

NORTH MACEDONIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of North Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. The unicameral parliament exercises legislative authority. Parliamentary elections were last held in 2016 and presidential elections in 2014. In its final report on the parliamentary elections, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observed that the elections were transparent, well administered, and orderly but took place "in an environment characterized by a lack of public trust in institutions and the political establishment" and failed to meet some important OSCE commitments for a democratic electoral process. The OSCE/ODIHR's final report on the 2014 presidential elections noted the elections respected citizens' fundamental freedoms, but that there was inadequate separation between party and state activities.

Civilian authorities maintained effective control over the security forces.

Human rights issues included high-level corruption.

The government also took steps to investigate, prosecute, and punish officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices, but there were some reports that police abused detainees and prisoners and used excessive force. The government acted to investigate and prosecute legitimate claims. The Ministry of Interior Professional Standards Unit (PSU) reported that during the first six months of the year, it acted upon 23 complaints referring to use of excessive force by police officers. Seven of these complaints were deemed unfounded, while two complaints were upheld. In one case, criminal charges were filed against a police officer for excessive use of force, and disciplinary action was initiated to remove the individual from the position until the disciplinary procedure was completed. The disciplinary procedure continued at year's end. In another case the Interior Ministry notified the Public Prosecutors Office and initiated disciplinary procedures against four police officers. The Interior Ministry stated there was no evidence for the other 14 complaints. In the same period, the PSU received four complaints on the use of excessive force against interrogated persons and detainees. The PSU investigations resulted in one criminal charge against a police officer for inappropriate treatment. The PSU determined there was insufficient evidence to proceed in the other three cases.

The PSU acted on a complaint from the Helsinki Committee on Human Rights for excessive use of chemicals and physical force and unlawful detention and deprivation of liberty of one journalist during a June 17 public protest in front of the parliament. The investigation found police officers followed Ministry of Interior procedures. The journalist was detained purportedly because he refused to identify himself. The investigation concluded no excessive force was used in this case.

Prison and Detention Center Conditions

The country's prisons and detention centers failed to meet international standards and in some cases, according to the October 2017 Council of Europe's Committee for the Prevention of Torture (CPT) report based on a 2016 visit, conditions could be described as amounting to cruel, inhuman, and degrading treatment. Corruption, mistreatment by prison guards, interprisoner violence, unsafe and unhygienic conditions, insufficient staffing, and inadequate training of guards and personnel remained serious problems, particularly at Idrizovo Prison, which held more than three-fifths of the country's prison population.

Physical Conditions: The country had 11 prisons and three juvenile correctional facilities; seven prisons also held pretrial detainees.

The prison system continued to suffer from lack of funding, inadequate training of officers, and corruption. A few recently released prisoners from high profile cases claimed they were abused while being held. On April 17, the European Commission (EC) released its 2018 report on North Macedonia, which noted that the low number of complaints regarding mistreatment received by the Directorate for Execution of Sanctions did not represent the true situation and demonstrated a lack of trust in the complaints procedures. In addition it called the situation in the prison system “critical” with underfunding, understaffing, mismanagement, and overcrowding.

According to the ombudsman, overcrowding had declined due to improvements to Idrizovo prison and an amnesty law implemented in January that alleviated overcrowding by releasing 800 prisoners with sentences of less than six months. It also gave a 30 percent sentence reduction to another 3,000 inmates. The law does not apply to persons convicted of more serious crimes including murder, rape, child sex crimes, or terrorism. As of September 19, the ombudsman believed significant improvement in prison conditions was still needed.

The ombudsman prepares an annual report that includes information on prison conditions. The most recent report was released March 29 and stated: “overcrowding and poor conditions in the punitive correctional institutions remained a burning problem. It violated the human dignity of persons deprived of their freedom. The prison health-care system remained dysfunctional and to the detriment of convicts and detainees who did not even have health insurance. This situation affected the dissatisfaction of convicted and detained persons, but it also gave rise to doubts regarding the effective treatment and other health services in the punitive institutions. The security sector, the Department for Resocialization, as well as the health service were neither staffed nor professionally equipped.”

In its 2016 assessment, the CPT observed sanitary annexes were in an “appalling state (filthy, foul-smelling, damaged, and leaking), many of the showers did not work and there was hardly any provision of hot water.” The CPT observed that heating was working only a few hours a day and that provision of health care at Idrizovo and Skopje Prisons was inadequate, with many prisoners suffering from insect bites and infections such as scabies.

Insufficient staffing and inadequate training of prison guards and other personnel continued to be problems at all facilities.

Administration: The ombudsman found that correctional authorities' investigations into allegations of mistreatment and abuse of prisoners were generally ineffective.

The number of inmates without valid identification had decreased.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. The government previously granted independent humanitarian organizations, such as the country's Helsinki Committee for Human Rights, access to convicted prisoners only upon the prisoners' requests, but in November the committee signed a memorandum of understanding with the government to allow it unrestricted access.

The ombudsman regularly visited (once per month) the country's prisons and investigated credible allegations of problematic conditions.

Improvements: The Ministry of Justice stated that the first phase of improvements to the Idrizovo Prison were finished in August, increasing the prison's capacity by an additional 546 inmates, for a total of 1,346. The improvements included construction of three buildings, one with capacity for 294 inmates and two housing 252 inmates in semi-open detainment. Furniture, tea kitchens, laundry rooms, fitness equipment, as well as mattresses, linen, and security equipment were procured.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The army is responsible for external security, and the president is the supreme commander of the army. The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Although still hampered by instances of corruption and political pressure, the Ministry of Interior made some progress in increasing its transparency and accountability.

Civilian authorities maintained effective control over the army and the Ministry of Interior, and the government has effective mechanisms to investigate and punish abuse. The ombudsman believed police impunity continued to be a problem, however.

As of August 28, the Ombudsman's Office received 11 complaints against police for unlawful or excessive use of force, compared with nine complaints in 2017. In one case, the office could not determine the facts, given the passage of time between when the incident occurred and when it was reported. In the second case, the office determined there was use of force not in line with the institution's rulebook.

As of August 28, the ombudsman's office reported having received a total of 163 complaints from prison inmates. In three complaints the inmates alleged torture by prison guards. One inquiry was pending; the other two did not result in concrete findings based on the evidence available to the ombudsman.

As of August 28, the Department for Enforcement of Sanctions received two notifications of the use of force against inmates by prison police, versus 14 in 2017.

On April 12, parliament adopted three laws: the Witness Protection Law, the law establishing the Operational Technical Agency (OTA) to be responsible for lawful intercepts in the country, and the Interception of Communications Law. The OTA is expected to be the technical facilitator of legal communications interception operations, operating with its own budget separately from the Ministry of Interior's Department of Security and Counterintelligence Services (UBK). The OTA became operational in November.

