Coalition Sexual and Health Rights of Marginalised Communities MARGINS (Coalition Margins) was founded in 2007 as a non-formal joint platform, resulting from the joint efforts of several civil society organisations HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica and EGAL. Since 2011, the Coalition has been registered as an individual entity - an NGO whose members are HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica, EGAL, STAR-STAR and Stronger Together. Since then, MARGINS has been working on equal access and enjoyment of human rights of marginalised communities (sex workers, people living with HIV, people who use drugs, marginalised women and LGBT people) and better life quality in different social spheres.

Conditions and issues in penitentiary institutions

Prison Overcrowding

A persistent and unresolved challenge that has endured for several years pertains to the overcrowding of penal institutions. The National Preventive Mechanism's visits revealed an excess of convicted individuals in four out of the 11 penal institutions, where the prescribed minimum of 4 square metres of personal space per convict was not upheld. Notably, Prison Idrizovo has long grappled with overcrowding issues, evident in convicts resorting to sleeping in corridors, on improvised mattresses, or even on the floor across three tiers of beds, leading to a practice of sleeping "in shifts" (NPM Report, 2021). The capacity of **PI Idrizovo** stands at 900 convicted persons, yet during the visit, the institution housed 1,149 convicts, including 65 women. The recurring issue of overcrowding, particularly in PI Idrizovo, where a substantial proportion poses security risks, necessitates urgent state intervention. In the closed ward in the "Building" facility, some of the rooms accommodate 10–12 people with beds on 3 or 4 floors (from the third and fourth floors it often happens that convicts fall while sleeping), and the rooms do not meet the standards even in terms of size nor in terms of material conditions, moisture and light. Also, there were some people sleeping on the floor in the rooms themselves, and we found a situation where some condemned people do not have a mattress. A parallel situation unfolded in **Tetovo Prison** in 2021, accommodating 72 individuals despite having a capacity for only 53 (Helsinki Committee Report, 2021). **PI Stip**, designed for 148 occupants according to CPT standards, cites a capacity for 210 convicted persons, yet the current numerical count reaches 219. During the period from May to June, approximately 30 convicts were transferred to other institutions to alleviate the burden on PI Stip. During its visit to Prison Prilep in June 2023, the Helsinki Committee observed that 132 individuals were serving prison sentences in a facility designed for 108 persons (Helsinki Committee Report, 2023). Similarly, **PI Prilep**, with a capacity for 108 individuals, faced overcrowding with 132 convicted persons during the visit, underscoring the strain imposed by large inmate populations on limited prison capacities. In summary, the protracted challenge of overcrowding in penal institutions demands systematic and concerted efforts to address the issue comprehensively, emphasising the imperative of adhering to established standards and ensuring the effective functioning of alternative sentencing measures. In practice, alternative measures, apart from suspended sentences, are infrequently employed. Over the period spanning 2017 to 2022, suspended sentences, as substitutes for imprisonment or fines, constituted over 90% of the total cases, leaving a mere 10% for the utilisation of other alternative measures, with two of them not imposed at all during that period.

Prison Conditions

Ensuring protection against any form of torture necessitates the continual enhancement of material conditions within penal institutions. International documents and organizations emphasize various aspects concerning the accommodation conditions of convicted individuals as indirect forms of torture. The largest prison in the country, Idrizovo prison, particularly its admission unit, faces severe material conditions, marked by deteriorating walls, broken windows, substantial overcrowding, and insufficient bedding, prompting inmates to sleep in shifts or on the floor. Rooms lack essential equipment and are infested with cockroaches. Hygiene in toilets and showers falls below standards, with damages rendering them barely functional. The inadequacy of toilets and showers exacerbates the challenges posed by overcrowding. Heating deficiencies further contribute to the deplorable state observed throughout the facility, constituting degrading and inhuman treatment, approaching the threshold of torture. The Helsinki Committee reports underscore shortcomings in the conditions of accommodation, particularly in PI Idrizovo, where the 2023 report noted no positive changes in the "Building" and "Ambulance" facilities, constituting the closed ward. Similar concerns extended to the solitary confinement rooms, which were found to be substandard. Hygiene concerns extend to food quality, with reports indicating dissatisfaction among convicts, prompting some to receive meals from

