

In the face of intimidation and targeting, high-profile women activists continued to be forced to retreat from public and political engagement.

LITHUANIA

Republic of Lithuania

Head of state: **Dalia Grybauskaitė**

Head of government: **Saulius Skvernelis**

The President signed legislation which discriminated against lesbian, gay and bisexual people. Parliament considered a law which would severely restrict access to abortion. Lithuania offered visas to two gay men from the Russian republic of Chechnya who feared for their safety. In two separate cases, a district court ruled in favour of two transgender people seeking to change their identity documents without undergoing gender reassignment surgery.

INTERNATIONAL SCRUTINY

The case of *Abu Zubaydah v. Lithuania* remained pending before the European Court of Human Rights. Abu Zubaydah alleged he had been forcibly disappeared and tortured at a secret CIA detention centre in Antaviliai, a neighbourhood of Vilnius, Lithuania's capital, between 2005 and 2006. In September, the UN Committee on Enforced Disappearances urged Lithuania to investigate its involvement in US-led rendition and secret detention programmes; hold those responsible to account; and provide victims with appropriate redress and reparation.

REFUGEES AND ASYLUM-SEEKERS

In May, Lithuania offered visas to two Chechen men who were seeking international protection outside of Russia for fear of persecution based on their sexual orientation. This followed allegations of abductions, torture and other ill-treatment and in some cases even the killing of men suspected of being gay in Chechnya (see Russian Federation entry).

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In April, the Vilnius City District Court ordered the Civil Registry Office to change the identity documents of a transgender individual who had applied for legal gender recognition, without them having to undergo gender reassignment surgery. In May, the Court ruled that the Civil Registry Office should change the gender marker and personal identity number of another transgender applicant.

In July, the President signed an amendment to the Law on Equal Opportunities which defines family members as “spouses or direct descendants”, effectively excluding unmarried partners and thereby preventing – among others – same-sex couples from being legally considered as family members.

SEXUAL AND REPRODUCTIVE RIGHTS

In October, Parliament considered a draft law initiated by the Electoral Action of Poles in Lithuania, a political party. If implemented, it would restrict women's access to abortion in cases where the pregnancy poses a risk to the woman's life or health, or when it is the result of rape.

MACEDONIA

The former Yugoslav Republic of Macedonia

Head of state: **Gjorge Ivanov**

Head of government: **Zoran Zaev (replaced Emil Dimitriev in May)**

Impunity for war crimes persisted. Asylum-seekers and migrants were unlawfully detained. A court's judgment provided for legal gender recognition for transgender people.

BACKGROUND

Following elections in December 2016, the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity gained over half the seats, but could not form a government. The Social Democratic Union of Macedonia (SDSM) agreed to form a coalition with ethnic

Albanian parties and formed a government in May 2017 following a violent invasion of Parliament by former government supporters. In November, a former police chief and several MPs were arrested for their part in the disruption.

The election followed a political crisis triggered by the publication by SDSM in 2015 of audio recordings revealing unlawful surveillance and widespread corruption within the government.

The European Commission asked Macedonia to implement measures including ensuring the rule of law, the right to privacy, freedom of expression, an independent judiciary and an end to government corruption.

FREEDOM OF EXPRESSION

Until May, media freedom was seriously compromised by government interference in print and other media, including through the control of advertising and other revenues, resulting in widespread self-censorship and little investigative journalism. In March, 122 NGOs issued a statement protesting against the government's apparent campaign to undermine their work.

IMPUNITY

The Special Prosecution Office, established to investigate crimes arising from the audio recordings, opened an investigation into the 2011 murder of Martin Neshkovski and the subsequent government cover-up. In June, the Office indicted 94 former government officials, including former Prime Minister Gruevski and the former head of Security and Counter Intelligence.

Impunity for war crimes, including enforced disappearances and abductions, persisted.

JUSTICE SYSTEM

Following votes by the Council of Public Prosecutors and the Parliament, Public Prosecutor Marko Zvrlevski was removed from office in August for his lack of independence. In October, provisional Public Prosecutor Liljana Spasovska called for the retrial of six ethnic Albanians, convicted in

June 2014 of the killing of five Macedonians at Easter 2012. The retrial was called on the grounds that the 2014 trial had not met international standards for fair trial.

