

# MACEDONIA 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. A unicameral parliament exercises legislative authority. The Organization of Security and Cooperation in Europe (OSCE) stated that the parliamentary elections in 2011 were competitive, transparent, and well administered. Security forces reported to civilian authorities. Security forces did not commit widespread or systemic human rights abuses.

The most critical human rights problem was the government's failure to fully respect the rule of law, including by blurring state and party activities, interfering in the judiciary and the media, and selective prosecution of political opponents, as well as significant levels of government corruption and police impunity. Political interference, inefficiency, favoritism toward well placed persons, prolonged judicial processes, and corruption characterized the judicial system. Physical mistreatment of detainees and prisoners by police and prison guards and poor conditions and overcrowding in some of the country's prisons and mental institutions constituted a third broad area of concern.

Other human rights problems reported during the year included: delayed access to legal counsel by detainees and defendants; restrictions on the ability of Roma to leave the country; restrictions on access to asylum; domestic violence against women and children; discrimination against persons with disabilities; tensions between the ethnic Albanian and Macedonian communities; discrimination against Roma and other ethnic minorities; societal discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) persons; anti-union discrimination; child labor, including forced begging; and inadequate enforcement of labor laws.

The government took some steps to punish police officials guilty of excessive force, but impunity continued to be a problem. There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce officials or party members or intimidate key opposition leaders.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. The Ministry of Interior's Professional Standards Unit examines all security force killings and evaluates whether they occurred in the line of duty or were otherwise justifiable.

### **b. Disappearance**

There were no reports of disappearances or politically motivated abductions or kidnappings.

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

The law prohibits such practices, but there were credible reports that police used excessive force during the apprehension of criminal suspects and abused detainees and prisoners. During the first nine months of the year, the Ministry of Interior's Sector for Internal Control and Professional Standards Unit (PSU) reported receiving 46 complaints against police officers for use of excessive force. It found grounds for pressing criminal charges against one police officer, and the Ministry of Interior's Disciplinary Board suspended the officer pending the result of his trial.

In its 2012 annual report, the Office of the Ombudsman noted some improvement in the way the PSU conducted investigations, although it reported a number of investigations that were not sufficiently thorough or objective. The report also noted that instances of prison officers violating the prohibition against torture and other degrading treatment of incarcerated persons continued, that courts and the public prosecutor sometimes shared "solidarity with police officers," and that court procedures lacked time limits, contributing to the impunity of police officers.

In December 2012 the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its visit to the country's prison facilities in November 2011. The delegation received a number of credible allegations that staff mistreated inmates, mainly by striking them with truncheons and kicking and punching them. The CPT found that the use of force was frequent, uncontrolled, and largely directed towards vulnerable inmates. The report stated that prisoners believed that complaining about their treatment would aggravate the situation and lead to reprisals.

## **Prison and Detention Center Conditions**

The country's prisons and detention centers for both sexes failed to meet international standards. Problems included overcrowding, violence among prisoners, intimidation from guards, violence by staff, dilapidated and unhygienic conditions, lack of educational and recreational opportunities for juveniles, and some reports of sexual abuse of female prisoners. In its December 2012 report, the CPT detailed overcrowding and poor conditions for remand prisoners. The report particularly criticized the treatment of juveniles held in remand and recommended taking action to offer them educational and recreational activities and to ensure that authorities never held them in the equivalent of solitary confinement. In the remand (pretrial detention) sections of the Skopje and Tetovo Prisons, detainees had no organized activities and less than one hour of daily outdoor exercise, if any.

In its October progress report, the European Commission reported that conditions in the Tetovo Juvenile Correctional and Rehabilitation Institute and the closed ward of Idrizovo continued to raise serious concerns. The report noted that most of the prisons continued to be underfunded and unable to cover basic maintenance expenses and mechanisms for preventing and combating mistreatment and corruption in prisons remained weak. Authorities expected that a new prison, which opened in Kumanovo on September 30, would alleviate some overcrowding.

On May 16, the ombudsman's Office of the National Prevention Mechanism presented its report on the conditions in incarceration facilities, including mental health institutions. According to the ombudsman, the majority of police detention facilities did not meet, or only partially met, the required standards. Proper and timely registration of arrested persons needed improvement, and arrestees did not always benefit from a lawyer or doctor's assistance while in police custody. Despite some renovations, many of the prisons were still overcrowded, detainees and prisoners spent up to 22 hours a day in closed spaces, medical assistance and hygiene were very poor, and the report described solitary confinement as inhuman. The situation in psychiatric incarceration facilities were similar – living conditions were poor, qualified numbers of staff were limited, and implementation of medical procedures was insufficient.

On October 29, after his ad hoc visit to the Suto Orizari detention prison, the ombudsman cited overcrowding due to a constantly increasing number of detainees and poor conditions, resulting in failure to meet minimum human rights standards. He recommended that courts use alternative instruments to detention to ensure defendants' presence at trials.

