

LEGAL NEEDS AND ACCESS TO JUSTICE FOR PEOPLE WHO INJECT DRUGS AND SEX WORKERS IN MACEDONIA



POLICY BRIEF

This research represents the first effort to assess the legal needs and paths to justice for people who inject drugs and sex workers in Macedonia. It was conducted at the end of 2016 and the beginning of 2017 using a mixed-methods research approach. The quantitative phase included 250 respondents chosen through stratified random sampling, out of which 169 inject/injected drugs, and 107 are/were engaged in sex work over the last three and a half years. The qualitative research phase, on the other hand, was comprised of focus group discussions with 69 respondents from both communities, as well as individual or group interviews with 7 representatives from competent institutions.

The research results showed that people who inject drugs and sex workers in Macedonia experience ten times more non-trivial justiciable problems in comparison to the general population in the country. In addition, low level of legal literacy, lack of trust in institutions and systemic discrimination, among other factors, prevent citizens from these communities to seek protection of their rights and delivery of justice through institutional mechanisms. Such circumstances confirm the communities' high vulnerability and underline the need for advancement of their access to information, legal advice and protection.



96.3%

OF THE SEX
WORKERS



98,2%

OF THE PEOPLE
WHO INJECT
DRUGS

experience at least one **justiciable problem** in a period of around 3.5 years. The same is the case with 49% of the general Macedonian population.

While the ordinary Macedonian citizen experiences an average of **1.3 to 1.5 justiciable problems**, **sex workers face 13.0 problems**, **while people who inject drugs as many as 14.9 problems** with potential legal remedy in a period of around 3.5 years.