relatives due to perceived inadequacies. Water quality issues, confirmed to be murky, further compound the challenges faced by inmates, compelling them to procure bottled water independently. The absence of a dining room in PI Idrizovo contributes to the persistence of knives and cutlery in inmate rooms, posing a serious concern given the high-security risk associated with the closed department. Planned reconstructions, such as the second phase of PI Idrizovo until 2025, along with construction projects in PI Prilep and PI Stip, underscore a proactive approach to address institutional deficiencies continually. Progress is discernible in some facilities, exemplified by PI Stip's installation of new tiles, renovations in open and semi-open wards, uniformity in semi-open department rooms, and improvements in furniture and lighting. Tetovo Prison experienced upgrades in 2021, involving changes to doors and windows, toilet reconstructions, and the provision of new mattresses and bedding (Helsinki Committee Report, 2021). Bitola Prison also underwent reconstruction in 2020, with financial assistance from the European Union, catering to 83 convicts. In Kumanovo Prison there is lack of water access in convicts' rooms, with only one tap per ward.

Women's department in PI Idrizovo

In the womens department of PI Idrizovo, certain parts have been renovated and reconstructed with a new floor and new PVC windows, doors and solar panels, thus improving the material conditions for the convicts. But the moisture in the premises, which is visible and widespread, continues to be a problem. The phone booth in the women's ward is functional. The prisons, apart from the open space in which there is a bench with chairs, do not have additional conditions available for leisure, sports and vocational activities. They also have tablets available for communication with families, but are not used often. In the women's department, there is not even a suitable room in which female convicts can have contact with their children, a room that should offer a relaxing and recreational atmosphere. Female convicts complained about the inappropriate distribution of convicts in the closed versus semi-open and open ward, which is why there is impatience and dissatisfaction in the institution. More precisely, some convicts who should be placed in the closed ward are placed in the semi-open one, and vice versa. The problem of not having regular gynaecological examinations and services continues to represent a serious violation of their basic rights, for which the Ministry of Health is responsible. Also, during the visit of the Committee and MYLA, we ascertained the segregation of Roma convicts, in that all Roma women were placed in one room in the closed department, in which the worst conditions were ascertained, and only in that room was there no television.

State of crisis in Idrizovo Prison

On 06.06.2023, the Government adopted a decision which established "the existence of a crisis situation in part of the territory of the Republic of North Macedonia, namely in the area of the Municipality of Gazi Baba, where the Penitentiary Institution 'Idrizovo' exercises its competence, in order to prevent of security threats and strengthening the security of the institution". The bodies of the state administration are required to take measures and activities in accordance with the crisis management regulations, and the main crisis management staff at the CMC, to monitor the situation, coordinate the activities and regularly inform the Government. With the declaration of a state of crisis, members of the Ministry of Interior and the Army began to secure the prison due to a lack of guards. One of the main problems facing "Idrizovo" is the lack of sufficient staff in the prison. The number of employees in the prison police is insufficient to meet daily needs and activities. The government has given consent for the employment of 100 new members of the prison police and 80 new prison guards were employed at the end of 2023. Additionally, during the crisis, 40 million euros were provided for the reconstruction and construction of a new building. However, it should not be forgotten that, while the construction of a new building continues, the convicts will be housed in inhumane and substandard conditions. On 27.07.2023, within the 124th session, the Assembly unanimously with 62 votes "for" adopted the decision to approve the extension of the deadline for the existence of a state

of crisis in part of the territory of the Republic of North Macedonia, for the purpose of preventing security threats and strengthening of the security of PI Idrizovo. The state must ensure that in its actions during a crisis situation, international standards will be respected and that this will not be to the detriment of the convicted persons who are serving a prison sentence in PI Idrizovo. It is particularly important that the state of crisis is not prolonged indefinitely, especially because it is a question of structural deficiencies in penitentiary institutions that have existed for a long time, so the solution is not to declare a state of crisis, but to solve systemic problems.

