

Report on the most significant
project achievements and the
most frequent human rights
violations identified within the

"Access to Justice for the Most Marginalized" Project



This project is funded
by the European Union



FOUNDATION ФОНДАЦИЈА
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Table of Contents



Introduction	6
About the project	10
Methodology	12
Overview of the most significant project achievements	14
Most frequent violations of human rights within the project "Access to Justice for the Most Marginalized"	42
Conclusions	58
Recommendations	64
References:	69



Introduction

Access to justice and free legal aid, as well as paralegal aid, are of essential importance for marginalized communities to be able to get protection and exercise their legal rights, as well as adequately deal with the violations they may face, or are faced with. However, marginalized communities in North Macedonia often face significant barriers in accessing justice. Consequently, civil society organizations that work with various marginalized groups are of particular importance, as they represent a focal point (a bridge) between these communities and the institutions and their rights through paralegal aid, legal aid and the other services they provide.

Roma people, sex workers, the people who use drugs and those who live in poverty and rural areas are among the most marginalized communities in our country who face serious restrictions in the exercising of their rights, which increases the need to work in the field together with these communities, in order to inform, educate and provide them with paralegal and legal assistance. Exactly those communities were the target groups of the "Access to Justice for the Most Marginalized" Project.

Free legal aid is a fundamental human right related to the equal access to justice and the creation of institutional capacities for effective protection of human rights. The right to free legal aid is an obligation undertaken by the state to ensure equal access to legal aid for the different groups of citizens. Marginalized groups, who are more vulnerable, may have a need and a problem of a legal nature, but may not be able to afford the legal aid related costs, and their access to justice may be obstructed for various reasons. The right to access to justice is one of the basic human rights that has a substantial impact on the access and exercising of the basic, lawfully guaranteed fundamental rights.

The Roma population in the Republic of North Macedonia is still the most vulnerable minority in the country, a community that is faced with institutional discrimination, social prejudices and unequal access to services and rights.

The Roma population in the Republic of North Macedonia is still the most vulnerable minority in the country, a community that is faced with institutional discrimination, social prejudices and unequal access to services and rights. The majority of Roma in North Macedonia live in poverty and have limited access to education and employment opportunities, which makes it difficult for them to understand the legal system and exercise their rights.

People who use drugs and sex workers are among the most marginalized communities that are perpetually exposed to violence and discrimination by both, institutions and society. People who use drugs and sex workers in Macedonia face a fifteen times higher rate of legal problems compared to the general population of the country.¹ At the same time, the low level of legal literacy, the mistrust in institutions and the systemic discrimination, among other factors, prevent the citizens of these communities from seeking protection and exercising their rights. This exacerbates their high level of vulnerability, as well as the need to improve the access they have to information, legal counsel, and protection.

¹ https://hops.org.mk/wp-content/uploads/2018/07/Pravni-potrebi-i-pristap-do-pravda-za-lugje-to-koi-injektiraat-drogi-i-seks.rabotnici_istrazuvanje.pdf

People living in poverty and those in rural areas encounter specific problems, which are largely unfamiliar to the rest of the citizens. These citizens are pushed to the margins and are isolated, frequently due to the location that they live in. Given their specific position in society, this group of citizens, as a marginalized group, often faces discrimination and unequal treatment. People living in rural areas also face significant challenges and human rights violations. They often do not have access to the most basic services such as healthcare and education, which constitutes discrimination and leads to social exclusion. Furthermore, they are at greater risk of poverty and unemployment.

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The "Access to Justice for the Most Marginalized" Project is aimed at protecting human rights through legal empowerment and promotion of Access to Justice for the Most Marginalized groups of citizens. The purpose of this report is to provide an overview of the most significant project achievements in the period between January 2022 and May 2023 and to offer a breakdown of the most frequent human rights violations within the duration of the "Access to Justice for the Most Marginalized" Project.

About the project



The project "Access to Justice for the Most Marginalized", funded by the European Union, was implemented in the period between January 2022 and June 2023 by the Foundation Open Society - Macedonia, HOPS – Healthy Options Project - Skopje and the Association for Legal Education and Transparency Station PET - Prilep.

The general goal within the project was to enable protection of human rights through legal empowerment in order to achieve improved Access to Justice for the Most Marginalized groups, with emphasis on the Roma people, the people living in rural areas, the people who use drugs, sex workers, the children and families at social risk and other vulnerable communities. By implementing the project and by increasing the legal empowerment, the provision of legal and paralegal services, as well as the development of comprehensive policies, substantive improvement was achieved in the access to justice and the protection of human rights of the most marginalized groups – Roma people, people living in rural areas, people who use drug, sex workers, children and families at social risk and other vulnerable communities.

The project managed to achieve the previously set objectives, including:

1. Increased access to justice and legal empowerment of marginalized citizens by continuously providing them with high quality legal and paralegal services;

2. Improved knowledge and tools among the human rights defenders and civil society organizations in order to effectively educate and mobilize the citizens to take action against the inequalities and demand their lawfully guaranteed rights;

3. Drafted advanced evidence-based policies and practices that incorporate the human rights approaches, reduce the inequalities in the access to basic public services (health, social welfare, etc.) and meet the needs of marginalized citizens.

Methodology



The Methodology for the drafting of the Report on the most significant project achievements and the most frequent human rights violations identified within the “Access to Justice for the Most Marginalized” Project consists of an analysis of the data collected through the use of several instruments. The report covers the project implementation period, i.e. the time between January 2022 and May 2023.

The following research tools were used in the drafting of the report: data collection, report analysis and interviews with project implementers.

Through cooperation with the project implementers and through desk research, all the data relevant to the topic of the report were collected. Furthermore, the available research papers, reports and other publications in the area, as well as the reports on the implementation of the project prepared by the project implementers, were analysed through content analysis. For the purposes of the report, semi-structured interviews were conducted with the project implementers in order to obtain information on the most frequent human rights violations identified within the “Access to Justice for the Most Marginalized” Project.

The report is divided into two sections, whereby the first section covers the most significant project achievements, while the second section outlines the most frequent human rights violations identified within the “Access to Justice for the Most Marginalized” Project. Finally, through analysis of all collected data, information and content, conclusions and recommendations are provided at the end of the report.

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Overview of the most significant project achievements



The project was implemented through several clusters of project interventions/activities including:

Providing high quality legal and paralegal services in order to advance the rights of marginalized communities;

Legal empowerment of the targeted marginalized communities in order for them to be able to exercise their human rights;

Increasing the knowledge among the citizens and the marginalized communities to empower them to recognize human rights violations and motivate them to seek legal protection;

Increasing the knowledge among the marginalized communities and building resilience against the misinformation related to the Covid-19 pandemic, as well as promoting the importance of vaccination against Covid-19, which is at the same time an obligation of exceptional importance to public health;

Capacity building of civil society organizations and representatives of the relevant institutions to empower them to effectively educate and mobilize the citizens to take action against inequalities and seek legal protection, as well as sensitize the institution representatives to align their procedures and improve the provision of services to marginalized citizens;

Drafting advanced evidence-based policies and practices, according to the human rights approach that reduce the inequalities in the access to basic public services (health, social, etc.) and meet the needs of the targeted marginalized groups;

Promoting advocacy activities towards access to justice for all citizens.

A breakdown of the most significant project achievements is outlined in the section below.

Provision of paralegal assistance

During the project implementation, HOPS and Station PET provided paralegal assistance in the field aimed at the marginalized groups they work with. The paralegal assistance was provided by a total of 10 paralegals.

HOPS coordinated the provision of paralegal assistance to sex workers and drug users. A total of 1,212 paralegal services were provided (274 services to sex workers and 938 to people who use drugs). The paralegal assistance was mostly in the area of family rights, social protection rights, domestic violence and gender-based violence, discrimination, information and counselling as stipulated in Article 215 and Article 216 of the Criminal Code, information and counselling as stipulated in Articles 19 and 20 of the Law on Misdemeanours, disseminating information and referral to other services also provided by HOPS: social workers, psychological counselling, legal counsel, HIV testing and distribution of condoms and information brochures and leaflets.

PET Station provided paralegal assistance to Roma people, children and families at social risk and people living in rural areas (Mariovo, Dolneni and Krivogashtani). According to the established need, one paralegal worked in the rural area of the Mariovo region, in the rural municipalities of Krivogastani and Dolneni, and one in the Roma community in the city of Prilep. Station PET provided a total of 571 services, most frequently for the purposes of healthcare and social protection, personal documents, education, housing, environmental and agricultural rights. "Call the Emergency Paralegal Assistance" is available on Station PET's website and remains a tool for securing legal and paralegal assistance available 24/7.

Provision of free legal aid and legal assistance

Within the framework of the “Access to Justice for the Most Marginalized” project, in March 2020, HOPS got registered as an authorized association providing primary legal assistance. HOPS gives advice and information about free legal aid mainly to the members of the communities they regularly work with, i.e. sex workers and people who use drugs, and their families.