Physical Conditions: The country had 11 prisons and two separate juvenile correctional institutions. Of the 11 prisons, two (Idrizovo and Stip) were high-security facilities. Six prisons also housed pretrial detainees in separate detention wards. Authorities held men and women separately in both prisons and detention facilities. As of December the country's prisons held approximately 2,500 convicted adult prisoners, 21 juveniles, and 500 pretrial detainees. The prisons were designed to house 1,825 prisoners, 44 juveniles, and 421 detainees.

As of November 14, there were three reported deaths in prisons and detention facilities. Investigators into the three deaths reported no allegations of misconduct. Prisoners had access to potable water, but observers described physical conditions (heating, ventilation or lighting) as poor or problematic in the Suto Orizari detention center and sections of Idrizovo, the largest state prison.

Administration: Authorities considered record keeping at prisons to be adequate but not always timely. The Ministry of Interior inspected the registers of detained persons. Authorities used alternatives to sentencing for nonviolent offenders, including fines, suspended sentences, incarceration in minimum-security prisons, and house arrest. The government usually granted the ombudsman access to convicted prisoners. The ombudsman regularly visited the country's prisons and maintained complaint boxes in each of the facilities. Prison officials allowed visitors access. The ombudsman stated that prison authorities did not interfere with the right of prisoners to express their religious beliefs or practice religious rites. Prisoners and detainees could not submit complaints without fear of retribution. The ombudsman investigated all credible allegations of inhuman conditions.

Independent Monitoring: The law allows family members, 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 usually granted independent humanitarian organizations access to convicted prisoners.

Improvements: National authorities claimed they were taking measures to improve detention conditions in the prisons, particularly at Idrizovo Prison, with the support of a loan from the Council of Europe Development Bank. The prison's policies provided all prisoners with a range of activities as well as the legally required two hours of daily outdoor exercise. On September 30, the government opened a newly constructed prison near Kumanovo that can house up to 250 inmates. It cost

approximately 3.8 million euros (\$5.1 million), which the Council of Europe Development Bank financed with funds from a 52 million euro (\$70 million) loan.

#### **d. Arbitrary Arrest or Detention**

While the law prohibits arbitrary arrest and detention, arbitrary arrest and detention were problems.

#### **Role of the Police and Security Apparatus**

The national police are a centralized force under the Ministry of Interior. Civilian authorities kept uniformed, criminal (civilian), and border police branches under active control throughout the year, and the government provided effective mechanisms to investigate and punish abuse and corruption. Despite the reduced number of cases of abuse of official position, there were reports of impunity involving the security forces during the year. International observers, embassies, and local nongovernmental organizations (NGOs) cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

In addition to investigating alleged police mistreatment, the PSU conducted all internal investigations into allegations of other forms of police misconduct. The PSU has authority to impose administrative sanctions, such as temporary suspension from work, during the course of its investigations, but cannot take disciplinary measures, which require a ruling from a disciplinary commission, or impose more serious criminal sanctions, which require court action. Despite an active ombudsman, police impunity remained a problem.

PSU officials showed greater efficiency in conducting internal investigations, but concerns remained over the low number of completed investigations and the lack of charges in human rights cases from previous years.

The PSU dismissed as unfounded a complaint by the Association of Journalists of Macedonia (AJM) that police officers engaged in unlawful and unprofessional conduct during scuffles between police and journalists in the parliament building in December 2012. After a brief investigation the PSU concluded that the law required authorities to remove the journalists from the plenary hall in parliament both to restore normal working conditions and to protect the safety of a member of parliament who reportedly was in the area.

## **Arrest Procedures and Treatment of Detainees**

The law requires that an investigative judge issue warrants for arrest and detention of suspects, and police generally followed this requirement.

The law states that prosecutors must arraign a detainee within 24 hours of arrest. Authorities generally informed detainees promptly of the charges against them. An investigative 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. Detention prior to indictment may last a maximum of 180 days. After arraignment the law sets the initial length of pretrial detention at a maximum of 30 days. A council of three judges may extend this period by ordering a 60-day extension for further investigation. A superior court may order an additional 90-day extension, but only when sentencing guidelines require a jail term of five years or more for the crime under investigation. Following indictment the maximum pretrial detention is two years.

There is a functioning bail system. The law provides that detainees have prompt access to a lawyer, but the government did not always respect this right. Indigent detainees have the right to a state-provided attorney. Judges usually granted permission for attorneys to visit their clients in detention. There were reports that police continued to call suspects and witnesses to police stations for “informative talks” without notifying them of their rights and without the presence of legal counsel. The law permits immediate family members to have access to detainees with the approval of an investigative judge, and authorities generally provided access. Authorities sometimes held suspects under house arrest.

The Criminal Procedure Code requires that authorities charge, try, or release detainees within a specified period of time. Arrested suspects, their defense attorneys, or close family members if the whereabouts of a suspect is not known, can petition the court to decide the lawfulness of their detention or obtain court-ordered release, as well as to obtain compensation for persons unlawfully detained.