On November 20, the Prime Minister's Cabinet adopted the *Proposed Model and Implementation Plan for Security-Intelligence System Reform*. The Cabinet tasked the Ministry of Interior, in collaboration with the stakeholder institutions, to coordinate the implementation of the reform.

In addition to investigating any allegations of police mistreatment, the Ministry of Interior's Professional Standards Unit (PSU) conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit may not take disciplinary measures, which require a

ruling from a disciplinary commission, nor may it impose more serious criminal sanctions, which require court action.

Arrest Procedures and Treatment of Detainees

The law requires that a judge issue warrants for arrest and detention of suspects based on evidence, and police generally followed this requirement. The law states that prosecutors must arraign a detainee within 24 hours of arrest. A pretrial procedure judge, at the request of a prosecutor, may order detention of suspects for up to 72 hours before arraignment. Police generally adhered to these procedures. Authorities generally informed detainees promptly of the charges against them. Detention prior to indictment may last a maximum of 180 days. Following indictment, pretrial detention may last a maximum of two years.

During the first six months of the year, the Ministry of Interior PSU received four complaints alleging excessive use of force in interrogations of suspects and detainees. The PSU filed criminal charges against one police officer for inappropriate police treatment and dismissed the other three for lack of evidence.

There is an operating bail system. The law allows defendants to communicate with an attorney of their choice, but authorities did not always inform detainees properly of this right and did not always allow them to consult with an attorney prior to arraignment. Indigent detainees have the right to a state-provided attorney, and authorities generally respected this right. Judges usually granted permission for attorneys to visit their clients in detention. Authorities did not practice incommunicado detention.

Pretrial Detention: In the majority of cases, the courts adhered to the law for pretrial detention procedures. During the year, the number of court detention orders dropped significantly compared with previous years. In most cases both the Public Prosecutor's Office and the Special Prosecutor's Office requested, and the court issued, preventive measures instead of detention orders for suspects and defendants to prevent flight risk of witnesses, evidence tampering, and repeating or committing new crimes.

e. Denial of Fair Public Trial

The constitution provides for "autonomous and independent" courts, supported by an independent and autonomous Judicial Council. The government demonstrated greater respect for judicial independence and impartiality compared to previous

years. Limited judicial independence, politicization of the judicial oversight body, and inadequate funding of the judiciary, however, continued to hamper court operations and effectiveness.

According to the EC's April 17 report, the country's judicial system made some progress in improving judicial independence. The country adopted a credible new judicial reform strategy, and key pieces of legislation were amended in line with recommendations from the Venice Commission and the EU's "Urgent Reform Priorities." The Special Prosecutor's Office faced less obstruction from the courts. The EC report also concluded that sustained efforts would be required in order to address outstanding recommendations and to ensure the judiciary could function without undue influence.

On March 28, Prime Minister Zoran Zaev launched a new Judicial Reform Implementation Monitoring Council, which included the minister of justice, the chief public prosecutor, the special prosecutor, and other judges, government officials, private attorneys, and academics. The purpose of the Council is to monitor implementation of judicial reforms under the government reform plan.

According to the ombudsman's annual report for 2017, the greatest number of citizen complaints (576 or 17 percent) concerned the judicial system. Almost half of the complaints related to the rights of citizens in enforcement procedures. Between January and August, the greatest number of complaints (432 or 19 percent) related to the judiciary. The report stated citizens complained about long trials, bias, selective justice, and undue pressure on judges. The report indicated court decisions were sometimes considerably delayed due to administrative deficiencies or judges exceeding the legally prescribed deadlines for issuing written judgments.

While there were strict rules regulating the assignment of cases to judges that were implemented through an electronic case management system, in September the Skopje Public Prosecution Office summoned several persons for interviews after a 2017 audit revealed that the system to assign judges to handle specific cases had been manipulated. Media outlets reported that prosecutors summoned former "presiding judge" of the Skopje Criminal Court, Vladimir Pancevski, and Supreme Court Chief Justice Jovo Vangelovski. On September 14, the Special Prosecutor's Office submitted a *Special Report on Judges Implicated in the 2008-2015 Unlawful Wiretaps*. The report stated that, between 2011 and 2015, four judges were involved in "flagrant violation of integrity, independence, competence, and malpractice." The report detailed alleged actions in 2011 and 2012 under the

former government, specifically that Supreme Court Chief Justice Jovo Vangelovski shared key information regarding active cases with politicians and pressured peers during adjudication. In addition it stated that former Judicial Council president Aleksandra Zafirovska consulted senior government officials to select politically loyal or “favorable” judges, that criminal trial judge Sofija Lalichich followed senior UBK orders and severely violated the judges’ ethical code, and that administrative judge Svetlana Kostova simultaneously worked as a judge and as a UBK staffer.

Trial Procedures

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right.

The law presumes defendants innocent until proven guilty. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary). Trials were generally open to the public. The ombudsman’s 2017 annual report noted continuing problems regarding the right to trial in a reasonable time. According to the report, protracted civil and administrative court cases, as well as insufficient civil enforcement practices, resulted in violations of citizens’ rights. In high-profile cases, it was common for defense attorneys to request a “strategic delay” to proceedings.

For certain criminal and civil cases, judicial panels of three to five individuals, led by a professional judge, are used. Authorities did not always grant defendants adequate time and facilities to prepare a defense. In particular, Special Prosecution Office (SPO) defendants have complained that the court did not always grant adequate time to prepare a sufficient defense. Free assistance of an interpreter is provided. Defendants may communicate with an attorney of their choice or have one provided at public expense for those who are indigent. Defendants may question witnesses and present evidence on their own behalf. Authorities may not compel defendants to testify or confess guilt. Both the prosecution and defendants have the right to appeal verdicts.

On August 22, The Skopje Criminal Court began the trial of 33 persons charged with “terrorist endangerment of the constitutional order” for their actions in the April 2017 violent attacks in parliament. Four opposition Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE) party members of parliament, one Socialist Party member, and the former interior minister were among those charged. In opening arguments the

prosecution stated the criminal attacks were well organized and that one of the defendants was tasked with assassinating Zoran Zaev, who became prime minister a month after the attacks. The trial continued at year's end. On December 18, parliament adopted an Amnesty Law that provides amnesty for some participants in the attacks but not for those who committed violence, carried weapons, or organized the incident.

On November 16, the Constitutional Court declared a 2015 law on sentencing guidelines designed to address inconsistent sentencing among different courts unconstitutional. Legal analysts had expressed concern the law seriously hampered judicial discretion to decide sentences according to the facts in individual cases and provided too much power to prosecutors to influence sentences.