HOPS and Station PET provided free legal aid and legal assistance with particular focus on the communities they serve. HOPS work with sex workers and people who use drugs and provide them with free legal assistance in the field, as well as in all of the day-care centres that they (HOPS) have established and run as an organisation, while Station PET work with Roma people and people living in rural areas and provide legal assistance in their office, but also through their mobile office as well.

Over the past period, HOPS provided 1,582 legal services to people who use drugs and sex workers. Although HOPS is an association authorized to provide free legal aid, no request for secondary legal aid was submitted to the Ministry of Justice. One major issue is that although some of the clients who were provided with primary legal aid services needed secondary legal aid as well, due to their mistrust in lawyers, they were not motivated to apply for this type of FLA. Principally since the procedure for obtaining this type of FLA takes a long time, but also due to the fact that there is no possibility for them to receive these services in a confidential and friendly environment without being exposed to discrimination and stigmatization. The legal counsellor constantly works on motivating the clients, but it is still necessary to work on greater sensitization of the lawyers registered to provide FLA to work with marginalized groups, such as people who use drugs and sex workers.

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Another significant problem is the fact that most of the legal problems faced by the people who use drugs are from the area of criminal law and misdemeanour law, which are not covered by the Law on FLA, which consequently means that the law is not in accordance with the needs and problems faced by this group of people. The free legal aid in criminal proceedings represented through the poor law option does not work in practice, and therefore people are left without legal protection.

Another issue of no lesser value is that, despite the changes brought about through the new law, a significant part of people who use drugs, especially the Roma, do not have access to the free legal aid provided by the law, due to legal and administrative financial barriers.

Through its work, HOPS identified four strategic cases and proceeded to represent them by a lawyer experienced in working with marginalized groups. In the field of family law, one case of divorce was included, more precisely a sex worker who has not lived with her legal husband for many years, and exactly due to this she is unable to exercise her right to health insurance and the other rights from the area of social protection. The proceedings are still in progress. Another case also tackled discrimination due to the use of drugs. Namely, it is about a person whose medical certificate issued for the purpose of taking out a driver's license stated that he is not entitled to take out the document because he was being treated for opiate addiction with methadone therapy. A complaint was submitted to the Commission for Prevention and Protection against Discrimination, and the Commission found discrimination based on health status and belonging to a marginalized community. The other two cases refer to domestic violence and gender-

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based violence, and criminal proceedings have been initiated in both cases. The clients represented by the lawyer are sex workers, whereby in the case of gender-based violence, the client, in addition to being a sex worker, also uses drugs. This proceeding has been completed, and the perpetrator was sentenced to imprisonment. The other case, which is on grounds of grave bodily injury, is still under way.

Station PET provided legal assistance to marginalized communities from the municipalities of Prilep, Krivogashtani and Dolneni in continuity, with a focus on the people from the Roma community, people living in rural areas as well as other individuals and families at social risk. The services were provided in person, at the association's office, as well as via telephone and through the online service "Call the Emergency Paralegal Assistance", which was introduced in March 2020 as a result of the pandemic caused by Covid-19, but proved to be useful even after the end of the pandemic. The main areas in which legal assistance was needed were social protection and health care, personal identification documents, child protection, labour rights, as well as housing, environmental and agricultural rights. Fewer cases, but of great significance, are the cases of gender-based and domestic violence, especially since this is a particularly critical issue considering the tendency of victims from marginalized communities to be reluctant to report such cases. Station PET provided a total of 337 legal aid services to marginalized communities.

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The legal team also identified cases where more serious violations of human rights were found, so appropriate requests are now being submitted to the

competent institutions, which are required to take immediate measures to exercise the rights of citizens. During the project implementation period, a total of 59 individual requests to the institutions were submitted.

A total of 4,039 cases of legal and paralegal services were recorded in the electronic database. These data do not only serve as records corroborating the level of support provided to communities, but are also a tool for discovering systemic obstacles in the exercising of rights.

Individual cases related to healthcare, social protection and other human rights

As part of the regular legal and paralegal assistance, the PET Station project team was continuously active in identifying the more complex cases where regular proceedings are either not applicable or had not been properly implemented by the administration, therefore requiring individual responses directly to the institutions for to ensure the exercising of the citizens' rights.

During the project implementation period, action was taken related to 10 individual cases, as follows:

1. Reaction to the Centre for Social Work - Prilep, related to the obstacles in the exercising of the parental right of a father from a rural environment who is appointed as a legal guardian of two minor children. He faced indecent conduct by the children's mother, as well as pressures from the social workers at the Centre for Social Work.
2. Reaction to the Ministry of Interior regarding the delay in making a decision upon the submission of a citizenship application within the legally stipulated deadline. The reaction was filed on behalf of a woman who lives in a rural area, an Albanian citizen who has lived in North Macedonia for fifteen years, a widow and a single mother of two minor

children, who has been attempting to get Macedonian citizenship for the past five years.

3. Request for free admission of a student to the State-owned Student Dormitory in Prilep. The request is filled out for a high school student who comes from a rural environment and who technically does not meet the requirements for free admission but comes from a family that is at severe social risk, without adequate circumstances to study and achieve personal development.

 4. Notification to the Ministry of Interior in response to the request for additional documentation upon a submitted citizenship application. The notification pointed out that the additional documents and the errors in the documentation that the Ministry requires to be corrected are in fact an obligation of the state bodies and this must not constitute a reason for further delay in the procedure.

 5. Anonymous report to the PPO - Prilep and the Ministry of Interior for abuse of children in an illegal informal community.

 6. Reaction to the Ministry of Interior and the Ombudsman for delaying the proceedings upon a citizenship application submission. In fact, this is another case of exceeding (not complying with) the legally stipulated deadline for responding to a request for admission to citizenship.

 7. Reaction to the Public Prosecution Office, the Ombudsperson and the Ministry of Interior on prolonging the procedure after a case of police brutality against a Roma minor was reported. Namely, a report of police brutality against a Roma minor was submitted to the competent bodies in November 2021, and for more than a year no criminal proceedings have been initiated by the Public Prosecution Office in Prilep in charge of the case.
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8. Submission of an electronic request for immediate response to the Ministry of Interior, the Ombudsman and the Mayor of the Municipality of Prilep, for errors and interruptions in the continuity in the search for the missing ten-year-old child in a rural environment (Mariovo region). The child disappeared on February 25, 2022, and according to the information of the paralegal, who was directly involved in the search party as a volunteer, the institutions were active in the search for the first few days, but then they began to withdraw and gradually abandon the search.

9. A written response was submitted to the Ombudsman, the Ministry of Interior and the Centre for Social Work in Prilep, for omissions in the protection of three minor Roma children. According to the information provided by the paralegal and the children's grandparents, the children were abused, neglected and subjected to prostitution by their parents.

10. Reaction submitted to the Government of the Republic of North Macedonia, as well as to the Ministry of Labour and Social Policy, for the purposes of changing and amending the Law on Child Protection and aligning it with the Law on Minimum Wage. The reaction aimed to point out the inconsistency in the requirements for exercising the right to child allowance, i.e. the limit to the minimum family income and the new changes to the Law on Minimum Wage, which led to a situation where more families were unable to exercise the right to child allowance, because the threshold in the law was lower than the minimum wage.

Provision of services through the Mobile Office for Paralegal Assistance

The mobile office for paralegal assistance is a team that consists of a lawyer and a paralegal, who once a week visit different locations in rural areas where they work in the field and provide help and support directly to the communities. This activity continued functioning in three locations, according to a previously established schedule:

the Vitolishte village every Tuesday,

the Krivogashtani village every Wednesday and

the Ropotovo village every Friday.

The mobile office was established by Station PET during the previous project "Access to Justice for the Most Marginalized" (2021) in cooperation with the three municipalities (Prilep, Krivogashtani and Dolneni) which provided free municipal space for the implementation of the activity. In addition, due to the fact that the office demonstrated excellent results in making it possible for the people living in rural areas who have limited access to institutions due to their poor infrastructure, to get connected with the nearest institutions located in Prilep, it continued this year.

In cooperation with the Faculty of Law at the University "Sv. Kliment Ohridski" in Bitola, the students who were part of the Legal Clinic were also involved. The main areas in which the services of the Mobile Office were requested were social protection, healthcare and pension insurance, personal documents, child protection, as well as agricultural and environmental rights. In this way, a total of 337 services (122 legal and 215 paralegal assistance services) were provided to remote rural communities.

Mapping the immunization status of targeted marginalized communities

Over the Covid-19 period, a field survey was conducted on the condition and percentage of vaccinated persons from the communities. The survey was conducted in an informal way, through conversations with the citizens, so that they would feel free to openly communicate and share truthful information on two key issues: their vaccination status and the reasons why they would accept/reject immunization. After obtaining and processing the information, an informative video and infographics were prepared in order to acquaint the general public with the main conclusions.