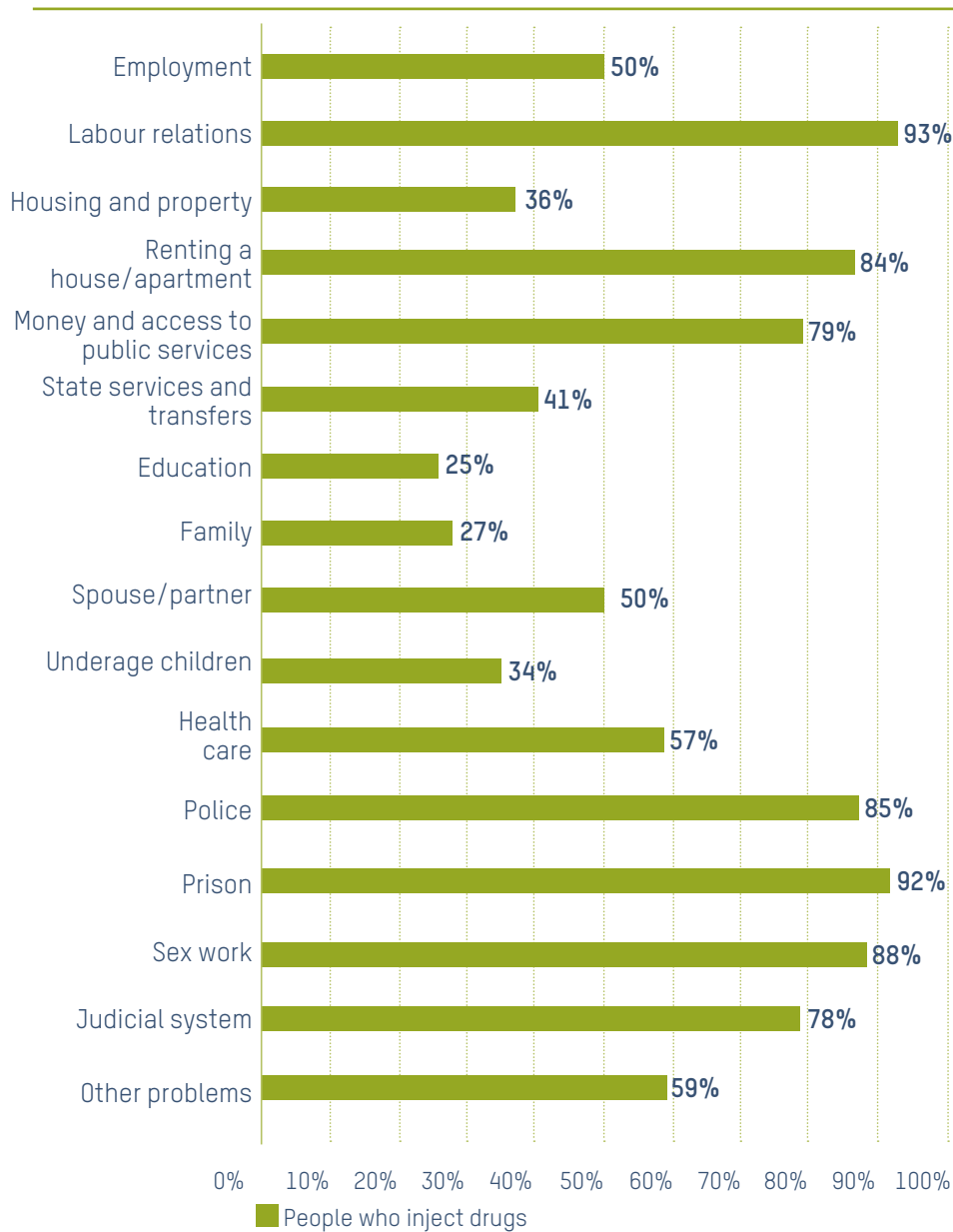


AN EXCERPT FROM THE EVERYDAY LIFE OF PEOPLE WHO INJECT DRUGS

The most common problems for people who inject drugs are the ones related to employment discrimination, rights violations by the Police, as well as numerous challenges while serving prison sentences. Justiciable problems are more frequent among the younger portions of this community, those with Macedonian ethnicity, as well as those living

outside of the capital city. In addition to the problems with the Police, the most serious legal problems identified by the respondents are the ones related to obtaining proper health care, legal disputes with their spouses/partners, as well as problems with money and access to public services.

PWID who report at least one problem, according to categories



DEALING WITH THE GRAVEST PROBLEM (PWID)