### **e. Denial of Fair Public Trial**

While the constitution and law provide for an independent judiciary, the government used political pressure and intimidation to influence the judicial branch. Inadequate funding of the judiciary continued to hamper court operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

According to the ombudsman's report for 2012, the majority of citizen complaints the ombudsman received concerned the judiciary. The report stated that access to justice remained difficult. In addition a significant portion of court budgets went to paying damages for violating a person's right to trial within a reasonable time. Citizens continued to face problems in trial courts, especially before the Civil and Administrative Courts.

### **Trial Procedures**

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, but authorities did not always respect this right. The law allows prosecution and/or courts to "adjust," i.e., consolidate, the charges late into trial, sometimes even during closing arguments. Trials generally were open to the public, but subject to severe and frequent delays. The country does not use juries. While individuals have the right to an attorney from the time they are detained, authorities did not always inform detainees of this right promptly and did not always allow them to consult with an attorney privately prior to arraignment. While judges usually permitted attorneys to visit their clients in detention, legal observers reported that in some high profile cases, authorities did not grant defense attorneys timely and confidential access. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement. Defendants may question witnesses and present evidence on their own behalf. The law entitles defendants and their attorneys to access government-held evidence, but authorities did not always comply. Authorities may not compel defendants to testify or confess guilt. Both the prosecution and defendants have the right to appeal verdicts.

Human rights activists and defense attorneys accused the government of violating the right to a fair trial by using agents provocateurs as protected witnesses in high-profile and politically sensitive cases (see section 1, Political Prisoners and Detainees).

### **Political Prisoners and Detainees**

During the year several cases led to international criticism and concern about selective justice. On October 21, a court convicted journalist Tomislav Kezarovski of revealing the identity of a protected witness in a story he wrote in 2008 and sentenced him to four-and-one-half years in prison, the first conviction of a

journalist for reporting on a trial. Authorities held Kezarovski in extended pretrial detention since May 28. Both his lengthy pretrial detention and his long sentence (considered excessive by numerous local and international analysts) drew a strong rebuke from OSCE Representative for Freedom of the Media Dunja Mijatovic; the European Federation of Journalists; and local opposition political leaders, NGOs, and journalist associations. On November 7, authorities released Kezarovski to house arrest pending appeal.

On October 15, in response to a request by Macedonian authorities, Austrian police arrested Miroslav Sipovic, president of the opposition-led Skopje-Centar Municipal Council, on charges of fraud and embezzlement. Authorities arrested Sipovic in Vienna while he was attempting to board a plane returning to Skopje, and extradited him to Macedonia on November 21. As of December 1, he was in pretrial detention. Sipovic's arrest means that the ethnic Macedonian opposition coalition could lose its slim majority on the Skopje-Centar Municipal Council, marking a political gain for the ruling coalition. Skopje-Centar is one of only four ethnic Macedonian opposition-administered municipalities and is the most coveted municipality in Macedonia in terms of political symbolism and revenue.

### **Civil Judicial Procedures and Remedies**

Citizens had access to courts to bring lawsuits seeking damages for human rights violations. Individuals may file human rights cases in the criminal, civil, or administrative courts, depending upon the type of human rights violation in question and the perpetrator of the alleged violation. Individuals may also 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.

### **Regional Human Rights Court Decisions**

Individuals may appeal human rights cases to the European Court of Human Rights (ECHR) after exhausting all domestic legal options. According to a government report, despite some notable progress, the government's compliance with ECHR decisions in monitored cases was still lagging behind by one or more years, depending on the complexity of the case.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**



The law prohibits such actions, and the government generally respected these prohibitions. Membership in a party of the ruling coalition was increasingly a requisite for employment in public administration.

The government continued to use “lustration”--originally designed to identify publicly individuals who collaborated with the secret services during the communist era and ban them from public office and other government benefits – as a means of attacking political opponents and disloyal former associates. The government’s Lustration Commission, established in 2012, continued to make the dossiers of former police informants publicly available on the internet. As of November the commission had published 50 dossiers online, and listed 111 persons, 90 named and 21 unnamed, in the lustration registry (i.e., registry of collaborators of the former secret police). A review of the cases by the Helsinki Committee for Human Rights revealed that approximately a third of the 90 persons identified were actually victims of the Yugoslav secret police rather than police informants. Under the law authorities may identify/lustrate individuals for collaboration that occurred through 2006, 15 years after the dissolution of Yugoslavia, and the year the government took office.

The Constitutional Court has twice ruled the Lustration Law unconstitutional and a third ruling was pending. A number of lawsuits challenging lustration decisions of the commission have been stalled for many months before the Administrative Court without any clear prospects of resolution.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, although the government often did not demonstrate respect for these rights. Government pressure on the media was a growing problem. During the year the AJM criticized the overall decline in media freedom. The AJM and the Independent Trade Union of Journalists called on authorities to engage publicly with members of the media to address media freedom.

Freedom of Speech: The law prohibits speech that incites national, religious, or ethnic hatred, and provides penalties for violations. Individuals may criticize the government publicly or privately, but there were credible reports that the government attempted to impede criticism in the media by directing its purchases of advertising toward progovernment media outlets.