Health protection in prisons

In PI Idrizovo, healthcare services are administered by one doctor and two nurses who provide limited hours of service during the day, **insufficient for the large convict population**. Ensuring uninterrupted buprenorphine and methadone therapy for all in need is imperative to prevent potential disruptions in treatment, mitigate the emergence of a "black market," curb violence, alleviate stress, and minimise psychological and somatic consequences. The challenge of substantial debts related to healthcare, arising from invoices from external medical facilities where convicts receive treatment underscores the need for a more sustainable and streamlined healthcare management system. Additionally, the absence of essential resources, such as strips for diabetics to measure blood sugar levels, poses a significant risk to the health and well-being of individuals within the facility. PI Prilep relies on the services of two nurses, available daily from 7:30 a.m. to 3:30 p.m., with on-call availability as needed. The absence of a regulated regular employment relationship for these healthcare professionals raises concerns about the sustainability of staffing arrangements. While the institution procures medical therapy from its funds, there are instances where convicted persons must independently obtain prescribed drugs. Healthcare in Prison Kumanovo is overseen by a medical technician, with a visiting doctor attending twice a week. However, the geographical remoteness of the facility poses challenges for emergency medical assistance, potentially compromising the timely provision of healthcare to the incarcerated population. Concerns regarding the lack of appropriate therapy for drug-addicted convicts, coupled with reports of violence, fights, and the emergence of a black market for addiction treatment drugs, emphasise the critical need for a more comprehensive and evidence-based healthcare approach within the prison system. Efforts should be directed towards establishing public-private partnerships or alternative means to ensure effective healthcare delivery within the correctional system.

Recommendations

- The State should take measures to eliminate overcrowding in all penitentiary institutions by taking appropriate measures to implement the second phase for construction and reconstruction.
- The Ministry of Health should take measures for adequate access to health care for convicted persons, namely the provision of medicines and a sufficient number of health workers to improve the availability and accessibility of medicines, doctor, psychiatrist, gynaecological and dental services.
- The Ministry of Justice and the Administration for the Execution of Sanctions, jointly with the Prison Kumanovo should find a solution to the water supply problem;
- The State should improve the general conditions in the solitary confinement in the penitentiary institutions.

Torture, inhumane and/or degrading treatment and/or punishment, and sanctioning of police officers/Interpersonal violence in penitentiary institutions

The prevalence of violence in prison settings is influenced by various factors including the characteristics of inmates, the prison environment, and interactions between prisoners and staff. Both physical and social factors contribute to the occurrence of violence, with constraints sometimes escalating aggressive behaviour. Violence in prisons encompasses acts committed by inmates against each other as well as violence perpetrated by prison staff. This includes officially sanctioned violence and unauthorised acts of violence. Despite regulations aimed at protecting inmates, instances of abuse often go unreported or inadequately addressed. Reports have highlighted incidents of physical abuse by prison officials, sometimes used as disciplinary measures, and intra-prisoner altercations. Inadequate staffing levels contribute to violence and intimidation within prisons. In 2019, the Committee reiterated the persistence of torture practices by prison guards and the continuation of the "welcome booth" phenomenon in PI Idrizovo. Intra-prison violence and intimidation, often stemming from inadequate staffing levels, were also noted. The Helsinki Committee's 2021 visits revealed complaints from female convicts within the women's department, citing instances of physical force, derogatory language, and similar practices employed by female commanders. Furthermore, there is a mandated obligation to report to the Specialized Department for the prosecution of crimes committed by individuals with police powers and members of the prison police, operating under the Basic Public Prosecutor's Office for the prosecution of organised crime and corruption. Over the period from 2012 to the end of 2021, data from the Ministry of Internal Affairs indicates that criminal charges were filed against 492 perpetrators who are police officers.