On January 11, parliament abolished the Council for Determining Facts and amended the Law on Judicial Council to restore the Judicial Council's responsibilities regarding discipline and dismissal of judges, in line with the 2015 Venice Commission opinion. On May 2, parliament amended the Law on Courts and the Law on the Judicial Council to introduce harsher disciplinary grounds, limit Judicial Council members' eligibility for more senior judicial positions while serving on the Council, and allow for the removal of a Judicial Council member indicted for a crime. On May 15, the Judges' Association stated that the amendments to the Laws on Courts and the Judicial Council failed to meet judges' expectations for effective reform, including disciplinary liability and removal grounds. The association's board concluded the amendments were not in line with the government's 2017-22 *Judicial Reform Strategy* and called on the government and opposition to make changes that would provide judicial independence.

Political Prisoners and Detainees

There was one report of political detainees. The opposition party VMRO-DPMNE claimed that the charges brought against 33 defendants, including five members of parliament, in the April 2017 parliamentary violence case were politically motivated and inflated (see Trial Procedures, above). There was no evidence the government denied access to these detainees by human rights or humanitarian organizations. The trial continued as of November 21.

Civil Judicial Procedures and Remedies

Citizens had access to courts to submit lawsuits seeking damages for human rights violations. Individuals may file human rights cases in the criminal, civil, or administrative courts, and the Constitutional Court, depending upon the type of human rights violation in question and its alleged perpetrator. Individuals also may appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for appealing excessive judicial delays to the Supreme Court. The government generally complied with civil decisions of domestic courts. Individuals may appeal cases involving alleged state violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) after exhausting all domestic legal options.

Property Restitution

The government has laws and mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, for citizens of the country. The government has no laws or mechanisms in place related to the resolution of Holocaust-era claims by foreign citizens. Holocaust-era restitution is no longer a significant issue in the country, particularly after the 2000 Denationalization Law and 2007 compensation agreement.

The 2000 Denationalization Law accorded the right to denationalization of property seized after August 1944 to former owners and their successors, in accordance with the provisions related to the right to inherit. It required claimants to have citizenship of the country at the time of the law entering force.

The 2007 Compensation Agreement among the government, the Holocaust Fund, and the Jewish Community allowed for the payment of 21.1 million euros (\$24.2 million) between June 2009 and June. One of the agreement's major results was the construction of the Holocaust Memorial Center of the Jews from Macedonia, which officially opened in 2011. In June the government paid the last installment of 5.6 million euros (\$6.4 million) to the fund, completing the process of denationalizing of Jewish properties.

Advocacy groups reported that some foreign citizens, not covered by the 2000 law, still sought restitution. Foreign citizens may apply for restitution in civil proceedings. The country is party to the 2009 Terezin Declaration.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions during the year. On April 12, parliament established the Operational Technical Agency (OTA) to be responsible for lawful intercepts in the country (see section 1.d., Role of the Police and Security Apparatus).

During the year the government continued to deal with the repercussions of revelations of a widespread, illegal wiretapping campaign, allegedly carried out during multiple years inside the UBK headquarters under the previous VMRO-DPMNE-led government. The campaign was first reported by the then opposition SDSM party in 2015.

In late 2016 the Directorate for Personal Data Protection, the agency responsible for overseeing the government's handling of personal information, performed four inspections of the UBK and initiated a control inspection in July 2017 to measure implementation of the 11 recommendations it made during 2016 inspections. A compliance report published by the directorate in November 2017 stated that the Ministry of Interior fully complied with the recommendations.

In 2016 parliament amended the Law on the Protection of Privacy to prohibit the possession, processing, and publishing of any content, including wiretapped conversations, which violate the right to privacy with regard to personal or family life. The amendments, which entered into force in July, also prohibit the use of such materials in election campaigns or for other political purposes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for members of the press. The government made progress respecting media freedom and freedom of expression, but problems remained, including weak media independence, and violence and intimidation of journalists.

The April 17 EC report on the country noted that the “climate for media freedom and freedom of expression has improved, with more open political debate and critical media reporting,” and that there was a “decrease in pressure on journalists.” Freedom House's *Nations in Transit 2018* report, released on April 11, characterized the media landscape as, “improved slightly, reflecting positive developments in the credibility of media reporting as a result of the change in

power at the central level.” The report noted that media outlets remained largely polarized along political, ethnic, and linguistic lines and that they “are still far from acting independently from political influence.”

In an open letter dated July 27, the heads of the Association of Journalists of Macedonia (AJM), the Independent Union of Journalists and Media Workers (IUJMW), and the Media Ethics Council criticized July 25 amendments to the electoral code, alleging they allowed political advertising to be paid out of the state budget. The letter asserted the amendments disregarded independent media outlet’s opposition to using taxpayer money for political advertising in the commercial media, a practice that was supposed to have ended in 2017. The Agency for Audio-Visual Media Services (AAVMS) and the Council of Europe’s platform for the protection of journalism released their own statements echoing these concerns.

In August a Judicial-Media Council was established to improve cooperation between the judiciary and journalists through increased transparency of courts and objective reporting.

Freedom of Expression: The law prohibits speech that incites national, religious, or ethnic hatred and provides penalties for violations. Individuals may criticize the government publicly or privately.

Press and Media Freedom: While outlets and reporting continued to be largely divided along political lines, the number of independent media voices actively expressing a variety of views without overt restriction increased. Laws that restrict speech inciting national, religious, or ethnic hatred also cover print and broadcast media, publication of books, and online newspapers and journals.

Prepared by Metamorphosis Foundation, Agora, and the Platform for Investigative Journalism and Analysis (PINA), a periodic report on the status of media reforms published on March 6 found that media reforms progressed with differing paces and quality, and most were only partially fulfilled. In its April 17 report on the country, the EC stated: “The new government put an end to government advertising in the form of commercial advertisements on commercial broadcasters (except on social media and at the local level) in August 2017, following the previous moratorium in place since 2015. To achieve one of the “Urgent Reform Priorities,” the new government also published figures on government advertising expenditures from 2008-2015, albeit with some data missing. The extent to which government advertising had been a tool to exercise influence on broadcasters, and

to which the previous system had been distorting the market, was reflected in the market's reaction to the loss of this revenue source, which had already had a financial impact in the broadcasting sector and led private media to seek to measure viewership due to the need to compete for listeners and advertising.”

The EC report also noted “the quality of reporting by some private television stations improved; however, low professional standards persisted at some media outlets, undermining objective reporting. The monitoring by the council of media ethics shows that further work was needed to improve respect for ethical standards. Investigative reporting remained limited.”