Press Freedoms: The same laws that restrict speech inciting national, religious, or ethnic hatred covered the media. A very limited number of independent media voices actively expressed a variety of views without restriction. Media outlets and reporting continued to be divided along ethnic and political lines. The mainstream media rarely published views opposing the government. The government was the largest purchaser of advertising in the country, making media outlets financially dependent on revenue from the government and therefore subject to pressure not to present views critical of the government. During the March local election campaign, state owned Macedonian Radio Television provided broadcast time to the opposition as required by the law, but there were reports that progovernment editors dictated what to show during the opposition's broadcast.

Violence and Harassment: A number of journalists reported pressure to adopt a progovernment viewpoint in their reporting or lose their jobs. Members of the AJM complained that local and central governments coerced owners of regional media outlets to register their reporters as members of the progovernment Macedonian Association of Journalists (MAN). Reporters were told that joining MAN would allow their stations to operate with less interference from authorities.

Censorship or Content Restrictions: There were reports that the government pressured the media and forced journalists to practice self-censorship. Journalists reported far greater self-censorship when reporting on issues sensitive to the government. Privately owned media claimed that they routinely received calls from authorities at the highest levels of government dictating how and what to report with regard to political issues.

During the year several journalists were "lustrated" (exposed as collaborators with the secret services during the communist era and banned from public office). The journalists claimed that authorities lustrated them because they reported stories that were not in line with the government viewpoint.

Libel Laws/National Security: Persons found guilty of defamation, libel, and slander were subject to fines according to a schedule of fines based on nonmaterial damage. Some editors and media owners expressed concern that the steep fines would promote self-censorship. There were reports that the government used the statute as a tool to target political opponents.

Nongovernmental Impact: Owners of print media not aligned with the government reported that distribution companies aligned with the ruling party refused to

distribute their publications and that newsstands did not display their publications visibly.

### **Internet Freedom**

The government imposed no restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without judicial oversight, although there were reports that public libraries blocked certain websites. Individuals and groups could engage in the peaceful expression of views via the internet, including by e-mail and social media. The International Telecommunication Union estimated that 63 percent of the population used the internet in 2012.

### **Academic Freedom and Cultural Events**

At the university in Ohrid the government installed a rector many in the faculty senate considered unqualified. When visiting Israeli professor Ilan Sadeh objected, university authorities restricted his access to libraries and curtailed his research funds and travel to conferences. Government authorities subsequently ejected him from the country.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right. Authorities advised organizers wishing to hold public gatherings of any kind to notify the Ministry of Interior in order to ensure the security of the venue.

On October 24, police prevented a group of journalists and civil activists from protesting against journalist Tomislav Kezarovski's sentencing in front of the Museum of Macedonian Struggle, where the leaders of the ruling Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE) were scheduled to host an event. Blockaded from the building, the protesters ultimately lit candles along the police line.

In March unknown persons attacked two organizers of the LGBT March of Tolerance (see section 6).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, 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) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: The law allows authorities to deny exit to individuals suspected of harming the country's foreign relations related to visa-free regimes. In response to an EU request to reduce the number of asylum seekers arriving in the EU from Macedonia, authorities implemented a strategy to limit the exit of potential asylum seekers. The strategy included a media campaign, sanctions on travel agencies that serve potential asylum seekers, and profiling at border crossings. As part of this effort, from 2012 through April, border authorities denied exit to 8,322 persons, allegedly mostly Roma, whom authorities suspected would seek asylum in the EU.

#### **Internally Displaced Persons (IDPs)**

The government reported that 355 persons remained displaced from the 2001 internal conflict. Of these, 119 persons lived in collective centers and 236 with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate (officially more than 30 percent in the first quarter of the year). The UNHCR assisted four IDPs in establishing their civil status and obtaining identity documents.

During the year the government encouraged IDPs to return to their original homes in areas authorities considered safe. Some IDPs continued to assert that the government did not provide adequate support for the return process. Romani IDPs

faced additional challenges because they were unable to document their tenancy at properties where they had previously resided.

### **Protection of Refugees**

Access to Asylum: The country's laws, modeled on EU and other international law, provide for granting protection to refugees or persons granted subsidiary protection status, and the government has established a system for providing protection to refugees. The UNHCR reported that the mechanism for adjudicating refugee status failed to provide basic procedural guarantees and proper determination as prescribed in the law. The government continued rejecting asylum applications, mostly on the grounds that the applicant posed a threat to national security. The government did not reject any applications based on race or country of origin.

As of November the government had not granted refugee status to any asylum seekers. In April the government granted subsidiary protection to one person. The UNHCR raised concerns that the government, which did not account for asylum seekers who presented themselves outside of Skopje, might informally return them, or transport them to other neighboring countries.

Arrivals of migrants continued to increase from outside the region, primarily from Afghanistan, Pakistan, Somalia, and, during the year, Syria, and Algeria. A lack of qualified interpreters in Pashtu, Dari, or Arabic made identification and interviews difficult. Most asylum seekers left the country spontaneously within weeks of filing asylum claims. As of the end of October, 1,200 asylum applications had registered, compared with 527 in 2012. At the end of October, approximately 100 of them remained at the reception center for asylum seekers in Vizbegovo, which had a capacity of 150 persons.