The mapping included a total of 150 citizens. 60 of them were Roma, and the remaining 90 were from rural communities.

The results led to the following findings:

The most common reasons for not accepting the vaccine are the fear of another disease or infertility, the disbelief that vaccines protect against covid-19, and also the belief that both covid-19 and vaccines are man-made political tools to control people. Worryingly, there is resistance among young people on these issues, and they are prone to prejudice, discrimination and conspiracy theories.

38% of the members of the Roma community are vaccinated, as opposed to the 62% who are not;

46% of rural residents are vaccinated, as opposed to the 54% who are not;

The most common reasons to get the vaccine were protection against disease and the requirement to travel and work.

The most common reasons for not getting the vaccine are fear of another disease or infertility, not believing that vaccines protect against Covid-19, and also the belief that both Covid-19 and vaccines are man-made political tools to control people. It is truly concerning that there was resistance on these issues among young people, and they were also prone to prejudice, discrimination and conspiracy theories.

The results of the conducted survey among sex workers showed that more than half were vaccinated against Covid-19, that is, 52.6% of them got at least two doses of the available vaccines. Among 77% of the unvaccinated respondents, the fear of the possible side effects from the vaccine prevailed.

The survey among people who use drugs showed that most of these people were vaccinated, i.e. 57.6%. Among those who were unvaccinated, the main reason for this status was the fear of the side effects of the vaccine on their health (43% of the respondents), 7% of the respondents believe that if someone has a strong immunity, they do not need a vaccine or that vaccines are not effective [28% of the unvaccinated respondents].

Educational sessions with the citizens from marginalized communities

Educational sessions are among the most effective ways for community outreach and one of the best tools to inform a large number of people on how to exercise a particular right. The aim of these thematic sessions is to ensure a broad educational impact on marginalized communities, which are the target group of the project and organizations. A total of 6 educational workshops were held in order to ensure a wide educational impact on the

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marginalized citizens who live in a rural environments or are part of the Roma community. The activity included a total of 240 citizens from the municipalities of Prilep, Krivogashtani and Dolneni. The workshops were divided in two parts. In the first part, the legal aid, support and services provided by the PET Station were presented, and in the second part, the participants had the opportunity to learn more on how to exercise their rights from the areas of social protection, housing, infrastructure, the rights from agricultural activity and any other issues of relevance to the different groups of citizens.

Organizing cascade educational workshops for legal empowerment

The paralegals held cascade educational sessions on legal empowerment of marginalized groups were held for the persons from the target communities. A total of 30 workshops were held on the topics of gender-based violence, the importance of immunization, decriminalization of drugs and decriminalization of sex work. Each of the paralegals was at liberty to decide which topic to cover according to the needs of the groups they worked with. The workshops were held in safe spaces, respecting the anonymity of the participants/users.

The two paralegals working on support of sex workers and their families held a total of 10 workshops on gender-based violence and drug decriminalization, and included 22 people.

The paralegals who work with people who use drugs held a total of 20 educational workshops attended by 54 people, covering the topic of decriminalization of drugs in North Macedonia.

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Video podcasts

Organizing live podcasts has proven to be very successful because it provides space for active involvement of the audience. During the project implementation, two podcasts were organized and streamed. One of them was on the topic of social and health problems faced by the people who use drugs from the perspective of social workers, and the second was about art as a tool to raise awareness about the use of drugs through the lens of the performance of the play "Candy" directed by Tamara Stojanoska.

Actions in the community, for the community (sex workers and people who use drugs)

One of the project objectives was to build the capacities of the community of sex workers/and people who use drugs, and this activity came as a direct output of this objective.

The sex workers developed incredible skills using creative tools in order to reach as many people in their community as possible and increase their knowledge. Six audio podcasts were released during the project implementation period.

The first podcast was organized on the occasion of June 2, the International Day of Sex Workers. As part of the "Breakfast with Miss Jagoda (strawberry)" podcast, the sex worker was interviewed about her work and the problems she faces every day and has faced throughout her life.

The second podcast was recorded and released in November, and the guests were a sex worker and a field worker who spoke about the state of the open and closed scene in Skopje during the energy and economic crisis and the challenges and changes faced by sex workers since then.

The third audio podcast covered the topic of "Social Entrepreneurship" as a new opportunity to strengthen the community. The listeners of the podcast had the opportunity to get to know and learn about the principles of social entrepreneurship in order to initiate and be part of a discussion on how social entrepreneurship can improve the economic and social status of sex workers and contribute to the strengthening of the community.

The fourth podcast was released on the occasion of December 17, the International Day to End Violence Against Sex Workers.

The fifth podcast covered the topic of gender-based violence against sex workers, where the guest was the HOPS lawyer who advises sex workers and also offers them help and support in cases of these types of violations.

The sixth podcast featured a sex worker from Sweden who works in Berlin and talked about the Swedish model of sex work regulation, including the pros and cons of this model of sex work.

The people who use drugs together with paralegals undertook community action during the "D Festival", which was organized in the period from 1 to 3 July 2022, where a workshop was organized on the topic: "The risk of using psychoactive substances at music events". More than 50 people actively participated in the workshop.

Building the capacities of the civil society organisations

During the project implementation period, community mobilization training was held for the representatives of civil society organizations and human rights defenders who work for marginalized communities. The training was attended by 25 participants from 7 civil society organizations that provide legal and paralegal assistance to vulnerable groups of citizens. The aim of the training was to strengthen the skills and knowledge of the participants

when undertaking community mobilization in order for the community members to be able to recognize human rights violations themselves and to know where to turn in cases of violations. The focus of the training was on the concepts of social accountability, legal empowerment, monitoring and community mobilization. By providing practical examples and groupwork, these concepts were brought closer to the participants so that they would be able to apply them in their everyday work.

Within the project framework, a training on creative activism was also held, attended by 14 participants from 6 civil society organizations that provide legal and paralegal assistance to vulnerable groups of citizens. The purpose of the training was for the participants to learn about the concept of creative activism and how changes in society can be achieved through creative actions. Within the framework of the training, four scenarios for creative actions were developed for the previously identified community problems.

Creative activism – a tool for advocacy

The training on creative activism was genuinely productive and successful. Four creative actions aimed at the different problems faced by the Roma people, the people who use drugs and the people who live in rural areas were supported.

On December 28, 2022, the first of the four creative actions developed within the project “Access to Justice for the Most Marginalized” took place. The creative action was prompted by the decades-long issue faced by the women from Shuto Orizari Municipality, the lack of a family doctor in obstetrics and gynaecology. Namely, over the past 10 years, the lack of a

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family gynaecologist in Shuto Orizari has put the reproductive health of all the women in this municipality at risk. Unfortunately, all of the appeals and advocacy by the associations had thus far contributed only to temporary solutions, without managing to find a permanent solution and an OB/GYN who would be routinely available to these women. The last advocacy activities of the associations were successful, and a doctor was selected who would continue his work in Shuto Orizari in the long term. That is why the need to organize a creative action arose, in order to help promote and availability of the doctor, aiming to have a very broad outreach and informing women about the opportunity to choose a family gynaecologist in their own municipality.

On February 2, 2023, starting at 12:30 p.m., the creative action "I'm a child too, don't leave me without an education" was held in front of the premises of the Children's Daycare Centre on the "Path of Hope" street. The purpose of the action was to emphasize the need for continued education of children in order to give them a chance for a better future. The people from Shuto Orizari have been on the margins of society for a long time, living in substandard conditions. Among the main reasons that contribute to this situation is the lack of adequate education, despite the fact that there are two primary and one secondary school in the Municipality of Shuto Orizari. The number of children who drop out of school is high, and the reasons for this vary. From year to year, the number of children enrolled in first grade decreases, while the number of street children increases. This phenomenon directly affects the development of the community. As part of the creative action, a mural with a message for the benefits of the children's continued education was promoted. The mural is located in front of the kindergarten in a bustling area where many of the residents of Shuto Orizari pass by. In this way, the parents will get the message about the importance of education, in order to ensure a good quality life for their children.

On 5 May 2023, the creative action "Press for Support" was undertaken. The action aimed to raise the public awareness about the illegal practice and

treatment suffered by the people who use drugs (with a focus on cannabis). The legislation from February 2023 makes this clear - according to Article 215 of the Criminal Code "a person who possesses narcotic drugs and psychotropic substances for personal use shall not be punished". That is why during the creative action, citizens were invited to show their support for the people who are unjustly prosecuted for using a single joint, while the real criminals in the industry are at large. The citizens stopped, read the facts about the situation and showed their support by pressing a big red button that produced an alarm sound as a symbol of the injustice inflicted to the people who use drugs.