On September 25, the AAVMS released its first report on media coverage of the 2018 referendum (on the country's change of name), asserting that the citizens did not receive balanced coverage of all different views on the referendum. In addition the agency filed misdemeanor charges against ITV for exceeding the maximum allowed 4.5 minutes per hour of advertising for 'parliament's "For" referendum campaign and TV Sonce for exceeding the allowed 4.5 minutes per hour of advertising for supporters of the "Boycott" campaign. The AAVMS stated it reprimanded several other broadcasters for violating referendum ad time limits, warning that unless the outlets fixed the problem they would also be subject to misdemeanor charges. The OSCE/ODIHR reported that “media generally provided fair coverage” with the lack of an “Against” or “Boycott” campaign in traditional media complicating the media's ability to provide equitable coverage. In addition the OSCE/ODIHR noted that media outlets did not always respect AAVMS regulations for equal division of publically funded airtime with a larger share going to the “for” campaign.

Violence and Harassment: There were several cases of alleged threats, violence, and police harassment against journalists during the year.

On March 8, the Association of Journalists of Macedonia (AJM) president Naser Selmani complained publicly he received threats against his and his family's lives from an individual affiliated with the Democratic Union for Integration party. On March 19, the Skopje Basic Prosecution Office opened a preliminary investigation.

On September 8, the Skopje Criminal Court sentenced Matija Kanikov to six months in prison for assaulting an A1On reporter during the 2017 “United for Macedonia” protests. Journalists' associations welcomed the verdict for sending a clear message that the system would not tolerate violence against journalists, improving journalists' safety.

In a statement following a meeting with OSCE freedom of the media representative Harlem Desir on September 17, AJM president Naser Selmani, emphasized that security of journalists had improved as acts of violence and harassment against journalists were “drastically reduced.” He also noted that, “for the first time ever,” a court had in 2017 convicted and sentenced a person to prison for physically attacking a journalist. Selmani added the environment of impunity in the country remained a problem, however.

On May 29, Minister of Interior Oliver Spasovski told a news conference that, according to a report prepared by the Ministry, authorities had filed 12 charges against individuals for attacks against journalists between June 2017 and May 29. “We addressed all cases. We filed criminal charges against two individuals for violence and threats to security, three misdemeanor charges against six individuals. In one case, we notified the respective prosecution office of threats to security; in one case, we determined a civil lawsuit should be initiated; and only one case remained unresolved,” he said.

Censorship or Content Restrictions: There were some reports that the government pressured journalists into self-censorship. In its April 17 report on the country, the EC noted, “There was no improvement in the union protection or labor conditions of journalists. As a result, journalists still practice self-censorship.”

The AJM reported that, as of August 27, two television reporters complained of censorship. Snezana Lupevska, author of the *Kod* investigative program, claimed that Telma TV management censored her show. In response to public reactions, Telma TV broadcast the original program without edits. Kristina Atovska, a former employee of 24 Vesti TV, complained that two editors regularly censored her pieces.

Libel/Slander Laws: Persons found guilty of defamation, libel, and slander were subject to fines according to a schedule based on nonmaterial damage. The EC noted that there was a decreasing trend in defamation cases.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were no reports that the government monitored private online communications without appropriate legal authority. The State Statistical Office

estimated that 75 percent of households had access to the internet in the first quarter of the year, up from 69 percent in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, migrants, stateless persons, and other persons of concern.

During the year the government increased efforts to deal with migration challenges in cooperation with the EU commissioner for migration and home affairs and announced the signing of an agreement to allow teams from the European Border and Coast Guard Agency (FRONTEX) to be deployed in the country.

A "state of crisis" has been in force for border areas with Greece and Serbia since August 2015. It has been extended by the government every six months through year's end. The state of crisis allows government authorities to regulate the entry and transit of migrants through the country. Migrants apprehended in these areas were regularly placed in contained temporary transit centers, near the border, and pushed back to the prior transit country within days.

Abuse of Migrants, Refugees, and Stateless Persons: According to the Ministry of Labor and Social Policy, as of September, 2,104 migrants were temporarily sheltered in transit centers located at the northern and southern border crossings with Serbia and Greece, respectively. In an April report, the Helsinki Committee for Human Rights estimated there were 200 migrants in the country held in government-run transit centers.

In-Country Movement: UNHCR estimated that some 17,000 persons transited the country from January 1 to August 15 but did not register any hate crimes against them. UNHCR did not note any in-country movement restrictions for IDPs, refugees, or stateless persons.

Foreign Travel: The constitution provides for freedom of movement, including the right to leave the country without arbitrary restrictions, and the government may only restrict it when necessary to protect national security, criminal investigations, or public health.

On July 9, police reportedly seized Orthodox Archbishopric of Ohrid bishop Jovan Vraniskovski's passport without explanation while he was trying to cross the border into Greece. The archbishopric claimed "discrimination characteristic for countries without rule of law." In September authorities returned his passport, again without explanation. There were no records of revocations of citizenship during the year.

Internally Displaced Persons (IDPs)

According to the Ministry of Labor and Social Policy, 111 persons (27 families) remained displaced from the 2001 internal armed conflict, eight (four families) lived in collective housing centers, and 103 persons (23 families) were in private accommodation or with host families. The government provided protection and assistance, and supported safe and voluntary returns, as well as resettlement and local integration of IDPs. There were no reports of IDPs suffering abuses.

Despite having no national policy document, the government generally observed the *UN Guiding Principles on Internal Displacement*.

Protection of Refugees

Refoulement: UNHCR assessed that access to asylum practices significantly improved since 2016, and that previous concerns regarding the arbitrary practice of

denying access to asylum had been addressed. A case of the violation of the principle of nonrefoulement occurred, however, in October when five individuals were denied access to asylum.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR reported, however, that the mechanism for adjudicating refugee status failed to provide basic procedural guarantees and proper determinations as prescribed in the law. It reported that 184 migrants applied for asylum in the first eight months of the year. No person was granted refugee status.

The legal framework provides for procedural safeguards and review. There were a number of disputes regarding the application of some safeguards, including at the judicial review level. For example, although it is possible by law, in practice the courts refused any request to hear an unsatisfied asylum applicant during the appeals procedure.

In April parliament adopted a new Law on International and Temporary Protection. The Macedonian Young Lawyers Association (MYLA) stated that the new law addressed some of the shortcomings of the old law pertaining to the right to family reunification and access to asylum, but it unduly limited asylum seekers' freedom of movement. In May MYLA filed an appeal with the Constitutional Court challenging articles 63 and 65 of the new law. The IOM expressed similar concerns regarding the new law.