On October 28, 2023 the police officers from the Bureau of Public Security in coordination with the Skopje Public Prosecution Office following previously received operational information and a search order from the Basic Criminal Court Skopje, conducted a search in the Idrizovo prison in a semi-open ward, during which they found 63 mobile phones, 82 knives, 4 spikes, 71 phone chargers and drugs . According to the Ombudsman, the police action took place under video surveillance, which was in a blind spot. After the action, MHC and MYLA visited Idrizovo and conducted a conversation with several convicts who reported that they were injured and described that the search was carried out in an inhuman way and behaviour by the police. A request for information was sent to the Department for internal control, criminal investigations and professional standards within the Ministry of interior of North Macedonia, regarding the aforementioned allegations. The response from the Department stated that excessive police force was used as well as police brutality while performing the search. The Department only positively identified one member of the special forces that was involved in the incident, and the entire case has been handed over to the Basic Public prosecutor for further investigation.

Regarding marginalised communities, the Roma population is still disproportionately affected by torture and degrading treatment. In September of 2020 there was a case reported where two persons from the Roma community faced a brutal attack by members of the police. MYLA and the Committee provided legal support for the victims and the Skopje Court of Appeal confirmed the verdict of the Basic Criminal Court Skopje. After an appeal filed by the defendants, the Court of Appeals confirmed the first-instance verdict and issued a verdict declaring the police officers employed at the SVR Veles guilty of the crime - Harassment in the performance of the service from Article 143 paragraph 1 of the Criminal Code.

Four of the suspects for the abduction and murders of 14-year-old Vanja Gjorchevska and 74-year-old Pance Zhezhovski were brought before the Basic Criminal Court in Skopje with had shaved heads and wearing the same clothes – overalls which is not practise for other who are still suspects. The answer of the director of prison Shutka was that "Hairstyles for perpetrators of such serious crimes are not

tolerated in the pre-trial prison, and clothing with any markings on it is not tolerated". MHC sent a request to the prison for an explanation for this practice considering that it is about people who have not been convicted.

External Oversight Mechanism over the police/prison police

The amendments to the Law on the Ombudsman envisage the development of, as defined in the text of the amendments, a mechanism for civil control. Three external members from non-governmental organisations are envisioned. The representatives of CSO's were selected by the Assembly on 02 November 2023. Uranija Pirovska (MHC) and Irena Zdravkova (MYLA) are selected as members of the External Oversight Mechanism and two meetings have been conducted with the Ombudsman Mr. Naser Ziberi and CoE. The methodology for work is already prepared by the CoE and discussed at the meetings. It is expected the External Oversight Mechanism with the representatives from CSO to start to work at the beginning of 2024 but until the submission of the report they haven't started with actual work yet.

Recommendations:

- The State should prohibit the usage of solitary confinement due to the lack of capacities and material conditions in the other wards.
- The State should ensure that the External Oversight Mechanism starts its work promptly.
- The State must support and enforce the sanctioning of the members of the prison police, whenever they act outside their authority granted by the LES and the bylaws.
- The State must aid in the increasing of the number of members of the prison police through new hires and investing in their equipment – in this way, the level of security in the PI would increase and the level of mutual violence would decrease.

Conditions and issues in the psychiatric facilities

In all psychiatric facilities there is a problem in managing patients as voluntarily and involuntarily detained patients, that is, almost all patients, even though they are involuntarily detained, are managed as voluntarily detained. Also, persons who are voluntarily accommodated, i.e. are managed as voluntarily accommodated and want to leave the hospital, if there are medical reasons for which their release is not appropriate, are detained in the hospital without transforming the detention into involuntary and informing the court, that is, without benefiting from the protective measures provided by law for involuntarily detained patients, which means that they are, in fact, deprived of their liberty. A large part of these patients have developed hospitalism (a special form of behaviour after a long hospitalisation), so their exit from the hospital after 10, 20, or even 30 years spent in a psychiatric hospital is a serious challenge. This is the biggest problem emphasised by the hospitals because in this way, it becomes difficult to take care of those patients who have a real indication for hospital treatment, given the large number of patients and the small number of professional staff. They have no practice for changing voluntary to non-voluntary, in general they treat all patients as voluntary.