18%

I ATTEMPTED TO RESOLVE THE PROBLEM BY MYSELF 18%

22%

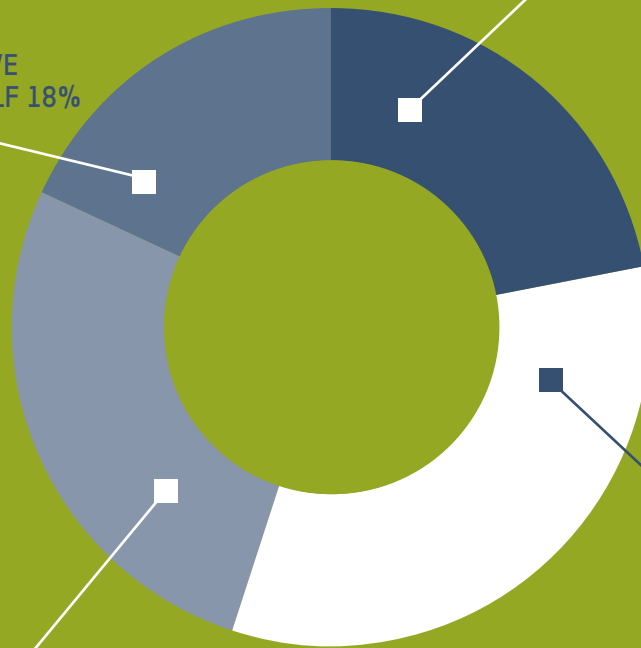
I TOOK OTHER ACTIONS

33%

I ASKED FOR HELP

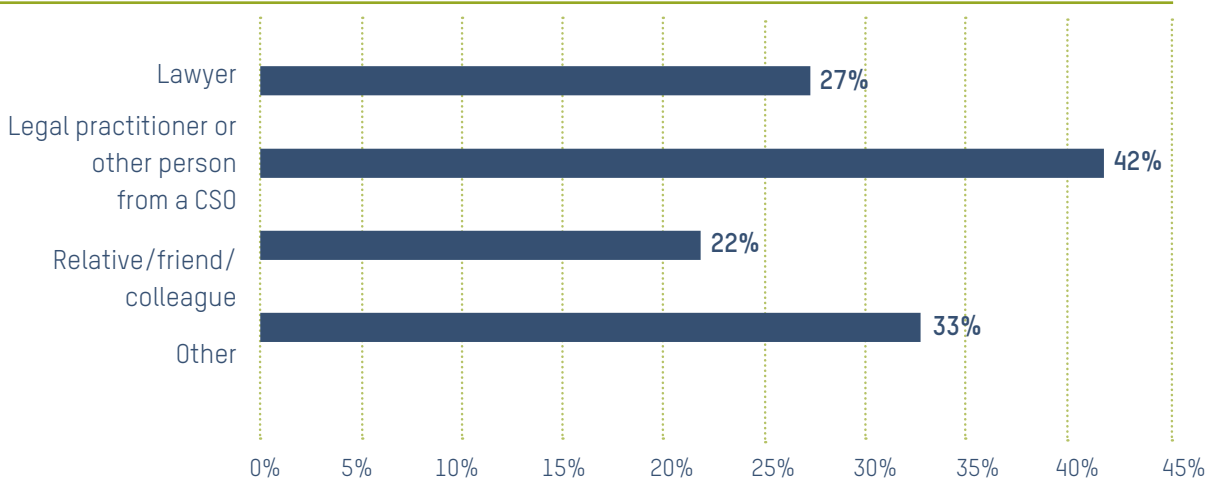
27%

I DIDN'T DO ANYTHING



Despite existing awareness of the potential harms, as many as a quarter of PWID fail to take any actions to resolve these problems, with additional 18% attempting to find a solution only by themselves, without seeking assistance.

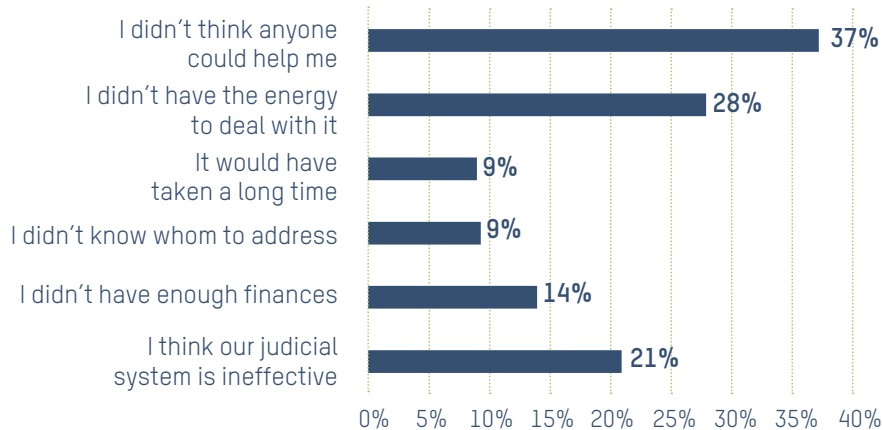
Instances for seeking help (PWID)



In the seldom cases when these citizens ask for legal advice or aid towards resolution of their problems, most often they address legal practitioners or other individuals from civil society organizations, they seek advice from lawyers whose services they pay by themselves, or from

relatives and friends. They hardly ever use other available mechanisms for protection of their rights, for instance the Ombudsman, the Commission for Protection from Discrimination or the Sector for Internal Control at the Ministry of Internal Affairs.