Capacity building and sensitization trainings for representatives of relevant institutions at the national and local level

Within the framework of the project "Access to Justice for the Most Marginalized", together with the Council of Europe Programme office in Skopje, two trainings were held for the employees of the Ministry of Justice and its Regional Departments, the Ministry of Labour and Social Policy and the Centres for Social Work, as well as the Ministry of Internal Affairs. The goal of the trainings was: "Strengthening the access to justice for all, with special emphasis on addressing cases related to vulnerable groups of citizens". The first training was attended by more than 40 representatives of the MoJ and MLSP who had the opportunity to upgrade their knowledge and improve their skills in providing services to citizens, especially the most vulnerable among them, through case analysis, role playing and other techniques. In addition to the delivery of services, the participants had the opportunity to learn about the amendments to the Law on General Administrative Procedure, which of those amendments affect them, and how the administrative procedure for citizens could be improved. At the same time, they received an answer

to all the dilemmas they had in relation to the current law, as well as the uncertainties they had in the practical application of the law.

The second training covered the same topic, but much more extensively and went much deeper into the core of the problem. In order to contribute to the advancement of communication and to improve the cooperation in the procedures for protection of victims of gender-based and domestic violence, representatives from the Ministry of Interior were also invited. More than 50 representatives of the regional departments of the Ministry of Justice (MOJ), the Ministry of Labour and Social Policy (MLSP), the Centres for Social Work, and the Ministry of Interior (MoI) attended the training. The training aimed to strengthen the access to justice for all and focused on two critical issues: gender-based and domestic violence, as well as children's rights. Through presentations, interactive activities and coordination sessions, the representatives of these institutions strived to improve their skills and coordination when providing help and protection to the victims of gender-based and domestic violence.

Capacity building of paralegals

During the project implementation period HOPS conducted two trainings on capacity building of the paralegals who deliver services and assistance to the communities the organization works with – sex workers and people who use drugs. The purpose of the trainings was to strengthen the capacities of the paralegals to present, convey and disseminate information and provide paralegal assistance. The focus of the first training was on communication approaches with marginalized communities, methods and tools for successful mobilization of people from those communities and familiarizing them with the services offered by HOPS. Furthermore, it was explained what paralegal assistance is and what its role is, as well as the ways in which it is delivered/implemented in the HOPS programmes. The training was interactive and

the participants had the opportunity to share their personal experiences, as well as acquire skills through practical examples and exercises. The focus of the second training was to increase the paralegals' knowledge about gender-based violence, decriminalization of sex work and drug use, as well as discrimination and legal rights and obligations. The training included practical exercises to understand the power relations between the victim and the perpetrator, a short film screening, discussion and active involvement of the attendees. The participants had the opportunity to share their personal experiences, previous knowledge and receive materials with more information on the topics covered, as well as promotional materials from the project itself.

In addition, Station PET held a training for paralegals and field workers. The purpose of the training was to strengthen and enhance the knowledge of paralegals, to discuss the challenges in working with vulnerable groups of citizens, working during crisis, the lessons learned and the upcoming steps. The topics covered by the training were related to the delivery of services in times of crisis, work with vulnerable categories of citizens, the functioning of mobile offices for paralegal assistance - the results and lessons learned; practical exercises - a debate club, as well as environmental protection and climate justice as topics in focus for the upcoming period. The participants had the opportunity to share personal experiences, previous knowledge and receive materials with more information on the topics covered.

Advocacy activities to improve equal access to justice for all citizens

The Open Government Partnership (OGP) is an international initiative started by eight countries in 2011. From the very beginning, the Republic of North Macedonia became part of this global initiative within which Governments and civil society organizations advocate for government bodies that are open

and accountable to the citizens. By joining the initiative, the Government of RNM signed the Declaration undertaking an obligation, together with the civil society organizations and the citizens, to prepare and implement specific commitments towards promoting transparency, support for civil participation, fight against corruption and use of new technologies in the public sector and outside of it for the purposes of innovation support, etc.. for a period of at least two years. The Action Plan for Open Government Partnership for the period from 2021 to 2023 reaffirmed the need to deepen the previously undertaken obligations and improve their quality. The Plan contains commitments related to the access to justice, the legal empowerment of citizens and the advancement of legal protection, especially for young people, marginalized groups and women, the improvement of the delivery of public services, the continuation of activities related to the publicly disclosing the information on beneficial ownership, opening new data, as well as activities to prevent corruption and protect the environment and air pollution.

FOSM, together with its partners, actively participates in the implementation of the fifth National Action Plan for OGP in relation to the priority area - access to justice. Within the framework of the Legal Empowerment of Citizens commitment, through the available information and open institutions, the process of creating a National Plan for Legal Empowerment has begun. In a comprehensive and transparent process, meetings were held with representatives of the Ministry of Justice, the Ministry of Labour and Social Policy, and in addition, two focus groups were organized with representatives of civil society organizations, as well as two focus groups with representatives of the Centres for Social Work and the Regional Offices of the Ministry of Justice. In addition, 9 meetings were organized within the working group under the Access to Justice Priority, along with a high-level conference that was organized at the beginning of 2022.

As part of the fifth National Action Plan for Open Government Partnership, within commitment 4.4. Legal Empowerment of Citizens Through Available

Information and Open Institutions, a workshop was organized under the project on creating a National Plan for Legal Empowerment. The workshop was attended by 20 participants from the Ministry of Justice and its Regional Departments, the Ministry of Labor and Social Policy and the Centres for Social Work, as well as representatives of the civil society organizations that provide legal and paralegal assistance to vulnerable groups of citizens. The purpose of the workshop was to draft the National Plan for Legal Empowerment, which includes the needs of the service providers, as well as the needs of citizens. The plan focuses on several strategic priorities that will contribute to improving the access to justice for all citizens. By working in groups, the participants managed to develop the goals, activities and upcoming steps that will be included in the plan. Based on all the collected data, the consultant will draft the National Plan and continue the process for its finalization with the involvement of all the relevant stakeholders.

In addition, the National Plan was presented at a working meeting with stakeholders, which was followed with the drafting of the accompanying Action Plan for the first year of implementation. In an open process and with the input of all stakeholders, both documents were finalized and submitted to the OGP Council for further adoption and implementation.

Advocacy for the adoption and implementation of the National Programme for Treatment, Care and Support of Children who use Drugs

As a result of the advocacy activities of HOPS, in October, the Minister of Health adopted a Decision to establish a working group tasked with drafting the Protocol for treatment of people who use drugs, under the age of 15.

In the meantime, HOPS has remained in touch with the Ministry of Labour and Social Policy and has continued advocating for the adoption of a Programme for Treatment, Care and Support of Children who use Drugs. The

As a result of the advocacy activities of HOPS, in October, the Minister of Health adopted a Decision to establish a working group tasked with drafting the Protocol for treatment of people who use drugs, under the age of 15.

Ministry of Labour and Social Policy has publicly committed to take further steps to adopt the programme before the Ministry of Health.

At the international level, in its concluding observations on our country from 2022 the Committee on the Rights of the Child highlights some of the points where progress related to adolescents is expected. The Committee recommends to the country to promote greater access to comprehensive, age-appropriate, science-based education on sexual and reproductive health and rights, including information on the prevention of adolescent pregnancy and high-risk sexual

behaviour, and on the issues of sexual orientation and gender identity, family planning and contraceptives, as well as on the prevention and treatment of sexually transmitted infections. In the implementation of these measures, special consideration should be given to children in vulnerable situations, among other things, by addressing the incidence of drug use by children and adolescents, *inter alia*, by providing them with information and education on the prevention of substance abuse, including tobacco and alcohol, and developing accessible and youth-friendly programs and measures for the treatment of addictions.² Based on these conclusions, in the upcoming period HOPS will advocate for the final adoption of the programme at the national level.

² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMKD%2fCO%2f3-6&Lang=en

Advocacy for amendments to the Criminal Code and the Law on Misdemeanours

As core laws that affect the people who use drugs and sex workers, it is significant to highlight the amendments to the Criminal Code and the Law on Misdemeanours against the Public Order and Peace. In the working groups, the representatives of non-governmental organizations represented the interests of the people who use drugs and the sex workers, particularly when it comes to the amendments and additions to the Criminal Code, which is how these amendments and additions were granted.

With the Law amending and supplementing the Criminal Code, a new paragraph, paragraph 6 was added to Article 215 - Unauthorized Production and Marketing of Narcotic Drugs, Psychotropic Substances and Precursors, which stipulates that the person who possesses narcotic drugs and psychotropic substances for personal use shall not be punished. Although the person who possessed drugs and psychotropic substances for personal use was also not held criminally liable, due to the practice of the police, the Public Prosecutor's Office and the courts, it was necessary to have this phrase explicitly stated in the Code.

The adoption of the amendments and supplements to the Law on Misdemeanours against the Public Order and Peace decreases the amount of the fines stipulated by Articles 19 and 20, which refer to prostitution, as well as renting i.e. making available premises for prostitution and enjoyment of narcotic drugs, psychotropic substances and precursors. On the other hand, the amount of the fines for a legal entity engaging in the hospitality business, if it rents out, i.e. makes available premises for the practice of prostitution, has been increased, which puts sex workers at risk of not being able to use hotels and motels, thus increasing the danger of violence when working outdoor.