The government issued identity documents to recognized refugees and other persons under subsidiary protection, but authorities frequently delayed or failed to issue identification documents to new asylum seekers. While the government had a formal system for appointing guardians for minor children, it did not generally appoint guardians to meet unaccompanied minors seeking asylum.

Durable Solutions: As of October only 29 of the country's 2,243 asylum seekers, recognized refugees, persons under subsidiary protection status, and other persons of concern (approximately 1,100 of them Roma) from the 1999 conflict in Kosovo had returned to Kosovo, while 136 awaited return. The 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. In September the Ministry of Interior notified 11 of these families by letter that they must either regulate their stay based on the Law on Foreigners or leave the country by January 2014. The Ministry of Labor and Social Policy provided integrated, durable solutions with the support of the UNHCR. As of October, 711 refugees (199 families) had applied for integration into the country. The country lacked sufficient housing for these persons.

Temporary Protection: The law allows the government to provide temporary protection to individuals in the event of mass influx. As of November authorities had not provided temporary protection status to any persons.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, mostly free, and fair elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2011 the country held parliamentary elections with high public turnout and only minor confirmed incidents. The OSCE reported that the elections were “transparent and well administered throughout the country,” although it described as problems insufficient separation between party and state activities and pressure on public sector employees to support the ruling coalition.

In March and April the country held local elections that had significant national overtones. For example, the major parties campaigned on clearly national problems such as regional relations and ethnic minority rights. Opposition parties attempted to turn the local elections into a national referendum on the ruling coalition’s alleged authoritarian tendencies.

The local election campaign also brought problems of media freedom into sharper focus. The OSCE stated, “Although the campaign was active, partisan media coverage and a blurring of state and party activities did not always provide a level playing field for candidates to contest the elections.”

Although election day was calm and peaceful, both election observers and political party leaders reported significant irregularities. While the law forbids police officers from entering polling stations, members of the plainclothes Alpha police squad were present in some polling stations. There were also reports of irregularities in the voters list. Election monitors observed instances of noncitizen voters arriving by bus to vote in Resen and Skopje Centar. Although these individuals had valid documents and their names were on the voters list, they did not appear to have ever resided in Macedonia or to have previously held Macedonian citizenship prior to the local elections.

Political Parties: During the year the ruling coalition dominated and manipulated the media. Membership in a party of the ruling coalition conferred advantages. There was also interference with nondominant parties' abilities to publicize their views.

In December 2012 at the direction of the parliamentary speaker, who was a member of the ruling coalition, police forcibly removed opposition members and journalists from parliament during a dispute over the budget. Following the expulsion, members from the government coalition passed the 2013 budget and several other pieces of legislation. The opposition subsequently protested, boycotted parliament, and threatened to boycott local elections. On March 1, the EU brokered a deal under which the opposition returned to parliament and participated in local elections. The March 1 Agreement also established a commission to conduct a formal investigation of the December 2012 events. In August commission members produced a final report. Although government representatives signed the report, they immediately and publicly disavowed its legality and some of its contents.

Participation of Women and Minorities: There were 42 women in the 123-seat parliament and two women in the 23-member Council of Ministers. The law requires gender diversity in each political party's candidate list, and no more than two-thirds of a party's list of candidates may be the same gender. Sixty percent of judges were women, but only three of the country's 81 mayors were women.

There were 24 ethnic Albanians, four ethnic Serbs, three ethnic Bosniaks, two ethnic Vlachs, two ethnic Turks, and two ethnic Roma in parliament. There were nine members of minority communities in the 23-member Council of Ministers.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, although there were reports that officials engaged in corruption with impunity.

Corruption: During the year there were credible reports that the government interfered in high-profile cases involving abuse of office or misused their official positions to intimidate key opposition leaders. Police and judicial corruption also remained problems. As of August the Judicial Council removed one judge following a criminal conviction and prison sentence.

On March 22, a trial court acquitted former deputy prime minister and director of the Agency for Reconstruction and Development Vasil Tupurkovski for the second time on corruption charges. The court first convicted Tupurkovski in 2009 for corruption and sentenced him to three years in prison, but the Skopje Appellate Court overturned the sentence before Tupurkovski entered prison. The prosecution appealed the March 22 acquittal and the case was awaiting review by the Skopje appellate court.

On July 1, a court in a retrial convicted former prime minister and former minister of defense Vlado Buckovski of abuse of office. Authorities originally charged Buckovski in 2007, and the court convicted him and sentenced him to three years in prison in 2008. The appellate court overturned the conviction in 2009 and returned the case for retrial. The retrial conviction was pending appellate court review at year's end.

Rule-of-law analysts cited the Tupurkovski and Buckovski cases as examples of politically motivated prosecution and the judicial system's lack of capacity to prosecute high-level corruption efficiently and effectively.

Whistleblower Protection: The law does not provide specific whistleblower protections under that name but allows "justice collaborators" to be given immunity from criminal prosecution, lesser sentences, or the status of protected witness in order to testify at trial.