Reasons for inactivity (PWID)

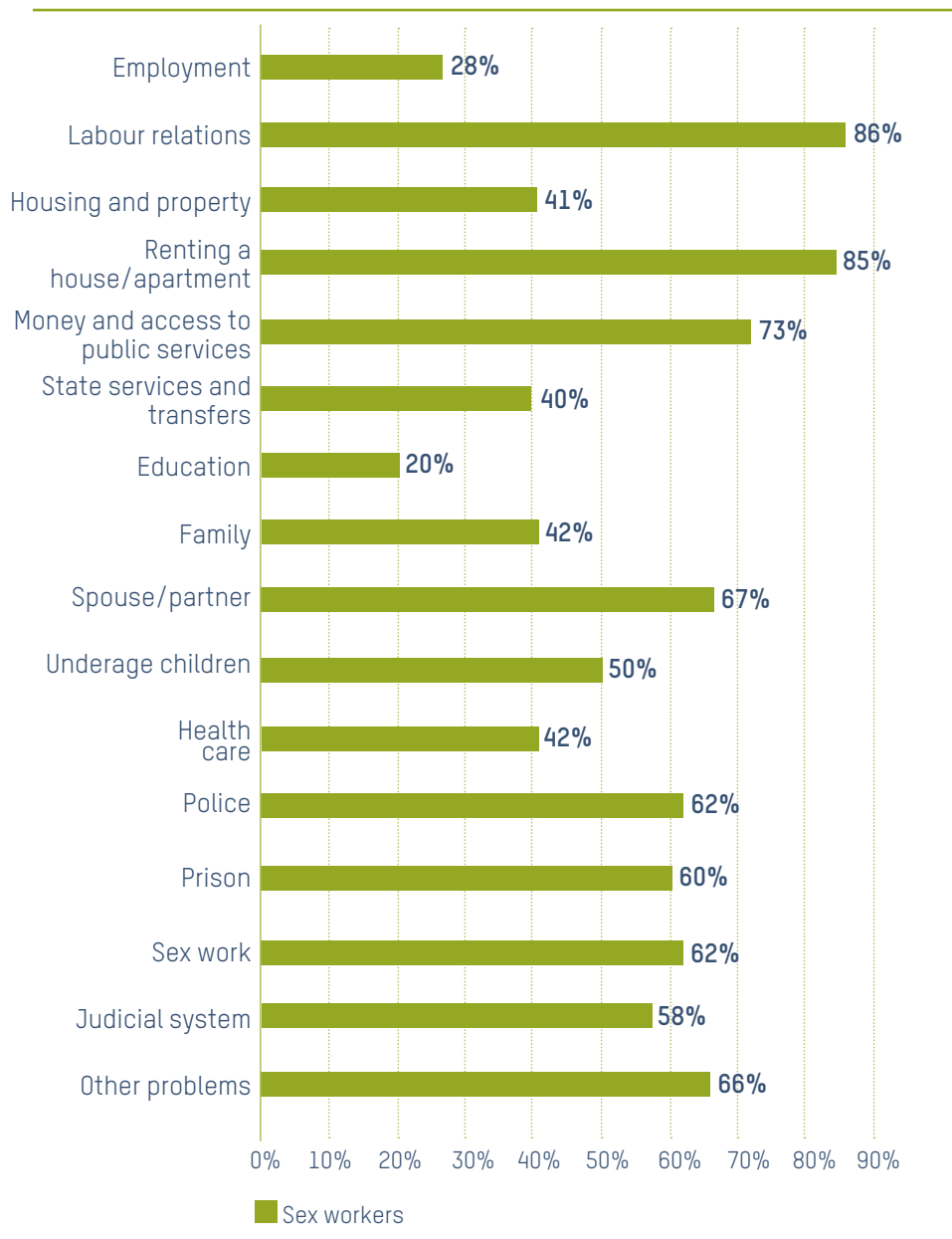


Failure to act is more frequent for problems related to the Police, with receiving proper health care or problems encountered during sex work. Inactivity arises from the respondents' lost hope that someone could help and is due to lack of trust in the Macedonian judicial system, as well as fear of aggravating the problem or fear for their personal safety if they seek solution.