The farmers' right to a paid (maternity) leave due to pregnancy, childbirth, maternity and sickness

Women registered as individual farmers are excluded from the Health Insurance Law when it comes to benefits due to sickness, workplace injury and leave of absence due to pregnancy, childbirth and maternity. As insured persons, in accordance with Article 5 paragraph 1 item 4 of the Law on Health Insurance (hereinafter referred to as the Law on Health Insurance - LHI) individual farmers have the right to healthcare, but not the right to benefits in case of temporary inability to work due to illness, injury or pregnancy, childbirth and motherhood (Articles 13 and 14 of the LHI). Individual farmers pay 20% of contributions, have no regular, fixed salary, but earn their income from agricultural activity on an annual basis, which is irregular and under the impact of the elements and similar factors. The Law on Labour Relations regulates the right to a maternity leave, but the holders of this right are the insured persons as regulated by LHI. According to the existing legal solutions, self-employed persons also have the right to a paid maternity leave, although they are not recognized in the Law on Labour Relations, nor do they have the obligation to receive a monthly salary (for example, lawyers, notaries, artists, sole proprietors, etc.). Farmers are de facto workers, i.e. self-employed persons, but the legislation does not recognize them as such, and introduces the category of "individual farmer" which is granted fewer rights compared to other workers and self-employed persons. The fact that they pay lower contributions must not be perceived as grounds to exclude them from the health insurance rights, but quite the opposite, as an affirmative measure aimed to include a marginalized category in the social and health insurance system and as an economic measure aimed to encourage the development of agriculture as one of the most important economic activities.

The Commission for Prevention and Protection against Discrimination issued an opinion in which it found indirect, prolonged and intersectional

discrimination against female and male farmers in exercising their rights in accordance with the Law on Health Insurance - namely, the right to compensation in case of sickness, pregnancy, birth and maternity leave. With its opinion, the Commission recommended that the Ministry of Health prepare and propose amendments to the Law on Health Insurance, which would grant individual farmers the right to a paid leave of absence due to pregnancy, childbirth and maternity, as well as the right to a paid compensation during temporary absence from work as a result of sickness and injury.

In May 2023, the Parliament voted for the need to adopt the Draft Law amending and supplementing the Law on Health Insurance which grants the right to a paid maternity leave to women farmers. All attending MPs voted "in favour", which means that we believe that the draft law will successfully pass the legislative procedure and that farmers will finally get a systemic solution for the right to a paid maternity leave. As a next step, we will work with the Assembly to enact legal amendments that will enable paid leave due to sickness and workplace injury for individual farmers.

International Scientific Conference: “Human rights and Access to Justice for the Most Marginalized communities - theory and practice”

The Foundation Open Society - Macedonia, the association Station PET and HOPS – Healthy Options Project Skopje, in cooperation with the Institute for Research and European Studies - Bitola and the Faculty of Law at the University “Sv. Kliment Ohridski” - Bitola, organized a two-day scientific conference on “Human rights and Access to Justice for the Most Marginalized communities - theory and practice”. The conference was organized as a hybrid event where 16 authors from Macedonia, Brazil and India presented 20 research papers.

The purpose of the conference was to identify and emphasize the challenges and obstacles faced by marginalized communities in accessing justice, but also to share the best practices and lessons learned in the exercising of human rights, both from a theoretical and practical point of view.

At the plenary session of the conference, welcoming addresses were given by Konstantin Jovanovski - Programme Officer at the Delegation of the European Union in North Macedonia, Prof. Dr. Goran Ilic – Vice Rector for Science at the University “Sv. Kliment Ohridski” - Bitola, Adriana Lavchiska - Programme Director, Foundation Open Society - Macedonia and associate professor Prof. Dr. Angelina Stanojoska - Vice Dean for Science

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and International Cooperation at the Faculty of Law at the University of “Sv. Kliment Ohridski” - Bitola.

The presentation of the papers was divided into three panels, and the authors had the opportunity to present the findings of their research related to the current situation in North Macedonia and other countries in terms of equal access to justice. Although RNM is declaratively committed to improving the access to justice and the protection of human rights, however, there is acute awareness that marginalized groups still face numerous challenges.

The conclusions of the conference were that it is necessary to advocate for the advancement of the entire system of legal empowerment of citizens with a particular focus on the access to justice for marginalized citizens. At the same time, the FLA system, as the only one recognized by the state, is not perfect and needs to be adapted according to the needs of all the citizens. At the same time, the good practices from other countries can easily be introduced into the legal aid system in Macedonia. This joint activity served to prove that the civil society sector and the academic community have a lot to offer in order to improve the situation, both at the community level and at a higher societal level, and that it would be both necessary and useful to continue practicing this form of cooperation, as well as enhance it in the future.

**Most frequent
violations of
human rights
within the project
“Access to Justice
for the Most
Marginalized”**



Within the framework of the project, the two partner organizations, HOPS and Station PET, provided free legal assistance with a focus on the communities they work with. HOPS works with sex workers and people who use drugs, while Station PET works with marginalized communities in the city of Prilep with a focus on the Roma community, rural communities from the Mariovo region (Prilep municipality), as well as with the two rural municipalities of Krivogashtani and Dolneni. Below is an overview and analysis of the most common human rights violations registered by the organizations within the “Access to Justice for the Most Marginalized” project.

People who use drugs and sex workers

People who use drugs face significant violations of their health rights from several aspects. There are cases where they are faced with hindered access to treatment and their right to addiction treatment was violated for a number of reasons during different points in time during the project implementation.

As a result of Covid-19, the Government adopted several measures to protect the population, including measures to restrict the movement of all citizens (curfew) and introduced a reduction to the frequency of public transportation. These measures limited and burdened the movement of all citizens, but they hit the community of people who use drugs particularly hard. Their access to addiction treatment became significantly more difficult, especially when it comes to those who

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live in rural areas and are further away from the Kisela Voda Addiction Treatment Centre, and who needed to switch two different buses (bus lines) just to reach the treatment centre which put them at risk of violating the curfew at certain times, through no fault of their own. Moreover, the introduction of state-wide lockdown with isolation for 14 days for all the people who arrived in the country from another foreign country, affected the people who use drugs particularly harshly. As a result of this, the access to treatment for people treated for drug addiction was prevented or became significantly more difficult, because their position was not taken into consideration in the government measures, which is why the necessary methadone therapy was provided either too late or not at all to the places where they were accommodated. In the same way, the measure of isolation due to being positive to Covid-19 or after having contact with a person who tested positive to covid-19 had its effect on the people who use drugs. These people, if they were on therapy, often did not receive it on time or did not receive it at all (if they had no way to contact the treatment centre), which exacerbated their situation and successful treatment.

The measures to restrict movement also affected the active drug users, especially those who were not on substitution therapy, so that they did not have the opportunity to secure the necessary doses in time, which is why they often fell into withdrawal syndrome, and the danger of overdose and fatal outcome increased. On the other hand, those using non-opioid drugs, and who were contacted by HOPS, were mostly members of the younger population who work in clubs and cafés, and were directly affected by the pandemic containment measure that related to the closure of catering establishments, because they remained out of work for several months. Another problem they faced was that the pandemic crisis led to an increase in the price of substances, which inevitably affected their economic situation, and this resulted in the purchase of drugs of significantly reduced quality,

The diminished access to treatment during Covid-19 did not leave drug users out, as they were not provided with adequate emergency health care and

assistance. At least one unverified case has been registered with a fatal consequence from an overdose by a user during the Covid-19 pandemic. The entire focus during Covid-19 was on Covid-19 patients, while those individuals who had ongoing and emerging health problems were neglected. The people who use drugs due to serious issues with their health visited health facilities in order to receive appropriate help, but they were not granted the care they needed on the grounds that the healthcare providers acted only in urgent and necessary cases, and the rest of the health problems were not treated as urgent. So, this lack of treatment and failure to provide medical assistance led to serious deterioration of their health and led them to life-threatening situations.

In addition to the measures adopted by the Government to protect against the Corona virus, in the period from May 2021 until today, a trend was observed at the PI (public institution) Inter-Municipal Centre for Social Work, of adopting decisions for termination of the right to a paid caregiver to people who use drugs. More specifically, they had been granted this right for several years back with inspection visits, but at each inspection visit they had to submit the same medical documentation that they had previously submitted, even during the pandemic, in order to have their right extended. In this way a bad practice was established during the Covid-19 pandemic, when the health of all citizens was put at risk, especially of those who previously had chronic diseases, such as the people who use drugs, as benefits they were granted even prior to the pandemic were revoked and they were pushed into an even more disadvantaged, risky position, which increased the risk of further deterioration of their health. It is important to note that this practice is still ongoing.