Skopje Psychiatric hospital

The PSI Skopje Psychiatric hospital, with a total capacity of 323 beds, currently accommodates 319 patients across 12 wards. Each ward is staffed with a nurse, ward nurse, paramedic, and doctor, and some wards also have a psychologist and a social worker. However, staffing shortages, especially in professional medical roles, present a critical issue. With only 13 psychiatrists for the hospital's part, scheduling entails two psychiatrists per shift, totaling 17 psychiatrists from both the hospital and extra

hospital. Challenges persist in staff training, with a lack of recent sessions and an absence of a training plan. The hygiene in all wards in PSI Skopje Psychiatric hospital is suboptimal, with pervasive smoking causing unpleasant outdoors. Limited toilet facilities, eight patients per room, and challenges in maintaining privacy are noted. There are frequent acts of violence in the court ward among the patients and staff. Regarding the use of clamps and isolation, i.e. fixation, there are no separate rooms with a separate mirror for fixed patients in all departments. There is a protocol for applying clamps. The persons on whom clamps and isolation are used are monitored most of the time every 15 minutes, and due to a shortage of personnel, there is no possibility of physical presence and constant supervision of the patients on whom these measures are applied. There are no toilets in the rooms where these measures are applied. Data on these procedures are recorded in notebooks. It must be pointed out that during the visit the door of the judicial department facility was opened for us by the patients themselves, and the security appeared later.

PSI Psychiatric hospital Negorci

The hospital accommodated 231 patients, slightly exceeding its capacity of 220 beds plus 15 additional free beds. The facility comprises nine departments, with the judicial department exclusively serving male patients. Regarding the staff, the hospital has: 4 specialist psychiatrists, 2 who are undergoing specialisation, 2 doctors of general medicine, 28 nurses, 12 paramedics + 15 paramedics, 1 social worker, 2 psychologists and 14 other employees. It is clear that the number of psychiatrists in the hospital is very low, especially considering the large number of patients, but the shortage of nurses and paramedics was also highlighted as a problem. The hospital utilises a restraint protocol for agitated patients, restraining them for up to two hours in specially designed rooms. These rooms, equipped with magnetic restraints, bulletproof glass, and insulation, are monitored by staff throughout the duration. Following the restraint period, patients are observed in a separate room before returning to their ward. The condition of the wards in the hospital is at a satisfactory level. Some of them are recently renovated, some are older facilities and it is obvious that the interior is older, but all of them have satisfactory conditions for staying. Hygiene is good in all departments, although the hospital has only one hygienist. The order and organisation in the premises is visible. The hospital yard is also maintained, clean and well-arranged. All departments have a hospital section, that is, a nurse's room, which is equipped with office furniture, a computer and a notebook in which a patient report is kept. There are also locked patient medication lockers in the nursing rooms, which were organised by patient's first and last name and for each time of day to drink. All departments have a space like a corner for daycare with a TV, in some departments there were also cards and other board games, and in others books for the occupation of the patients. In the isolation rooms, observation windows are made according to European standards, but in fact they are placed very high and make it difficult for someone of shorter or average height to see.

PSI Psychiatric hospital Demir Hisar

The total capacity of the hospital is 332 beds, i.e. for 332 patients. The current count at the time of the visit was 269, according to the list shared with us, and according to facility officials, the number is 254 patients housed in appropriate wards. The hospital treats people over 16 years old. By 2019 there were 9 departments in the hospital and now formally has 4 departments. However, there are actually 9 departments in the hospital. The institution has sent a request to open an additional department, i.e. the chronic department, because it is too big to be divided into two departments. Also, within the framework of this hospital there are two CMH – in Prilep and in Demir Hisar, and it is planned to open two more day centres, in Kichevo and in Bitola. A significant problem is that not all drugs are available in the hospital, especially depot preparations for monthly application of the drug. The hospital has a patronage service, which once a month, if necessary and more often, visits patients who are at home and applies monthly therapy (depo-injection) to one of them in order to prevent relapses of the