The government issued identity documents to recognized refugees and persons under subsidiary protection, but authorities frequently delayed or failed to issue identification documents to new asylum seekers.

Migrant populations detained in the Transit Center for Foreigners were impeded from accessing asylum. An asylum application by a person held in the Reception Center for Foreigners (i.e. a closed-type facility in Gazi Baba) would only be possible after the person gave a statement before the court, in criminal proceedings, against their smugglers. During the year, 55 percent of all asylum requests registered in the country were processed through the Reception Center for Foreigners.

Safe Country of Origin/Transit: The law contains a broad definition of "safe third country" that includes any member state of the EU, NATO, or the European Free

Trade Area, effectively precluding any migrant entering the country by land from countries other than Kosovo and Serbia from seeking asylum.

Freedom of Movement: According to UNHCR, authorities detained some individuals intercepted while being smuggled. The grounds for detention decisions are arbitrary. As a rule persons are supposed to be detained until their identity can be established. They were routinely detained after identification, however, to prevent them from escaping the country prior to providing testimony in court against smugglers. In addition the majority of asylum seekers who were previously detained reported that they were not issued detention decisions, or if they did receive such decisions it was in a language they could not understand, impeding them from exercising their right to judicial review.

The average detention period in 2018 was 15 days, with the longest period being 45 days and the shortest period being one day.

Some improvement has been noted compared to previous years, as women, children or families are generally not detained; alternatives to detention were employed instead. A Safe House was rented for these individuals, with Ministry of Labor and Social Policy and international donor funding, so they were not placed in prison or in detention facilities. The individuals were under monitoring, however, and needed to report to authorities on a weekly basis. In the first half of the year, UNHCR recorded 71 persons held in immigration detention. With the exception of one unaccompanied child and three women, all detainees were adult men.

Employment: There are no restrictions on refugees' ability to work, and the law allows asylum seekers whose asylum procedure is not completed within nine months to apply for a working permit.

Recognized refugees and persons under subsidiary protection with work permits were able to access the active labor market. Nevertheless, asylum seekers faced restrictions because of conflicting laws. By law, a foreigner needs to have a unique identification number assigned in order to be issued a work permit. Although an asylum seeker has the legal right to apply for a work permit after nine months in procedure, s/he has no right to be assigned a unique identification number, which by the same law is issued only upon the granting of a positive decision on their application. Consequently, an asylum seeker is granted the right to work but is unable to exercise it, a serious gap considering some procedures last for two to three years, including judicial review instances.

Access to Basic Services: Asylum seekers, prior to a final decision on their asylum applications, had the right to basic health services, in accordance with the regulations on health insurance. The same applied to the right to education. However, to date, there were no cases of children coming from outside the region enrolled in state run educational facilities.

Durable Solutions: According to UNHCR, none of the 394 individuals from the 1999 conflict in Kosovo who remained in the country had returned to Kosovo during the year. The Ministry of Labor and Social Policy reported that 274 of the individuals had expressed interest in remaining. No cases of resettlement were registered.

The law provides the opportunity for naturalization to refugees residing in the country under preferred conditions, while persons under subsidiary protection may naturalize as any other foreigners who stay legally in the country for a minimum of eight years. No refugees or persons under subsidiary protection were naturalized during the year.

Under the law the Ministry of Labor and Social Policy, in cooperation with the Interior Ministry and UNHCR should enable the voluntary return of asylum seekers to their homes. There were no cases of assisted voluntary repatriation during the year.

UNHCR continued to assist rejected asylum seekers from Kosovo, whom the government allowed to stay in the country. The government issued them provisional identification documents to secure their access to services. The Ministry of Labor and Social Policy provided integrated, durable solutions with the support of UNHCR for approximately 274 refugees who had applied for integration into the country. The ministry provided social assistance, housing assistance and access to education, health and the labor market.

Temporary Protection: The government provided subsidiary protection to individuals who may not qualify as refugees. Two persons were granted subsidiary protection in 2018.

Stateless Persons

Some habitual residents were legally stateless, in spite of fulfilling one or more criteria for citizenship. According to consolidated statistics of the government,

UNHCR, and NGOs, there were 650 stateless persons registered in the country at the end of the year. They were primarily Roma who lacked civil registration and documentation. Children born in the country to stateless persons are considered nationals and have access to birth registration and certification.

Some 310 persons have been recorded as habitual residents with undetermined nationality and at risk of statelessness since the dissolution of the former Socialist Federal Republic of Yugoslavia in 1991. The Ministry of Labor and Social Policy estimated that some 500 children lacked birth certificates or personal name registration in the country. Early in the year, the government initiated a program for registration of persons lacking documents. It issued a public call for persons without birth certificates and personal name registration to apply for birth registry by the end of September.

The law provides for preferred conditions to grant nationality to stateless persons. Due to the lack of a formal statelessness determination procedure, however, individuals may not benefit from these provisions. Requirements are cumbersome and procedures vary from one local civil registry office to another and do not contribute to facilitating the process of acquiring nationality, registering civil status, or providing access to rights.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot, based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Popular elections for president were held in 2014. According to the OSCE/ODIHR report, the administration of the elections was efficient and campaigning occurred without obstruction. The report also noted indications of an inadequate separation between party and state activities, allegations of voter intimidation, and a fear of retribution. The 2016 parliamentary election had a record high turnout and only minor confirmed irregularities. According to the OSCE/ODIHR report, although the State Election Commission (SEC) struggled with election preparations, election day was generally well administered and orderly. While the ODIHR found that fundamental freedoms were generally respected and candidates were able to campaign freely, it noted that the elections took place “in an environment characterized by a lack of public trust in institutions and the political establishment, and allegations of voter coercion.” According to

the ODIHR, the elections failed to meet some important OSCE commitments for a democratic electoral process, including voter intimidation, widespread pressure on civil servants, vote buying, coercion, and misuse of administrative resources.

On September 30, a nationwide referendum on the bilateral agreement with Greece on the name of the country took place. In its preliminary report, the OSCE/ODHIR found that the referendum was conducted impartially and fundamental freedoms were respected. The report observed that a regulation adopted by the SEC pertaining to referendums limited which citizens could file complaints.