Moreover, during 2022, the right to addiction treatment of people being treated for opiate addiction with buprenorphine therapy was violated between April 18 and May 6, 2022, when they were denied the right to be treated with buprenorphine substitution therapy by the Centre for Prevention and Treatment of Drug Addiction Kisela Voda, as the Centre had

run out of therapy because the Ministry of Health had failed to conduct the procurement procedure for the medication. Since the Day Centre did not have therapy, its clients were given prescriptions so that they could buy their therapy out of pocket from pharmacies, although the therapy that does not include co-funding from the Health Insurance Fund is costly, and most of the clients cannot afford to buy it out of pocket, because large part of them are not employed and live on financial assistance by exercising their right to social protection. In 2022, like in every other year, the Programme for Health Protection of Persons with Addictive Diseases was adopted, which foresees the need for help and timely, free of charge treatment of the persons struggling with addictive diseases, as well as equal availability of therapy to all persons with a substance use disorder. However, the failure to provide buprenorphine therapy to people in addiction treatment and their exposure to high financial costs of providing the therapy privately was contrary to this programme.

In addition, there are other reasons why it was difficult for the people who use drugs to access therapy. For example, a person who was treated with methadone substitution therapy at the Centre in Ohrid, after moving to Skopje, tried to continue his treatment at the Day Hospital (outpatient facility) in Kisela Voda by submitting a certificate by the Centre in Ohrid with data on the amount of therapy he received, but he was denied therapy by the Day Hospital in Kisela Voda on grounds that he must first change his place of residence in the ID card, i.e. live on an address in Skopje, and only then start receiving therapy in the hospital in Kisela Voda (although the person was unable to change the place of residence in his ID card, as the house he lived in did not have title deeds).

The people who use drugs also face obstacles in exercising their right of access to health insurance. This problem most prominently affects women who use drugs and who are married (insured through their spouses), because they are unable to independently exercise their right to mandatory health insurance and consequently they are unable to use the health services

provided through primary health care. Namely, there is an established practice according to which the holder of mandatory health insurance in a family is the man, while the other members of the family are subsequently provided with health insurance through the main holder. These women are denied the right to be holders of mandatory health insurance because they are married, and their spouses appear as holders of the mandatory health insurance. In those cases where they are bound to use health services, they are billed in full, out of pocket, as if they are uninsured, because they are outside the system of mandatory health insurance. Those cases are usually also cases where women have suffered domestic violence or other types of gender-based violence, which further complicates their position. The people who use drugs and who are serving a prison sentence are also faced with no access or limited access to health services because their health insurance is not regulated, and they are released from prison without any personal identification documents and without health insurance, so they are unable to immediately continue with the treatment from opiate addiction, while, on the other hand, addiction diseases require continuous treatment. The fact that they are released without an identity card, in addition to making it difficult for them to access health insurance, prevents them from exercising any of their other rights, and stops them from accessing certain institutions where admission is not allowed without a personal ID document, such as courts, etc.

The people who use drugs often report cases of violation of their right to treatment and the right to access to family doctors (General Practitioners). These people are having difficulty in finding a family doctor (GP), that is, they are being rejected by family doctors once they tell them that they need a referral to the Hospital for addiction treatment, on the grounds that they have no more room for new patients, which is not grounds for rejection. During the Covid-19 pandemic, not having a family doctor led to reduced access or no access to the most elementary health services both in relation to Covid-19 and in relation to other health conditions.

The people who use drugs are often exposed to stigma and discrimination by society and the institutions. Not only does the discrimination, or in other words, the unequal treatment, the limitation of their rights and the denial of access to goods and services seriously affect the people who use drugs, but they also discourage them from reporting the violations, as a result of their distrust in the system and institutions. Cases of discrimination by several institutions have been registered, namely: the University Dental Clinic, the Centre for the Care of Homeless Persons in Chichino Village, the Centre for Social Work - Skopje, police officers, the University Clinic. People who use drugs face discrimination in several areas, namely: health care, social protection, access to rights, goods and services, employment and labour relations, and more.

Another major problem faced by people who use drugs are the obstacles when obtaining a travel document (passport) when a ban on its issuance has previously been mandated. It is an administrative procedure which is closely related to the criminal proceedings. Although according to the Law on Travel Documents, the court is obliged to inform the Ministry of Internal Affairs ex officio immediately after the reasons for the imposed ban cease, in practice this is not the case. On the contrary, in practice people have to make their own application to the Criminal Court for any crime so that it notifies the MoI, especially when it comes to whether a ban is in place or not. With each request, they have to submit a discharge letter from prison, a copy of their identity card and pay 135 MKD. Then they wait for a response to each submitted request separately, and in cases where the clients have committed multiple offences, this can take more than a year. Moreover, in certain cases the court was unable to locate the case files at all in order to respond to the request. Due to the length of the procedure, the obstacles that may arise, and also for financial reasons, some clients do not even initiate the procedure at all, and some give up over the course of its duration. This established practice makes it difficult and restricts the right of movement of people who have served a prison sentence, as one of their basic human rights.

People who use drugs often face torture, and inhumane and degrading treatment by the police. However, they are not encouraged to report, and the reason for the small number of reported cases, i.e. the lack of motivation among clients to report their cases, is due to the lack of trust in the system and institutions. They feel that no one can help them, no one will act on their complaints, and no one will protect them, especially since the violation of their rights is so common that it has become a habit for these people. Some of the reported cases of torture and degrading treatment are briefly described below. In these cases, they faced violation of their rights during search, arrest, being held in custody at the police station, as well as physical and psychological violence.

A distinct problem for the people who use drugs is that they are punished for committing an offence under Article 215 of the Criminal Code, which refers to the unauthorized production and marketing of narcotic drugs, psychotropic substances and precursors, in cases of drug use as well as for any possession of drugs for personal use. Based on this practice, the police, the public prosecution and the courts introduce a penal policy that criminalizes the use of drugs.

Women who use drugs are exposed to even more stigma and discrimination than men who use drugs, mostly due to the fact that society, according to its traditional norms, is more accepting of men using drugs than women, although approximately a quarter of people who use drugs worldwide are women³. It is for this reason that women who use drugs very often occur as victims of intersectional discrimination, as well as victims of gender-based violence and domestic violence perpetrated by their spouses, partners and brothers, yet the authorities seem to be addressing this completely inappropriate inadequately, whereby the institutions perpetrate the stigma and discrimination against these women.

³ Gender-based violence against women who use drugs, available at: <https://hops.org.mk/wp-content/uploads/2021/06/hops-5.pdf>

Another major problem that these women face is that the opiate addiction treatment programmes are not gender-sensitive and women-friendly, or rather they are generally tailored to the needs of men, which is why the majority of women who use drugs get discouraged from starting treatment.

Some of the protection measures against Covid-19 which were carried out by the Government of RNM also affected sex workers. The measure which imposed closing down the catering facilities, left many sex workers out of work. In addition, with the introduction of the ban on movement, the work of those sex workers who work on an open stage became more difficult. Due to the fact that for most of the sex workers contacted by HOPS, sex work is their only source of income, these restrictions have virtually left them with no source of income. Since sex work is not legally recognized in RNM, sex workers are part of the informal economy, so both before the pandemic and during the corona virus, the only tool they could use to get out of the crisis were the monetary benefits provided in accordance with the Law on Social Protection and the economic measures that were imposed during the pandemic that the people from the informal economy were eligible for.

Furthermore, sex workers are often victims of gender-based and domestic violence by their families, partners, relatives and clients. In a large number of cases, sex workers initially, due to lack of recognition of domestic violence, and on top of that even greater mistrust in the system, find it difficult to encourage themselves to report violence, and even in those cases when they report, they often quit during the procedure. It is important to point out that in some cases the police and the other institutions fail to act with due diligence in accordance with the Law on Prevention and Protection from Violence against Women and Domestic Violence and proceed to discriminate and revictimize the victims, thus failing to provide them with adequate protection, especially when it comes to violence by unknown perpetrators. Transgender women who are sex workers are exposed to an even greater amount of violence, but they are also discouraged from reporting the cases as they do not trust the institutions.

Sex workers face inaction by the police, in cases where police officers fail to take any kind of action following their reports of violence perpetrated by clients, or strangers passing by on the street where they work outdoor, which represents both a violation of human rights and discrimination. Sex workers also face torture, inhuman and degrading treatment and punishment by the police.

This marginalized group is often exposed to stigma and discrimination by society and the institutions, especially those sex workers who are also transgender. It also often happens that they are exposed to discrimination and harassment by portals and their clients who download their photos from their social media profiles and post them without copyrights on their portals alongside disturbing, humiliating and offensive content. Moreover, sex workers face violation of their right to privacy by either unknown persons or their current and former partners. Several sex workers were registered as having suffered their right to privacy to be grossly violated and had their personal data misused by unknown persons who posted videos with sexual content on pornography portals recorded and published without their knowledge and consent. An unknown person posted porn videos on a porn site of women working outdoors without their permission. Sex workers also face having videos with offensive content be published on social networks without their consent and have their photos and videos shared by people known and unknown to them on social networks.