disease and the return of patients to hospital treatment, which is a good practice. They are available only at the Psychiatric Clinic in Skopje, so people from other cities who are not treated there are discriminated against by patients who are treated at the Psychiatry Clinic. There is a rehabilitation centre within the hospital, where they prepare them for discharge and provide occupational therapy for patients. Patients visit the rehabilitation centre every day, and it is also positive that the herbalist organises regular walks, outings, excursions and activities outside the hospital, as well as theatre and musical performances. There are two projects for the construction of new hospital buildings, but although they were prepared in 2016, they have not yet been implemented and no budget funds have been provided for them. The overall material conditions within the hospital are substandard, with outdated facilities and inadequate attempts at renovation. Observations reveal visible dirt in certain rooms, particularly in the toilets across all departments, which fall below acceptable standards. Lack of toilet covers, absence of essential amenities such as paper and soap, contributes to the unsatisfactory conditions. Each ward maintains an individual dining room, and some positive aspects include the provision of new blankets and quilts for patients.

PI Special Institute Demir Kapija

The new facility which was built and which was partially used during the covid 19 period is currently empty and the aim is to move the users into it by the end of December 2023, given the better conditions and the new premises in it. However, regarding the users from department C, there are reservations about moving to the new facilities by the management of the facility and the Ministry of Health, i.e. there is a fear of quick destruction and ruin of the facility, considering the behaviour of those patients so far. We want to emphasise that this would represent unequal treatment in relation to the rest of the patients, so in this section a plan for an appropriate way of relocation should be made. We were also notified that the deinstitutionalization process was completed in March. Users with severe and profound disabilities are accommodated in the facility.

The problem is that out of 57 beneficiaries placed in the institution, 22 have guardians, and 13 have been deprived of their capacity for decision making. A total of 25 beneficiaries are without guardians, and their capacity for decision making has not been taken away with the only reason being that the costs are very high for the country. The condition in the departments is very concerning especially in department C where strong, bad, almost unbearable smell can be felt even before the stairs leading to the department. Immediately one notices greater ruination of the entire space. The department has two rooms which are in bad condition, the patients are housed in groups as if in an open space.

Recommendations:

- The state, together with the Ministry of Health and the Ministry of Labor and Social Policy should build capacities for the implementation of reforms in psychiatry, and in accordance with the National Strategy for Mental Health, by removing patients who do not need hospital treatment from mental hospitals and by placing them in the community, where continued treatment and care for patients after discharge from the hospital will be possible.
- The State should take measures to increase the team of psychiatrists, nurses, psychologists, social workers and other staff in the hospital, so the overall care for the patients can be at a higher and more sufficient level.
- The State should take measures to increase the team of psychiatrists, nurses, psychologists, social workers and other staff in the aforementioned hospitals.
- The State must work in the direction of providing the necessary measures and financial resources for the renovation of the facilities in the hospital, which are old, have moisture and drafts, do not have doors between the rooms and corridors, as well as the renovation of the toilets to enable better material conditions in the hospital. Funding is also needed for the

ongoing replacement of old blankets, sheets, clothing, beds, mattresses, lockers, washing machines and dishes and other equipment.

Gender-Based Violence and Violence against LGBTIQ+ People

In recent years, an alarming surge of extremist anti-gender (anti-trans, anti-LGBTIQ+) groups has permeated public discourse. These groups orchestrate campaigns that fuel hate and discrimination, targeting individuals based on sexual orientation, gender identity, expression, and sex characteristics. Utilising tactics such as fake news and disinformation, these campaigns systematically erode human rights standards, particularly those safeguarding gender equality and the protection of the LGBTIQ+ community. The lack of a State's response to this escalating threat allowed the unaddressed spread of hate speech and discrimination. In 2023, an alarming development unfolded as several municipalities opted to substitute "gender equality" with "equal opportunities between men and women" in their programs, a change that also remained unaddressed by the State. These harmful practices have been undoing decades of efforts towards advancing gender equality. Additionally, this context has significantly impeded the adoption of crucial legislation like the Gender Equality Law and access to Legal Gender Recognition, which left vulnerable populations without legal protection, limiting access to rights and safety. State representatives' lack of response to attacks on gender equality and the LGBTIQ+ community is concerning as it signals a lack of commitment to protecting all citizens.