Financial Disclosure: The anticorruption law requires appointed and elected officials and their close family to disclose their income and assets, and provides penalties for noncompliance. The disclosure regime does not provide fully systematic verification of the assets, liabilities, and statements declared by public officials, their spouses, or dependent children. Absence of a registry of elected and appointed officials continued to hamper effective control of assets and monitoring of conflicts of interest. During the early part of the year, the State Commission for



the Prevention of Corruption initiated misdemeanor charges in 26 cases against public officials for failure to submit statements. In October opposition Social Democratic Party of Montenegro Vice-President Radmila Sekerinska publicly called on the prime minister and director of the Counterintelligence Service, Saso Mijalkov, to explain the significant increase of Mijalkov's assets. The ruling party, the VMRO-DPMNE, in turn accused Sekerinska of failure to report an increase of her personal and family assets. The Anti-Corruption Commission (ACC) announced it was taking action to verify Sekerinska's assets, and explained that the Public Revenue Office would look into Mijalkov's assets.

The ACC was the government body responsible for overseeing asset disclosure, investigating conflicts of interest involving appointed and elected officials, and handling corruption complaints by citizens. As of September the ACC received 125 new allegations of corruption or conflict of interest. The ACC reviewed 328 complaints and motions, including some from 2012, dismissing 141 for lack of jurisdiction and 143 others as unfounded. The ACC referred 27 complaints to other institutions for review and action. As of September the ACC forwarded to prosecutors 14 complaints against government officials, political party officials, and political parties to prosecutors, with recommendations to press criminal charges. As of November the ACC had not filed any misdemeanor charges based on the complaints it received.

Public Access to Information: While the law provides for public access to government information, implementation of the law lagged in many areas, especially with regard to citizens' access to the government's financial and public procurement dealings. The public could view income and asset disclosure declarations by appointed and elected officials and their close family as published on the ACC's website.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and sometimes responsive to their views.

Government Human Rights Bodies: The ombudsman worked to protect citizens against infringement of their rights by public institutions, reduce discrimination against minority communities and persons with special needs, promote equitable

representation in public life, and address children's rights. The ombudsman has the right to visit all detained persons and report findings to the UN. Most of the complaints that the ombudsman received concerned violations of judicial procedures, police abuse, police services to citizens, prisons, labor, and consumer or property rights. The ombudsman reported good cooperation and communication with the government but noted that, while government responses to the ombudsman's inquiries were usually timely, they often were not substantive, and at times lacked the requested information.

The Inter-Ministerial Body for Human Rights, chaired by Foreign Minister Nikola Poposki, examined problems related to the promotion of human rights and freedoms under the international human rights agreements adopted by the country.

The country's seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the law. The commission does not have the power to punish offenders. As of November it received 67 complaints and determined that 14 constituted discrimination. The commission did not have a full-time staff and was located in an office inaccessible to persons with physical disabilities. Unlike the ombudsman the commission reviewed complaints from both the public and the private sectors, although the public at large continued to be largely unaware of the commission's existence. Citizens who are not satisfied with the outcome of complaints may seek remedy in court, which may accept the written opinion of the commission as evidence.

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

The constitution and law prohibit discrimination based on age, gender, race, disability, language, gender identity, religion, and ethnic, social, or political affiliation. The law provides for fines ranging from 400 to 1,000 euros (\$540 to \$1,350) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In his 2012 report the ombudsman stated that discrimination existed in all spheres in society, especially with regard to employment rights and on the basis of ethnicity and political affiliation.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment. Due to poor

enforcement of the law, these penalties did not serve as a significant deterrent. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. Domestic violence is illegal, but authorities rarely enforced the law. Cultural norms, including victims' concerns over possible shame to the family, discouraged women from reporting violence against them or filing criminal charges.

The government ran seven limited-capacity shelters, and one NGO operated a shelter for women at risk that could accommodate a maximum of 30 women. A national NGO operated a hotline in Macedonian and Albanian and ran two crisis centers to provide temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs combating domestic violence relied largely on international donations.

Sexual Harassment: The law prohibits sexual harassment in the workplace and provides a sentencing guideline of three months to three years in prison for violations. Sexual harassment of women in the workplace was a problem, and victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

Reproductive Rights: Couples have the right to decide freely and responsibly the number, spacing, and timing of their children and the means to do so free from discrimination, coercion, and violence. Women from rural areas had limited access to family planning counseling and gynecological services, since both are available in gynecological facilities predominantly located in urban areas. Romani women generally had the least access to family planning counseling and gynecological services since many lacked the identity cards necessary to obtain government services such as health care.

Discrimination: Women have the same legal status as men under the family law, inheritance law, and in the judicial system. Advocates reported that women who owned property and businesses were underrepresented and noted some industry-specific gender discrimination. Romani women did not have equal opportunities for employment and education due to traditional or religious restrictions on their education and role in society. In some Albanian and Romani communities the practice of men directing the voting or voting on behalf of female family members

disenfranchised women. Women who worked outside the home earned approximately 78 percent of what men earned.