Political Parties and Political Participation: There were few restrictions on forming or joining political parties, which were subject to the same laws as ordinary citizens. While membership in a political party was not mandatory, there was an active patronage system in the country through which parties conferred special benefits and advantages to their members. The opposition VMRO-DPMNE party accused the government of continuing these practices, alleging that party membership overrode educational and professional qualifications prescribed by law for public administration positions. For example, on August 22, Saso Tasevski, former chief of the Security Detail Department at the Ministry of Interior, was appointed as the director of the Public Security Bureau, overseeing the country's law enforcement forces and border police. The opposition criticized Tasevski for a lack of management experience.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process, and women and minorities did participate. The law requires gender diversity in each political party's candidate list for parliamentary and municipal elections. No more than two-thirds of a party's candidates may be the same gender. As of October, 46 of the 120 members of the parliament were women, and four women served as ministers in the president's 25-member cabinet. Men dominated leadership ranks in political parties. Of the 208 candidates for mayoral positions in the October 2017 elections, only 12 were women. Six women won mayoral contests, four of whom were incumbents.

Ethnic Albanians and other ethnic minorities continued to complain of inequitable representation within government and discriminatory practices that excluded them from political participation, such as selective withholding of security clearances. For example, in February, three ethnic Albanians working in civil aviation claimed that they suffered discrimination when the UBK refused to renew their security clearances, despite having possessed clearances for nearly 20 years. As a result,

the three individuals lost their jobs. The deputy minister of interior claimed that the UBK lacked clearly defined criteria for the issuance of such certificates. There were nine ethnic Albanian ministers in the 26-member government cabinet. There were 23 ethnic Albanian members of parliament out of 120, including the speaker of parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. The government generally implemented the law, but there were reports that officials engaged in corruption. NGOs stated the government's dominant role in the economy created opportunities for corruption. The government was the country's largest employer; some analysts estimated it employed as many as 180,000 persons, despite official statistics showing public sector employment of approximately 128,000 persons. As of September 28, the Organized Crime Prosecution Office was investigating more than 100 former and existing officials for misuse of official position and corruption-related charges.

Corruption: In its April 17 report, the EC noted that the legislative and institutional framework to combat corruption was in place and a track record on prevention and prosecution of corruption was being established, although final court rulings on high-level corruption cases were limited. The capacity of institutions to effectively tackle corruption showed structural and operational deficiencies and political interference occurred. As of September 28, the Organized Crime Prosecution Office was investigating more than 100 former and active officials on misuse of official position and corruption related charges.

There were numerous cases of corruption by high-level officials during the year. One example was the March 1 launch of a criminal inquiry into allegations of misuse of public funds by the State Anticorruption Commission. On March 6, commission president Igor Tanturovski and member Goran Milenkov submitted their resignations. Following the resignations, Prime Minister Zoran Zaev told press he welcomed the decision, adding the country "needs an institution that will set an example and serve as a corrective to the shortcomings of the system as part of its commitment to combat corruption." As of September 20, parliament had not appointed a new Anticorruption Commission.

On May 23, the Skopje Criminal Court convicted former prime minister Nikola Gruevski and sentenced him to two years in jail in a case involving the fraudulent procurement of a 600,000 euro (\$690,000) armored Mercedes Benz in 2012. On

November 9, the court rejected his appeal and ordered him to report to prison in order to start serving his two-year sentence. On November 12, Gruevski announced he had fled to Hungary, where he was subsequently granted asylum.

As of September 18, the Special Prosecutor's Office, investigating allegations of corruption between 2008 and 2015, had 23 active trials against 130 defendants, charged 168 criminal offenses, and opened three investigations against 26 suspects. It had also initiated 182 new preliminary investigations into apparent criminal behavior relating to or arising from the content of illegally intercepted communications. Since the creation of the Special Prosecutor's Office in 2015, the VMRO-DPMNE party repeatedly obstructed the work of the office and publicly criticized Special Prosecutor Katica Janeva, claiming she was incompetent and a politically biased tool of the SDSM party.

Financial Disclosure: The anticorruption law requires appointed and elected officials and their close families to disclose their income and assets and provides penalties for noncompliance. The public may view disclosure declarations on the website of the State Commission for the Prevention of Corruption. The commission also received and checked 1,460 conflict of interest statements submitted by public officials.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often willing to listen to these groups but were also sometimes unresponsive to their views. During the year, a number of ministries established working groups that included members of civil society, and civil society representatives were invited to participate in parliamentary debates.

In 2016 tax authorities under the previous government opened inspections of 20 civil society organizations, and the Public Revenue Office targeted NGOs that had been critical of the VMRO-DPMNE-led government's policies. On March 1, the interior minister informed representatives of the civil society organizations that the Ministry of Interior had requested the Organized Crime and Corruption Prosecution Office to close the investigations for lack of evidence. As of October 3, the organizations had not received official notification regarding the Public Revenue Office's investigation status.

Government Human Rights Bodies: The ombudsman worked to protect citizens from infringement of their rights by public institutions, reduce discrimination against minority communities and persons with disabilities, promote equitable representation in public life, and address children's rights. The government did not provide adequate resources for the ombudsman's office or give it control over its budget.

The country's seven-member Commission for Protection from Discrimination had a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the antidiscrimination law. The commission did not have the power to punish offenders. Unlike the ombudsman, the commission reviewed complaints from both the public and private sectors. Citizens not satisfied with the outcome may seek redress in court, which may accept the written opinion of the commission as evidence.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment, but those laws were poorly enforced. Domestic violence is illegal but was a persistent and common problem.

The Ministry of Labor and Social policy had registered 620 victims of domestic violence in the period January-June, of which 12 were victims of sexual abuse.

The government ran seven limited-capacity shelters, and one NGO operated a shelter that could accommodate 30 at-risk women. A national NGO operated a hotline in both the Macedonian and the Albanian languages and ran two crisis centers to provide temporary shelter for victims of domestic violence.

Sexual Harassment: The law prohibits sexual harassment in the workplace of both men and women and provides a sentencing guideline of three months to three years in prison for violations. The government effectively enforced the law. Women's rights activists formed a new social movement with the hashtag #ISpeakUpNow (English translation) to show the normalization of sexual harassment in society. Sexual harassment of women in the workplace was a problem, but victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status as men under family, religious, personal status, labor, property, nationality, and inheritance laws. The laws were effectively enforced. In some communities the practice of men directing the voting or voting on behalf of female family members disenfranchised women. As of September the Ministry of Labor and Social Policy had not received any complaints concerning unequal treatment of women in political life.

Children

Birth Registration: The law determines citizenship primarily by the citizenship of the parents. It also allows orphans found in the country to acquire citizenship, unless authorities discover before the orphan reaches the age of 18 that his or her parents were foreigners. The government automatically registers the births of all children in hospitals and medical institutions, and the law requires that parents register the births of all children born in other places, including those born at home, at magistrate offices within 15 days of birth. Some Romani families delayed the registration of newborns, making it difficult for them to access educational, medical, and other benefits later in life due to lack of proper identity documents.