Gender-Based Violence (GBV)

The State undertook legislative and policy efforts after ratifying the Istanbul Convention in 2017. The National Action Plan (NAP) for implementing the Convention 2018-2023 was adopted, followed by the new Law on Prevention and Protection Against Violence Against Women and Domestic Violence in 2021 (Ministry of Labour and Social Policy, 2018) and (Official Gazette of the Republic of North Macedonia, 2021). Additionally, amendments to the Criminal Code were made in 2023 to align it with the Istanbul Convention and CEDAW, thereby criminalizing all forms of violence and revising the definition of rape (Official Gazette of Republic of Macedonia, 2023). The GBV law, as well as the NAP, besides taking into account a wide range of GBV forms, also take into account the possible multiple or intersectional aspects of the identities of the victims and propose measures targeting vulnerable categories of women, such as women from ethnic minorities, pregnant women, women with young children, single parenting women, women with disabilities, rural women, lesbian, bisexual and transgender, women living with HIV, homeless women, etc. However, adopting recent legislation alone is insufficient to address the long-term systemic deficiencies in addressing GBV. The State neglected the prevention of GBV and domestic violence since no substantial efforts were undertaken to address the existent gender inequalities, prejudices, and gender stereotypes as root causes of discrimination and GBV. Moreover, the lack of appropriate response by the State to the rise of anti-gender narratives in society has resulted in a high level of acceptance of the subordinated position of women in family and society among the general and expert public. Gender and sexual minorities are vilified on social media by the anti-gender narrative and are portrayed as threats to traditional norms. Professionals from competent institutions often lack knowledge about existing legislation and their specific obligations when handling cases related to GBV and domestic violence, which is partially due to the lack of systematic education and training, which can contribute to their unfamiliarity with the nature and dynamics of violence, as well as its consequences. The need for appropriate training of judges has been confirmed in the most recent CEDAW concluding observations, (Committee on the Elimination of Discrimination against Women, 2018) and in *S.B. and M.B. v. North Macedonia*, where the CEDAW Committee recommended: *"Increase the awareness of judges on non-discrimination, including the procedural aspect of shifting the burden of proof during judicial proceedings; and ensure that women have recourse to effective, affordable, accessible and timely judicial remedies, to be*

addressed in a fair hearing by a competent and independent court or tribunal, where appropriate, or by other public institutions, taking into consideration the Committee's General Recommendation No. 33 on women's access to justice." - CEDAW, 2019. The analysis of the National Network against Violence against Women and Domestic Violence showed that in the period from 2017 to 2020, a total of 22 femicides were registered in North Macedonia (National Network Against Violence Against Women and Domestic Violence, 2021). During 2023, only in one month, there were three victims of femicides (Meta, 2023). In most of the analysed cases, the murder was committed by a current or former marital or extramarital partner with whom the victim lived in union. In over 80% of cases, the murder took place either in the shared home or, if they were separated, in the home of the victim (ibid.). According to research conducted by the OSCE in 2019, the data is alarming as it suggests that women rarely report incidents of violence (OSCE, 2019) Only 2% of violent incidents are reported, and usually only the most serious ones are reported. These findings indicate a general mistrust in the protection system and institutions. Particular concern arises from the lack of punishment for certain types of psychological and sexual violence, notably within domestic settings. The current Criminal Code has provisions to address and penalise various kinds of domestic violence (physical, psychological, and sexual violence). In practice, there is impunity for sexual violence, as well as for separate forms of psychological violence in the context of domestic violence (ESE, 2020). The increased activity on the Internet has provided a new dimension of expression and dissemination of hate speech against women to a broader audience. Between 2020 and 2022, the widely publicised case known as "Public Room" captured significant attention, unfolding through multiple stages with media coverage from various angles. The case involves over 7000 victims, including minors, subject to diverse forms of violence facilitated through a computer system within a Telegram group perpetrated by over 5000 individuals. In April 2021, the Public Prosecutor's Office filed an indictment only against the creator and the administrator of the "Public Room" group, who are charged with the crime of "production and distribution of child pornography", after which in March 2022, the Basic Criminal Court issued a verdict sentencing the perpetrators to four years in prison. The institutional response to the "Public Room" case underscores the inertia of institutions in addressing online GBV, creating a perception that certain behaviours remain unchecked, thereby encouraging perpetrators to repeat offences.