The Department of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. There were also gender equality commissions at the municipal council level and a parliamentary committee on equal opportunities for men and women.

## **Children**

Birth Registration: The law determines citizenship primarily by the citizenship of the parents. It also allows a child found in the territory of the country with unknown parents to acquire citizenship, if authorities do not discover that the parents were foreigners before the child reaches the age of 18. Births of all children in hospitals and medical institutions were registered automatically, and the law requires that all children, including those born at home, be registered at magistrate offices within 15 days of birth. Some Romani families delayed the registration of newborns, making it difficult for these individuals to access educational, medical, and other benefits later in life because they lacked proper identity documents.

Child Abuse: Child abuse was a problem in some areas. Child welfare advocates asserted that children were reluctant to report abuse due to fear authorities would place them in institutions. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse.

The government operated a hotline for domestic violence, including child abuse. An NGO operated a helpline, provided an e-mail address for battered or abused children, and conducted advertising campaigns aimed at children to promote the helpline.

Forced and Early Marriage: The minimum legal age for marriage is 18. A court can 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 in the Romani community and, to a much lesser extent, in the ethnic Albanian community. It was difficult to estimate the number of early and forced marriages because they were rarely registered. The government began implementing strategies and action plans for improving the social inclusiveness of the Romani population – youth in particular – and the decentralization of social services, which

included measures to prevent underage marriage. Measures designed to prevent underage marriages included mandatory high school education; removing Romani children from the streets and placing them in supervised day-care centers and schools; providing special social services, community, and school counseling and outreach; and making access to basic-level health services more available.

Sexual Exploitation of Children: Penalties for the commercial sexual exploitation of children are between 10 and 15 years in prison. The law prohibits child pornography and provides penalties of five to 15 years in prison for violations. The minimum age for consensual sex is 16. Authorities considered child prostitution a problem, but did not know its extent. The country had an online registry searchable by name and address of convicted child trafficking and child sex abuse offenders that provided photos, conviction records, and residential addresses of convicted child sex abusers and trafficking offenders. Offenders could request authorities to remove them from the register 10 years after they completed their sentence, provided they did not reoffend.

Displaced Children: The European University of Tirana estimated that as of July, there were 1,000 street children, most of them Roma. With international support, the Ministry of Labor and Social Policy operated five day centers for street children. In October the European Commission estimated that 163 vulnerable children received basic education classes in shelter centers. The government maintained a transit shelter for street children, but its small size limited its effectiveness in providing appropriate social services.

Institutionalized Children: Advocates and the ombudsman's office reported a lack of accountability with regard to cases of child neglect and abuse in orphanages, shelters, and detention centers. NGOs and UNICEF were also active in this area.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For specific information, see [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

## **Anti-Semitism**

The Jewish community estimated that 250 to 300 Jews lived in the country. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services, but the government did not always enforce these provisions effectively. The law allows persons who have experienced discrimination to submit complaints to the Commission for Protection from Discrimination.

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

The law requires new buildings be built in accordance with accessibility standards, while existing public structures are to be made accessible for persons with disabilities by 2015. NGOs reported that building accessibility was slowly improving but indicated that the law needed further clarification to define the requirement for a "fully accessible" environment. Many new buildings did not have accessible toilets. Public transportation was largely inaccessible for persons with physical disabilities, although all buses purchased over the past two years by the government for Skopje were accessible. In addition the Ministry of Transport and Communications initiated a two-year project to procure new train cars and renovate train stations in Skopje and 10 other cities to bring them into compliance with accessibility standards.

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 special schools.

### **National/Racial/Ethnic Minorities**

According to the 2002 census 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.

Relations between the ethnic Macedonian and Albanian communities were often strained. Several interethnic incidents triggered protests added to tensions between the two largest communities. Ethnic Albanians continued to complain of unequal representation in government ministries and public enterprises, although ethnic Albanian representation is increasing.

According to the annual report of the ombudsman, 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, the courts, the national bank, the customs service, and public enterprises, despite efforts to recruit qualified minority candidates.

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, although the government was unable to provide full instruction in Romani due to a shortage of qualified teachers.

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 welfare funds. Romani children were overrepresented in segregated “special” schools for students with intellectual disabilities. Romani NGOs also reported that proprietors occasionally denied Roma entrance to their establishments. Some Roma lacked identity cards, which were necessary to obtain government services such as education, welfare, and health care, although the EU and the UNHCR worked to provide identity documents to all Roma.

The government funded implementation of the National Strategy for Roma under its commitment to the 2005-15 Decade of Roma Inclusion, providing assistance

with education, housing, employment, and infrastructure development. With the exception of education, the funds were not sufficient to produce significant results, especially in the area of healthcare. The government also continued to fund information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education, including making conditional cash transfers to Romani students, resulted in steady school attendance rates, especially in secondary schools.

Ethnic Turks complained of discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of urban municipalities where ethnic Turks were a majority and could therefore use the Turkish language officially, and the inadequacy of Turkish-language education and media. Turkish is an official language in four rural municipalities.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Commission for Protection from Discrimination considered complaints from the LGBT community. On occasion government officials made statements opposing the LGBT community.