The Ministry of Labor and Social Policy identified 204 children requiring additional personal registration because the parents did not have a valid identification document or because of disputed maternity due to the use of another person's health benefits card.

Child Abuse: There are laws against child abuse, and penalties for conviction include fines, imprisonment, and closure of businesses. Child abuse was a problem in some areas. The government operated a hotline for domestic violence, including child abuse.

Early and Forced Marriage: The minimum legal age for marriage is 18. A court may issue a marriage license to persons between the ages of 16 and 18 if it finds them mentally and physically fit for marriage. Early and forced marriage occurred occasionally in the Romani community and, to a much lesser extent, in some Albanian communities. There are no official statistics on minor mothers.

Sexual Exploitation of Children: The law prohibits all forms of commercial sexual exploitation of children, including the offer, sale, or procurement of children for prostitution. The penalty for the commercial sexual exploitation of children is 10 to 15 years in prison. The law prohibits child pornography and provides penalties of five to 15 years in prison for violations. Authorities enforced the law. The minimum age for consensual sex is 16.

Authorities considered child commercial sexual exploitation a problem but did not know its extent. The country had an online registry, searchable by name and address, of convicted child traffickers and sex offenders that listed photographs, conviction records, and residential addresses. Offenders could ask authorities to remove them from the register 10 years after they completed their sentence, provided they did not commit a new offense.

Displaced Children: According to the Ministry of Labor and Social Policy, there were 78 displaced children of different ethnicities registered as of June. A 2016 report from the ombudsman's office estimated 236 children lived without shelter. With international support, the ministry operated two day centers for street children. The government also maintained a transit shelter for street children, but its small size limited its effectiveness in providing social services (see section 2.d.).

Institutionalized Children: Advocates and the ombudsman reported a lack of accountability for child neglect and abuse in orphanages, shelters, and detention centers.

In February the Center for Social Work-Skopje notified the Ministry of Labor and Social Policy of possible trafficking and sexual exploitation of a child in custody of the Public Institution for the Care of Children with Educational Social Problems and Disturbed Behavior. Authorities transferred the child to the Center for Victims of Trafficking in Persons, where she received assistance. The Ministry of Interior filed criminal charges against multiple individuals for child trafficking. The ombudsman's office recorded two additional cases of abuse of institutionalized children, both of Romani origin.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

According to the Jewish community, approximately 200 to 250 Jewish persons resided in the country. On March 7, police announced that they filed charges against a minor suspect for painting swastika graffiti on the memorial museum of the uprising against fascism as well as some other buildings in the city of Prilep.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services, but the government did not always enforce these provisions effectively. On October 30, the Basic Court in Gostivar ordered pretrial detention for three individuals accused of abuse of a 13 years old child who reportedly had an intellectual disability. As of December 4, the case was still in the indictment stage. The law allows persons who have experienced discrimination to submit complaints to the Commission for Protection from Discrimination. The commission was located in an office sometimes inaccessible to persons with physical disabilities.

A separate law regulates a special government fund for stimulating employment of persons with disabilities. The Employment Agency manages the fund with oversight by the Ministry of Labor and Social Policy. The fund provided grants for office reconstruction or procurement of equipment for workstations to provide reasonable accommodation for persons with disabilities. The law requires persons with physical or mental disabilities to obtain approval from a government medical commission to serve in supervisory positions in the private and public sectors.

The law establishes accessibility standards for new buildings; existing public structures were to be made accessible for persons with disabilities by the end of 2015. NGOs reported many public buildings did not comply with the law. Although all buses purchased since 2013 by the government for Skopje were accessible to persons with physical disabilities, public transportation remained largely inaccessible in other regions.

The Ministry of Education and Science made efforts to provide suitable support to enable children with disabilities to attend regular schools. It employed special educators, assigned either to individual selected schools or as “mobile” municipal special educators covering all schools in their municipality, to support teachers who had children with disabilities in their regular classes. School authorities also installed elevators in several primary schools and deployed technology to assist students with disabilities in using computers in selected primary and secondary schools. Despite these efforts, a large number of students with disabilities continued to attend separate schools.

National/Racial/Ethnic Minorities

According to the country’s most recent census in 2002, the ethnic composition of the population was 64.2 percent Macedonian, 25.2 percent Albanian, 3.9 percent Turkish, 2.7 percent Romani, 1.8 percent Serbian, 0.8 percent Bosniak, and 0.5 percent Vlach. According to the ombudsman’s annual report, ethnic minorities, with the exception of Serbs and Vlachs, were underrepresented in the civil service and other state institutions, including the military, police, intelligence services, courts, national bank, customs service, and public enterprises.

The law provides for primary and secondary education in the Macedonian, Albanian, Romani, Turkish, and Serbian languages. The number of minority students who received secondary education in their native language continued to increase, especially after secondary education became mandatory in 2007, although the government was unable to provide full instruction in Romani due to a shortage of qualified teachers.

On January 11, parliament adopted the Law on the Use of Languages, seen by many ethnic Albanians as resolving the last remaining issue from the Ohrid Framework Agreement. Passage of the law figured prominently in SDSM’s coalition negotiations with the leading ethnic Albanian party, the Democratic Union for Integration. Opposition VMRO-DPMNE members of parliament were absent from parliament during the vote and released a statement calling the law unconstitutional. President Ivanov refused to sign the law, maintaining it was unconstitutional and threatened the country’s sovereignty, unitary character, and territorial integrity. Though the law was adopted by a majority twice in parliament, without the president’s signature it remained unimplemented.

Ethnic Albanians continued to criticize unequal representation in government ministries and public enterprises, as well as inequitable budget allocations. The country's police academy continued to fall short of the number of minority trainees needed to comply with the constitution, which stipulates that the administration reflect the ethnic composition of the state. Ethnic Albanians alleged the government designed the testing process in the academy unfairly to deny access to minority groups. In particular, ethnic Albanians complained of cultural biases in the tests. Ethnic Albanian and other minority representation within the civilian administration of the Ministry of Defense remained low. Some elite units of the police and the military had almost no representation of ethnic minorities.

Roma reported widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public services and benefits. The Ministry of Health and the NGO Hera, in partnership with UNICEF, sponsored the Roma Health Mediators Program to provide health, social, and early childhood development services in seven municipalities with high Romani populations.

Ethnic Turks complained of underrepresentation in state institutions.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation in housing, employment, nationality laws, access to government services such as health care, and the government enforced such laws. Sexual acts between members of the same sex are legal.