REFUGEES' AND MIGRANTS' RIGHTS

Asylum seekers and migrants, including unaccompanied children, were unlawfully detained at the Reception Centre for Foreigners as witnesses in criminal proceedings against smugglers, for an average of two weeks, after which they were released. Most applied for asylum, but left the country shortly afterwards.

The European Court of Human Rights (ECtHR) considered the case of eight refugees from Syria, Iraq and Afghanistan who were among 1,500 refugees and migrants forcibly returned to Greece in March 2016 by the Macedonian authorities, who failed to examine their individual circumstances or provide an effective remedy.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In September, the Administrative Court ruled that a transgender person could change their gender marker in the official registry, providing for the legal recognition of gender identity.

SEXUAL AND REPRODUCTIVE RIGHTS

A court in Skopje, the capital, determined in July that the termination of a woman's employment contract, because she was pregnant for a second time, constituted direct discrimination.

Also in July, a local antenatal clinic in Suto Orizari, a predominately Roma suburb of Skopje, was reopened after eight years. In September, four newborn babies died within two days in the Clinic of Gynaecology and Obstetrics in Skopje. A subsequent inspection found a shortage of medical staff, babies sharing intensive care incubators, faulty ventilation and a leaking roof. Between January and October, 127 babies died.

DEATHS IN CUSTODY

In March, the European Roma Rights Centre highlighted the deaths in custody of young Romani men from overdoses of methadone only available to prison guards, and the death of a Romani woman, allegedly after she had been ill-treated. In October the European Committee for the Prevention of Torture raised concerns about the failure since 2006 to improve the management of, and conditions in, Idrizovo Prison in Skopje, where nine prisoners died in 2016.

COUNTER-TERROR AND SECURITY

In December, the Committee of Ministers reviewed implementation of the judgment of the ECtHR in 2012 in the case of German national Khaled el-Masri, expressing concern at the failure to make a public apology and requesting information on any progress in implementing the judgment. The Court held Macedonia liable for Khaled el-Masri's detention, enforced disappearance, torture and other ill-treatment in 2003, and subsequent handover to the CIA which transferred him to a secret detention site in Afghanistan.

In November, 37 ethnic Albanian defendants were convicted of terrorism for their participation or assistance in a gun battle with police in Kumanovo in 2015, in which 18 people were killed.

MADAGASCAR

Republic of Madagascar

Head of state: **Hery Rajaonarimampianina**

Head of government: **Olivier Mahafaly Solonandrasana**

There was widespread poverty; access to food, water, health care and education was restricted. Prison conditions remained harsh; the excessive use of pre-trial detention persisted. The criminal justice system continued to be used to harass and intimidate human rights defenders and journalists, and restrict their freedom of expression, particularly those working on environmental and corruption issues.

BACKGROUND

An outbreak of pneumonic plague, first reported in August, continued throughout the year in rural and urban areas. Of 2,348 reported cases between 1 August and 22 November, 202 resulted in deaths.

INTERNATIONAL SCRUTINY

In July, the UN Human Rights Committee expressed concern about human rights violations including the excessive use of force by police against alleged cattle rustlers (*dahalos*); and revenge attacks by members of the security forces after two police officers were killed by villagers, in the northern town of Antsakabary.

The Committee called on Madagascar to immediately provide the National Human Rights Commission with an independent and sufficient budget to enable it to carry out its mandate. It also recommended that the government expedite the establishment of the High Council for the Defence of Democracy and the Rule of Law, whose mission included the promotion and protection of human rights, and provide it with financial autonomy.

JUSTICE SYSTEM

The criminal justice system remained seriously flawed and failed to guarantee due process. The excessive use of pre-trial detention continued despite provisions in the Constitution and the Code of Penal Procedure that limited its use as an exceptional measure for specific reasons; more than 50% of prison inmates were awaiting trial. Despite constitutional provisions guaranteeing the right to legal defence at all stages of the process, where lack of resources should not be an obstacle, lawyers reported that they were not paid for legal aid work, including trial attendance, and were prevented from fulfilling their duties. In practice, pre-trial legal aid was not available.

DETENTION

The government allowed international NGOs, as well as the National Human Rights Commission, to visit detention centres.