Activists representing the rights of LGBT individuals reported multiple incidents of societal prejudice such as physical violence, harassment, and use of derogatory language, including in the media and from the government. In March unknown persons attacked two activists during a “March for Tolerance,” and as of November 14 police had not identified or arrested any suspects. The LGBTI (Lesbian, Gay, Bisexual, Transgender, and Intersex) Support Center operated by the Helsinki Committee of the Republic of Macedonia experienced vandalism on two occasions. In one incident a group attacked the center with rocks and baseball bats while a pride week event was taking place inside. One police officer was injured. Police reportedly investigated the attack but as of November 14 had not arrested any suspects.

### **Other Societal Violence or Discrimination**

There were isolated reports of discrimination against persons with HIV/AIDS in employment and access to health care.

## **Section 7. Worker Rights**



### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent unions without previous authorization or excessive requirements. The law provides for the right to strike. More restrictive legislation limiting the number of employees who can strike (versus those who must remain on duty) and the length of any strike governs personnel of the military police, government employees, and employees of state agencies. During a strike the law allows an employer to “exclude” or temporarily release up to 2 percent of workers whom the employer believes are potentially violent or engaged in “undemocratic activity” or who are obstructing negotiations between the workers and the employer. Employers must pay the workers’ benefits during the exclusion period and rehire them after the strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages.

The law protects the right to bargain collectively but requires that any resulting collective agreement cover at least 20 percent of employees in the public or private sector and at least 10 percent of employers in the country. By law collective agreements apply to all workers, union members or not. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The government did not always enforce laws against antiunion interference. Procedures were not subject to lengthy delays.

Freedom of association was respected. Branch unions may freely register with the Union Registry at the Ministry of Labor and Social Policy. Associations of branch unions register with the Central Registry of Macedonia. Worker organizations were independent of the government and political parties. The government generally respected the right to bargain collectively.

Before the year employers dismissed union leaders because of their union engagement. Court decisions on their reinstatement or compensation were pending. There were no cases involving the dismissal of union leaders during the year.

Workers exercised the right to strike, but unions maintained that the law’s “exclusionary” provision allowed employers to bar union leaders from collective bargaining negotiations during a strike.

### **b. Prohibition of Forced or Compulsory Labor**

While the law prohibits all forced or compulsory labor, the government did not enforce the laws effectively. Romani children were especially vulnerable to human trafficking, and were often forced to beg in public places, usually by family members.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law protects children from exploitation in the workplace, including forced or compulsory labor. The government did not effectively enforce the law, especially for vulnerable Romani children. The law mandates a prison sentence of at least eight years for persons who buy, sell, keep, or take minors for the purpose of exploitation.

The minimum age for employment is 18, although children who are 14 can begin work as apprentices or as part of an official 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. The law also prohibits minors from working nights or for more than eight hours per day or 40 hours per week.

There were reports that individuals in the informal economy employed child labor, using children to beg, clean vehicle windshields, and sell cigarettes and other small items in open markets, the streets, or in bars and restaurants at night. The children involved in these activities were primarily Roma and most often worked for their parents or family members. Officials did not punish such violations, and children remained vulnerable to exploitation. The police had responsibility for enforcing laws on forced begging and trafficking.

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate forced begging by children were largely ineffective. Although the necessary laws were in place, officials seldom enforced them.

During the year the Ministry of Labor and Social Policy funded three centers that provided education, medical, and psychological services to children who begged on the street. NGOs funded two additional centers for children in Skopje with support from the government. International donors supported programs to prevent children from begging on the street and to increase school enrollment of children at

risk for such work. The government operated a social services center in Skopje that provided services to children working in the streets, including children who beg.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The legal national minimum wage was 8,050 denars (\$185) per month. According to official statistics, the average monthly net wage in May was 21,288 denars (\$491).

The law establishes a 40-hour workweek with a minimum 24-hour rest period, paid vacation of 20 to 26 workdays, and sick leave benefits. Employees may not legally work more than eight hours of overtime per week or 190 hours per year. According to the collective agreement between the government and the unions, employees in both the public and private sector have a right to overtime pay at 135 percent of their regular rate. In addition the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary. Many employers hired workers without complying with the law, and small retail businesses often required employees to work well beyond legal limits.

During the year the Labor Inspectorate of the Ministry of Labor and Social Policy filed complaints against several businesses for forcing employees to work long hours without the rest breaks required by law; failure to register employees according to law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation. When they discover a violation, labor inspectors have the authority to press misdemeanor charges against the employer or to close an establishment until the employer corrects the violations. In cases of repeated violations, the owners can be fined.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. It employed 99 labor inspectors. 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. In 2011-13 an average of 40 workers per year lost their lives in the workplace because of lax or nonexistent protective measures or long hours at construction sites.

Studies indicated that a significant number of employees in the informal economy were not part of the legal workforce. Estimates of the size of the informal economy averaged around 25 percent of GDP.