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community remained marginalized, and activists supporting LGBTI rights reported incidents of societal prejudice, including hate speech. The Helsinki Human Rights Committee received no reports of physical assaults or other violence against members of the LGBTI community. According to the committee, the Skopje public prosecutor remained ineffective at processing pending cases involving hate speech targeting members of the LGBTI community. In addition the perpetrators of an attack on an LGBTI center in 2014 have not been apprehended.

As a result of 2017 complaints from LGBTI organizations and with support from the ombudsman, the Ministry of Education withdrew a number of textbooks found to be discriminatory on the basis of gender and family status. The state universities

of Cyril and Methodius and Kliment Ohridski did not comply with the directive, and as of August discriminatory texts were still in use at these institutions.

HIV and AIDS Social Stigma

There were isolated reports of discrimination against persons with HIV/AIDS in the health-care sector.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The government did not always enforce applicable laws, and penalties were not always sufficient to deter violations.

The law requires federated unions to register with the Ministry of Labor and Social Policy and with the State Central Registry. Union leaders reported occasions when the ministry would extend the registration process for a new union for months without explanation.

A court of general jurisdiction may terminate trade union activities at the request of the registrar or competent court when those activities are deemed to be “against the constitution and law.” There are no nationality restrictions on membership in trade unions, although foreign nationals must have a valid work permit and be employed by the company or government body listed on the permit.

The government and employers did not always respect freedom of association, the right to strike, and the right to collective bargaining. Unions maintained the law’s “exclusionary” provision allowed employers to terminate up to 2 percent of workers from collective bargaining negotiations during a strike. Collective bargaining is restricted to trade unions that represent at least 20 percent of the employees and employers’ associations that represent at least 10 percent of the employers at the level at which the agreement is concluded (company, sector, or country). Government enforcement resources and remediation were inadequate. Penalties for violations of the law were insufficient to deter violations. Administrative and judicial procedures were generally subject to lengthy delays.

Unions, with the exception of a few branch unions, were generally not independent from the influence of government officials, political parties, and employers.

There were no substantive union activities in 2017 by either of the two largest union groups, the Federation of Trade Unions of Macedonia and the Confederation of Free Trade Unions of Macedonia. Unions submitted complaints to the Ombudsman's Office mostly related to unsatisfactory conditions of work and insufficient protection at work places for jobs with risks to health or safety of employees.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the government largely enforced applicable laws. The law prescribes imprisonment, which applies to violations of forced labor laws or for the destruction or removal of identification documents, passports, or other travel documents. Penalties were generally sufficient to deter violations. There were instances in which women and children were subjected to forced labor, such as peddling small items in restaurants and bars. Some Romani children were forced to beg, often by relatives (see section 7.c.).

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The government has established laws and regulations related to child labor, including prohibiting the worst forms of child labor. The government made efforts to enforce the law in the formal economy but did not do so effectively in the informal economy. Gaps exist in the country's legal framework to protect children adequately from labor, including the worst forms of child labor and the minimum age for work. The minimum age for employment is 15, although children may begin work at 14 as apprentices or as participants in an official vocational education program. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. It also prohibits minors from working at night or more than 40 hours per week, but work done by self-employed minors or those lacking a formal work contract frequently violates the law.

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. The government made efforts to enforce the law in the formal economy but did not do so effectively in the informal economy. Police and the ministry, through centers for social work, shared responsibility for enforcing laws on child trafficking, including forced begging. The law mandates a prison sentence for persons convicted of buying, selling, keeping, or taking minors for the purpose of exploitation. If enforced, the penalties would be sufficient to deter violations.

Children in the country engaged in the worst forms of child labor, including forced begging and commercial sexual exploitation. The most common examples included using children to beg, clean windshields; scavenging, and selling cigarettes or other small items in open markets, on the street, or in bars and restaurants at night. Although the necessary laws were in place, government efforts to eliminate forced begging by children were largely ineffective. Children involved in these activities were primarily Roma, Ashkali, and Balkan-Egyptian and most often worked for their parents or family members. Officials frequently failed to hold those exploiting the children accountable, and Romani children remained vulnerable to exploitation and forced labor.

The Ministry of Labor and Social Policy funded two day centers that provided education, medical, and psychological services to children who were forced to beg on the street. The ministry also cofunded a day center operated by an NGO in the Skopje suburb of Shuto Orizari.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations generally prohibit discrimination regarding race, sex, gender, disability, health status, political opinion, religion, age, national origin, language, or social status. The law does not address discrimination based on HIV or other communicable disease status. The government did not always enforce the laws effectively, and penalties were not always sufficient to deter violations. Civil activists complained that the State Commission for Protection against Discrimination was not doing its work and was merely an employment hub for individuals close to the previous governing party.

Discrimination in employment and occupation occurred with respect to gender, disability, and certain ethnic groups in the military, police, intelligence services, courts, national bank, customs service, state agencies, and public and private companies (see section 6, National/Racial/Ethnic Minorities). Despite government efforts and legal changes for mandatory inclusion in primary and high school education, Roma continued to live in segregated groups without proper health and social protection, mostly due to lack of registration documents. Data from the State Employment Office showed that due to the low participation in the education system, particularly higher education, Roma generally had difficulties finding a job in the formal economy. Women's wages lagged behind those of men, and few women occupied management positions. Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

The national minimum wage was 12,000 denars (\$231) per month. As of June, according to official statistics, the average monthly net wage was 24,203 denars (\$458). In 2016 the State Statistical Office estimated that 21.9 percent of the population lived at or below the poverty line. The poverty threshold was measured as a monthly income of 14,500 denars (\$273) for a family of four.

Although the government set occupational safety and health standards for employers, those standards were not enforced in the informal sector, which accounted for an estimated 22 percent of the economy.

Labor inspectors have the authority to press misdemeanor charges against an employer who violates labor laws and to fine and close an establishment until the employer corrects the violations. The total number of inspectors was considered adequate to investigate violations of labor law and penalties were sufficient to deter violations. Nevertheless, inspections were not adequate to ensure compliance due, in part, to an inadequate regional distribution of inspectors.

During the year the Ministry of Labor and Social Policy labor inspectorate filed complaints against several businesses for forcing employees to work long hours without the rest breaks required by law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation. Violations in wage and overtime were most common in the textiles, construction, railroads, and retail sectors. The ombudsman's office noted a higher than normal number of cases of termination of employment in local government due to the political affiliation of the employee.

Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced. Many employers hired workers without complying with the law, and small retail businesses often required employees to work well beyond legal hourly limits. During the year the National Council for Occupational Safety and Health was not fully functional and held only an advisory role. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right, reportedly due to the high unemployment rate.

There were, on average, 40 workplace fatalities per year, but no data on the specific causes of workplace deaths or injuries were available.