AN EXCERPT FROM THE EVERYDAY LIFE OF SEX WORKERS

SWs who report at least one problem, according to categories



Most frequent problems for sex workers in Macedonia are the ones related to employment, home rental, as well as challenges in access to public goods and services. However, respondents from this community identify as most serious the problems

they encounter during sex work, as well as problems with members of their families, their spouses or extramarital partners, which mostly imply exposure to violence and humiliation.

DEALING WITH THE GRAVEST PROBLEM (SW)

33%

I ATTEMPTED TO RESOLVE THE PROBLEM BY MYSELF

12%

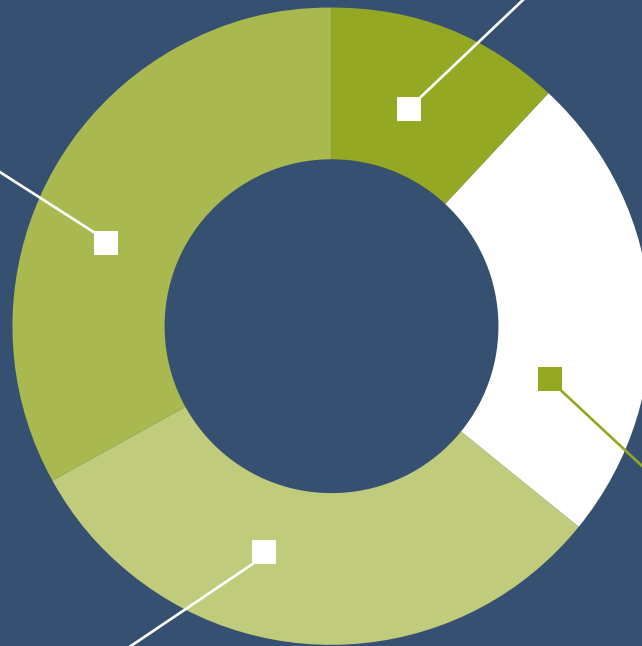
I TOOK OTHER ACTIONS

24%

I ASKED FOR HELP

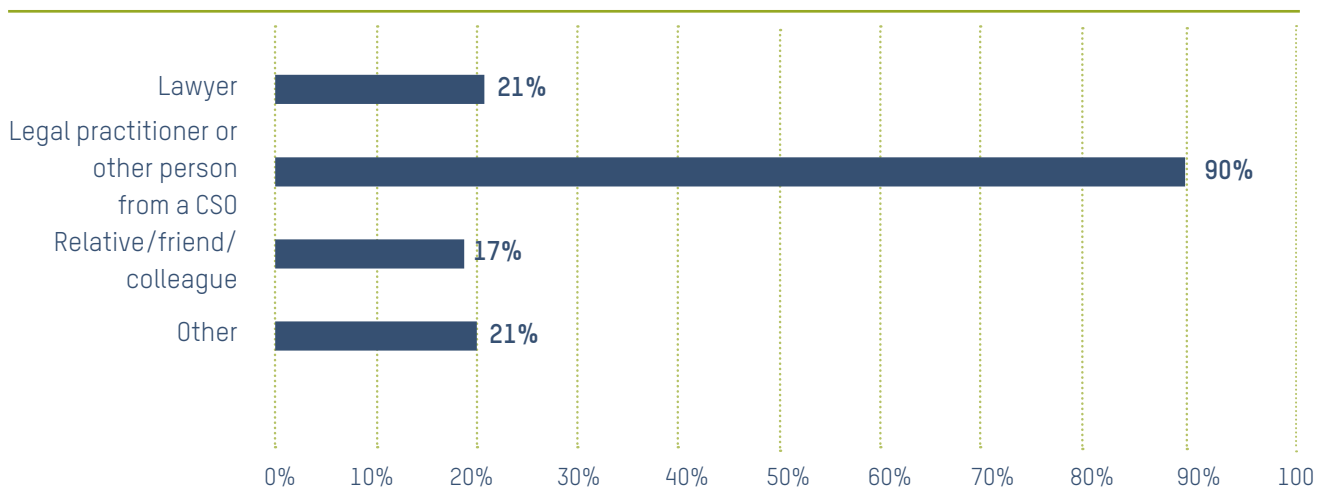
31%

I DIDN'T DO ANYTHING



Despite the gravity of the problems, as many as one third of the sex workers do nothing to resolve them, with an additional third only attempting to solve their problems by themselves, without asking for aid or advice from anyone. Roma sex workers are significantly less proactive in resolving legal problems, similarly to respondents with lower level of education and male sex workers.