Recommendations:

- The State should address the general climate of impunity of GBV and domestic violence to improve the effectiveness of the individual sanction and impact the general prevention of committing GBV crimes.
- The State should take urgent action to protect individuals from GBV by strengthening law enforcement efforts, enhancing support mechanisms, and introducing stringent penalties for perpetrators.
- The State should allocate budget funding to implement national legislation and preventive measures that raise awareness among the general and expert public about GBV and domestic violence including eliminating gender stereotypes and prejudices, which are the root causes of gender inequality and GBV.
- The State should undertake substantial efforts for planning and implementing continuous systemic education of practitioners, ensured through their annual budgets regularly.
- The Academy for Judges and Public Prosecutors should incorporate education on GBV and domestic violence within their initial and continuous training programmes.

Violence against LGBTIQ+ People

After the submission of the List of Issues report, some important laws have been passed to ensure legal protection against discrimination and hate crimes based on sexual orientation and gender identity (Official Gazette of Republic of North Macedonia No.258/2020) and (Official Gazette of

Republic of North Macedonia no.36/23 и 188/23). However, there is a significant gap in implementing these protections effectively. Additionally, hate speech based on sexual orientation and gender identity is not clearly defined by the Criminal Code, and the State does not maintain a register to record disaggregated data on hate crimes, hate speech, and discrimination. The State's own periodic report submitted to CAT serves as evidence of the ongoing failure to address and combat hate crimes targeting the LGBTIQ+ community comprehensively (Committee Against Torture, 2020). According to the report, there have been some responses to reported incidents involving the LGBTIQ+ community. However, the overall effectiveness of the State's actions in accurately categorising and prosecuting hate crimes against LGBTIQ+ people is questionable. Despite the reporting and investigation of various incidents, including acts of violence and discrimination, there are significant gaps in the implementation of legal measures to address such offences. Instances where criminal charges were dropped or rejected, and cases where perpetrators remain unidentified or unprosecuted highlight the challenges faced in ensuring justice and protection for LGBTIQ+ individuals. A notable example of ineffective implementation of the legislation occurred during the second-anniversary celebration of the LGBTI Support Centre at Cafe Bar Damar in October 2014. Despite a violent attack by approximately 30 perpetrators against as many LGBTIQ+ activists and supporters, the Basic Public Prosecutor closed the case in November 2021, citing the Ministry of Interior's lack of forensic equipment to identify the perpetrators. No criminal proceedings followed, and the prosecution ignored statements from over two dozen eyewitnesses. This failure significantly contributes to the prevailing culture of impunity for hate crimes against LGBTIQ+ people. The human rights defenders advocating for gender equality and LGBTIQ+ rights are often exposed to verbal harassment and hate speech, particularly by the Christian-Orthodox Bishop and other anti-gender groups. However, these incidents remain unaddressed by the State, leaving them vulnerable to further threats and attacks. Even though the Commission for Prevention and Protection of Discrimination determined discrimination in some instances, the State failed to safeguard the rights of human rights defenders.

Recommendations:

- The State should take definitive action to guarantee the protection of LGBTIQ+ people from all forms of discrimination, hate crimes, and hate speech, which can be supported by implementing mandatory training programs for law enforcement and judicial officers. Additionally, the Criminal Code should include a comprehensive definition of hate speech by listing sexual orientation and gender identity as protective grounds.
- The State should establish and implement a mechanism for collecting disaggregated data on hate crimes, hate speech, and discrimination. By studying this data, the State can develop better strategies to protect the rights of LGBTIQ+ people by providing more effective responses to violent incidents and patterns of discrimination.
- The State should urgently adopt legislation for Legal Gender Recognition and Law on Gender Equality.