Sex workers are also faced with an inability to exercise their right to health insurance and other social protection rights because they are legally married to spouses with whom they have not lived for many years and are typically not in contact with, but due to their difficult financial situation they are unable to initiate divorce proceedings because of the high costs of lawyer's services incurred in court proceedings during divorce, because the spouse who has an unknown residence is assigned temporary representation (a lawyer). They would also have this problem even in case they obtain secondary legal aid (a lawyer provided by the state), because if

the court appoints an ex-officio lawyer for their spouse, they will have to pay the lawyer's expenses. In these cases, not only our clients, but also their children are left without health insurance.

Another major problem faced by those sex workers who have entered into a legal marriage is that they often do not divorce after separating, but start cohabitation with other partners, where they proceed to have children with the new partners, and since they are not divorced from their legal spouses, but only separated, according to the law, the mother's spouse (who is not the biological father of the child) is registered as the father of the children. This is precisely why most mothers decide not to register the births of their children at all. This is a major problem, because the children remain without health insurance, and the delayed registration of course entails a court procedure to prove paternity, which is an expensive procedure due to the DNA testing, especially for sex workers with low incomes.

A problem faced by members of marginalized groups, more specifically by sex workers and people who use drugs, is the difficult procedure for obtaining a personal identification document (identity card). The reason why they do not have a personal identification document is that they cannot provide a residential address, because they live in illegally built buildings, and at the same time they do not even have the opportunity to sign a Lease Agreement with a landlord. Some of these communities, such as the Roma in Prilep, are settled in places where, according to the DUP (detailed urban plan), the construction of buildings is not foreseen, so they cannot even legalize them. Otherwise, even when there is an opportunity for a client to conclude a Lease Agreement with a person who is the owner of real estate, such an Agreement cannot be notarized, because the client does not have an identity card, and the Ministry of Interior requires the Lease Agreement notarized. This is a serious problem, because without an identity card they are not able to exercise any of their rights, such as the right to health insurance, which in certain cases can be fatal, because some of these people are in a vulnerable financial position and are not able to pay for health services

out of pocket, so most of them do not seek medical attention when they have health problems or do not receive services until they pay for them privately. Furthermore, not having an identity card makes it difficult for them to access institutions, such as the court, where they are unable to respond and appear at court summons. In cases like these, criminal proceedings are especially important, because they end up being convicted in absentia with higher penalties and sentenced to and serve prison sentences without the opportunity to defend themselves during the proceedings.

Marginalized communities in the city of Prilep – Roma and the people from rural communities from the Mariovo region (Municipality of Prilep), as well as with the two rural municipalities of Krivogashtani and Dolneni

The access to free legal aid in Prilep is challenging, starting from the formal part, meaning that the regional department for free legal aid is located in a dilapidated building that has no working conditions. In addition, there is high turnover of employees in the regional department change, and currently there is only one employee, who is never in the office, although the exactly this officer him/herself is supposed to provide primary legal assistance. The Ministry of Justice is aware of this situation but has failed to take adequate reaction. For example, the city of Tetovo, which is approximately the same size as the city of Prilep, has 21 employees in its regional department, while there is only Prilep. Moreover, the employee in Prilep does not have the authorization to make decisions on the approval of secondary legal aid, so these requests are forwarded to Bitola. Because nearly all of the requests, coming from several places, are sent for approval to Bitola, in certain cases the legally stipulated deadline for making a decision is not complied with, several times.

The discrimination of Roma in catering establishments and other public facilities in Prilep has been a long-standing reality which has spurred occasional reactions, but they have failed to make a more substantial change. The reactions to this practice have been multiple, at several levels, by taking comprehensive actions to identify the problem and bring it to the eye of the public and the institutions so that there could be sanctions. Apart from this, cases of discrimination in employment in the private sector in small businesses have also been observed.

There is uncertainty and a legal vacuum regarding the provisions regulating the completion of primary education for children who have reached the age of 16 and should study in the 8th or 9th grade. They cannot be included in regular primary education, and there is a lack of appropriate delegation of the responsibilities and obligations related to adult education between primary schools and the Ministry of Education, and they shift the responsibility between each other when it comes to who is in charge of implementing the programme for adult education. As a result of all this there is the lack of an adequate adult education programme for nine years of primary education and the unresolved status of these children.

There is also a problem with the asylum seekers who occasionally go abroad, in terms of their children's education and social protection rights. These people do not have sufficient information about the asylum procedure and the need to increase their knowledge is determined, so when they go abroad, they take their children with them and later, when the children return, they have a gap in their education because they have skipped several years. In addition, asylum seekers who are beneficiaries of the guaranteed minimum assistance do not report their departure to another country as asylum seekers to the social protection system, thus losing the right to the guaranteed minimum assistance, and when they return to the country they do not have any source of income because due to the interruption they are not eligible to apply for guaranteed minimum assistance within 1 year.

People from rural areas who live in the areas which are remote from the institutions, with dilapidated or no road infrastructure at all, have difficulties accessing the rights and services provided by institutions located in urban areas. So, for example, people living in the Mariovo region, in order to ensure their basic rights and services, have to go to the nearest city – Prilep, which requires them to travel more than 100 kilometres in both directions. Most of the institutions do not have offices in rural areas, so they are forced to travel to Prilep, and because of the distance, they often give up and end up not submitting their requests to exercise their rights to various benefits. The availability of institutions is a particularly difficult problem for those people who are uninformed, because in order to get some of their benefits granted, they are forced to go to the institutions several times. The people from rural areas in the vicinity of Prilep must go to Prilep to take out personal documentation, as well as to regulate their health insurance. Their health care and health are also exposed to risk because they do not have full healthcare in their areas, especially when it comes to their sexual and reproductive health.

Another issue that people living in rural communities face is the irregular payment of financial assistance - subsidies. This practice is detrimental to the implementation of the goals of the national agricultural policy and has a devastating effect on individual farmers. Also, within the framework of the project implementation period, in 2020, bad conditions were registered under which the purchase of tobacco began, which led to the organization of mass protests that were particularly high risk at a time of a significant increase in the number of Covid-19 patients. There was also complete halt in the purchase of tobacco with the withdrawal of the trustees from the purchase points, which removed any legal possibility for a proper and quality implementation of the purchase.

There is a general practice of delaying applications for citizenship by the Department of Civil Affairs at the Ministry of Interior, which has been going

on for years, and can even last longer than four and a half years. The Law on Citizenship does not stipulate a deadline for responding to the requests for admission to citizenship, but this does not mean that such a deadline does not exist, because it is legally stipulated in the Law on General Administrative Procedure, as a general law, and it is 30 days from the receipt of the request. The Ombudsman has also reacted to this practice, but the answer is that the problem is due to the delay in issuing an opinion by the Agency for National Security.

During the implementation of the project, a systemic irregularity was found in the exercising of the rights to social protection, so Station PET managed to achieve changes by submitting an initiative to the MLSP to amend the Ordinance on the Exercise of the Right to Guaranteed Minimum Assistance. As a result, the MLSP changed the practice according to which the CSW would make a decision based only on the personal identification document, while the remaining necessary documentation will be provided ex officio by the regional CSW.

The protection and promotion of the environment is often neglected, especially when it comes to marginalized groups of citizens, although we are aware that it affects people's health, health status and quality of life in general. In the settlement where the Roma community lives in Prilep, there are several illegal landfills, and even though some of them were cleaned after several reactions, the practices of waste being disposed there, continues. The problem with illegal landfills also exists in rural areas. In Krivogastani there is an illegal landfill with a length of more than 1 kilometre long where the waste from several villages was disposed. It is particularly concerning that these illegal landfills in rural areas are located on fertile land. In the municipality of Dolneni, illegal landfills have also been observed in several villages, and in Lazhani, the river is full of litter. While some of the responsibility for this can certainly be attributed to the citizens, local authorities should also strive to establish of regular landfills in accordance

with standards, which would not endanger the soil and air. In addition, the local authorities should systematically approach the solution to this problem through several activities, among other things, by designing and implementing a system of penalties as well.

Conclusions



With the successful implementation of the "Access to Justice for the Most Marginalized" Project, the set goals were achieved and activities were implemented aimed at providing legal and paralegal services to marginalized communities, strengthening their rights, increasing knowledge and awareness, as well as advocating for equal access to justice for all.

Providing quality legal and paralegal services was the key focus of the project. HOPS and Station PET provided paralegal and legal assistance to sex workers, people who use drugs, Roma, people living in rural areas and other marginalized groups. They offered paralegal and legal assistance related to family rights, social protection, discrimination, the provisions of the Criminal Code and referral to other support services. The project greatly contributed to the improvement of the access to justice for these communities.