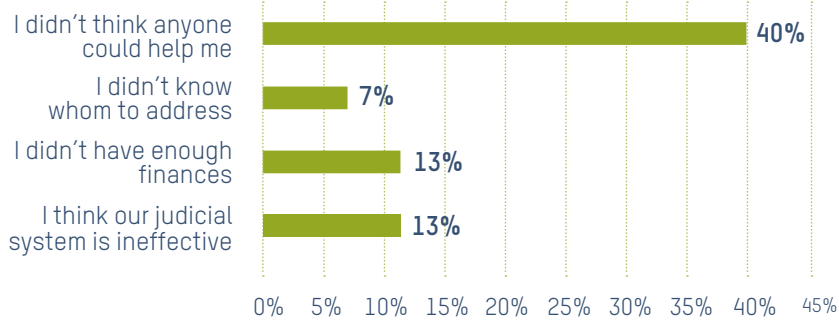
Instances for seeking help (SW)



In the instances when assistance is sought, sex workers mostly address legal practitioners or other individuals from civil society organizations, as well as relatives and friends. They rarely seek help from the

Police or state social protection services, and almost never reach for other instruments for exercising their rights, such as workers' unions or meetings with MPs or municipality councillors.

Reasons for inactivity (SW)



Inactivity of sex workers often arises from their lost hope that someone could help in solving their problems, the lack of trust in the judicial system and the weak economic power.



PUBLIC POLICY IMPLICATIONS

- It is of crucial importance to intensify the efforts for increasing the **legal literacy among people who inject drugs and sex workers** in Macedonia in order for them to be able to recognize the violations of their rights and get familiarized with the existing mechanisms for legal protection and delivery of justice. A possible outlet for realizing these efforts could be through civil society organizations that enjoy the communities' trust. This includes the expansion and advancement of paralegal services. In order to achieve greater effect, the activities should focus on the areas with greater legal need detected with this research.
- **Free legal services offered by civil society organizations need to be extended and promoted** because most people who inject drugs and sex workers trust civil society organizations the most when dealing with justiciable problems. It is necessary to include these services in the system for free legal aid supported by the state.
- The systemic discrimination against citizens of both communities entails the requirement of **sensitizing employees in public institutions towards working with these groups, particularly the Police, prosecutors, courts, prisons, as well as health care institutions and social protection institutions**. One possibility to achieve this is with temporary measures such as trainings and field and study visits, while systematic changes in the process of professional training of employees in the mentioned institutions could offer a longer-term solution. Sensitizing civil servants would probably lead to eliminating institutional practices that criminalize drug use and sex work without any legal ground.
- **The trust of people who inject drugs and sex workers in Macedonian institutions and in their efficiency and justness must be restored**. A change in institutional practices would be perceived as a positive signal promptly observed by the communities. It might also be beneficial to organize workshops through which public servants, according to their fields of competency, will educate members of both communities on the manners of accessing justice.
- **The Law on Free Legal Aid has to be amended** towards acknowledging the specifics and needs of people who inject drugs and sex workers. This implies loosening the eligibility criteria and eliminating all administrative obstacles in the access to free legal aid, as well as allowing advertisement of this service among the communities.
- It is necessary to open a public debate on the **decriminalization of personal drug use and of sex work in Macedonia**. Only by introducing humane drug and sex work policies will these communities be substantially empowered and can, without fear, seek protection of their rights in all spheres of life.

Authors:

Ivica Cekovski and Vanja Dimitrievski

Publisher:



Supported by:



The publication is available in full at www.hops.org.mk and www.pravnozajakni.mk