Through the project implementation, the knowledge and awareness among marginalized communities about their rights and the importance of seeking legal protection was successfully enhanced. Educational sessions and workshops were organized covering topics such as: social protection, housing, agriculture, gender-based and family violence, as well as the decriminalization of drugs and sex work.

The project played a key role in tackling misinformation related to the Covid-19 pandemic. By conducting research and mapping the immunization status of the targeted marginalized communities, the project provided information on vaccination rates and the reasons behind vaccine acceptance or hesitancy.

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Furthermore, the project focused on building the capacities of civil society organizations, human rights defenders, institutions, as well as paralegals, through the delivery of several trainings. Community mobilization training was also provided, improving their ability to effectively support marginalized communities. By strengthening the skills and knowledge of these organizations, the project contributed to long-term sustainability and impact. The trainings represent a significant step towards improving the situation and protection of victims of gender-based and domestic violence and children. We expect the cooperation between the present stakeholders to significantly contribute to the creation of a safer and fairer society for all.

The efforts of FOSM and its partner organizations have resulted in significant progress in relation to the access to justice and the empowerment of marginalized communities. Through a comprehensive and transparent process, the development of a National Plan for Legal Empowerment was initiated, which included the key stakeholders from among the state institutions and civil society organizations. The Plan aims to respond to the strategic priorities and improve the access to justice for all citizens. Furthermore, advocacy efforts led to the establishing of a working group tasked to draft a Protocol for treatment of underage drug users and discussions with the Ministry of Labour and Social Policy to adopt a Programme for treatment, care and support of children who use drugs. The international recognition and the recommendations from the Committee on the Rights of the Child have further strengthened the advocacy efforts in promoting comprehensive sexuality education, including addressing substance abuse among children.

In addition, through active advocacy, the Criminal Code and the Law on Misdemeanours were amended to protect the rights of drug users and sex workers by decriminalizing drug possession for personal use and reducing the penalties related to prostitution and drug use. Finally, significant progress was also achieved in extending the right to paid maternity leave to individual farmers, whereby the Commission for Prevention and Protection against

Discrimination passed an opinion recommending amendments to the Law on Health Insurance in order to enable individual farmers to have access to a paid leave due to pregnancy, childbirth and maternity, as well as benefits due to illness and workplace injury. The positive response of the Parliament provided additional support to the efforts for legal resolution of this issue.

People who use drugs faced significant violations of their right to health during the pandemic. The measures taken to contain the spreading of Covid-19, such as movement restrictions and quarantine protocols, disproportionately affected this community.

The analysis of the most frequent violations of human rights of the marginalized communities, especially people who use drugs and sex workers, Roma and people living in rural areas, within the project "Access to Justice for the Most Marginalized" reveals numerous challenges and systemic failures. These violations occur in various areas including health rights, access to addiction treatment and therapy, social protection, discrimination, violence and access to services, and free legal aid. The Covid-19 pandemic further exacerbated these challenges, resulting in additional barriers in the exercising of basic rights, services and support.

People who use drugs faced significant violations of their right to health during the pandemic. The measures taken to contain the spreading of Covid-19, such as movement restrictions and quarantine protocols, disproportionately affected this community. The limited access to addiction treatment centres, the delayed or inadequate provision of methadone and other therapies, as well as the obstacles in providing the necessary doses, all contributed to the worsening of the state of their health and increased the risk of overdose and mortality.

The access to healthcare, including the right to health insurance and family doctors, has proven to pose a challenge to the people who use drugs. These people faced discrimination, unequal treatment and denial of services in

various institutions, including dental clinics, centres for social work and police stations. The lack of trust in the system and institutions further discourages these individuals from reporting violations and seeking help. The difficulties they face in obtaining travel documents (passports) and the criminalization of drug use further restrict their freedom of movement and perpetuate the stigma against this community.

Sex workers experienced similar challenges. The closing down of the catering establishments and the restrictions on movement left many sex workers without any income, as their work is not recognized and is part of the informal economy. Gender-based and domestic violence, as well as discrimination were some of the problems faced by sex workers, especially transgender women. The cases of police inaction, the failure to provide adequate protection and the violation of privacy rights further exacerbated the vulnerability of this marginalized group.

The findings indicate several critical issues related to the access to legal aid in the city of Prilep, as well as issues related to discrimination, education, social protection, citizenship and environmental protection in Prilep and its surroundings. These issues pose significant challenges for the marginalized groups in the community, especially the Roma population. The

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lack of adequate legal aid and the dilapidated facilities hinder the ability of individuals to effectively exercise their rights. Discrimination persists in the hospitality industry and private sector employment, further exacerbating social inequalities. The education system faces challenges in providing adequate support to children from marginalized backgrounds, leading to a lack of adult education programs. Asylum seekers also face difficulties in accessing social protection services, and bureaucratic obstacles hinder their ability to get the support they need. People from rural areas who live in remote areas, at a greater distance from the institutions, with dilapidated or non-existent road infrastructure at all, have difficulties accessing the rights and services provided to them by the institutions located in urban areas.

Recommendations



Based on the conclusions obtained from the project implementation, the most significant project achievements and the most frequently violated rights of marginalized communities have been singled out in the recommendations provided below. The implementation of these recommendations can contribute to further advance the access to justice, the strengthening of marginalized communities and the promotion of human rights in the country.

- ▶ Civil society organizations need to continue their joint efforts to achieve equal access to justice for all by building on the results they have achieved so far;

- ▶ Efforts need to be made to improve the access to free legal aid by streamlining the administrative processes and providing adequate working conditions for the regional offices of the Ministry of Justice for free legal aid;

- ▶ The advocacy for the recognition of all forms of legal empowerment by the state needs to continue and it needs to be supported by adequate funding;

- ▶ Civil society organizations should foster their cooperation with academic institutions, such as the Faculty of Law at the University of "Sv. Kliment Ohridski" - Bitola, in order to promote dialogue and research on human rights and access to justice for marginalized communities;

- ▶ Civic society organizations should continue to advocate and cooperate with the Parliament to ensure successful adoption of the Draft Law on Amendments and Supplements to the Law on Health Insurance in order to enable paid leave due to illness and injury at the workplace for individual farmers and paid leave of absence;

- ▶ Maintaining and expanding the provision of legal and paralegal services. Efforts are needed to overcome the barriers that prevent marginalized

communities from accessing free legal aid in order to ensure comprehensive legal protection;

- ▶ The partnerships and cooperation with all stakeholders, including state organizations, relevant institutions and universities need to be fostered. These partnerships should be further strengthened in order to achieve a well-coordinated and comprehensive approach to support marginalized communities, alongside advocacy to advance their rights;
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- ▶ The strengthening of the capacities of organizations, communities and institutions needs to continue;
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- ▶ Educational sessions, workshops and podcasts should continue to be organized in order to reach a broader audience and raise awareness about the rights of marginalized communities.
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- ▶ The advocacy for policy changes and reforms that address the specific needs and challenges that marginalized communities are faced with needs to continue. This includes addressing the legal and administrative financial barriers in the access to free legal aid for all citizens;
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- ▶ Unobstructed access to addiction treatment needs to be provided. Efforts should be made to remove the barriers that prevent the people who use drugs from accessing addiction treatment during crises such as the Covid-19 pandemic. This includes providing the necessary therapies in a timely manner, facilitating transportation for individuals in rural areas, and integrating the addiction treatment into the emergency health services.
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- ▶ Healthcare services need to be strengthened, and any underlying discrimination needs to be eliminated. Health care providers, including family physicians, need to be educated and sensitized to the needs of

the people who use drugs. The access to health insurance should be expanded to include all individuals, regardless of their marital status;

- ▶ The legal protection and support services for sex workers need to be improved. It is necessary to develop a comprehensive legal framework that recognizes and protects the rights of sex workers. This should include measures to combat gender-based violence and discrimination, ensure access to justice and promote safe working conditions;
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- ▶ Efforts need to be made to build trust between marginalized communities and institutions through transparent and accountable practices;
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- ▶ The data collection, record-keeping (documentation) and monitoring of human rights violations against marginalized communities need to be enhanced;
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- ▶ Establishing cooperation between civil society organizations, government agencies and international partners is crucial in this regard;
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- ▶ Activities and actions to improve environmental protection should be undertaken, by prioritizing the protection and enhancement of the environment, especially for the marginalized communities, creating landfills in accordance with the environmental standards to prevent illegal waste disposal and implementing educational campaigns to raise the awareness in order to promote responsible waste management practices;
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- ▶ State institutions need to take comprehensive measures to fight against the discrimination faced by marginalized communities in different areas;
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- ▶ The behaviour of the police and other relevant institutions towards people who use drugs and sex workers needs to be improved;
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- ▶ The international recognition and the provided recommendations need to be taken advantage of in order to raise the awareness and to advocate for the introduction of comprehensive sexual education and prevention of substance abuse among children;
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- ▶ The advocacy on the adoption and implementation of the Protocol for treatment of people who use drugs, under the age of 15, needs to gain ground.
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