

MACEDONIA 2014 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 country held presidential and parliamentary elections in April. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) stated that the April elections were efficiently administered but noted that the run-up to the elections failed to meet important OSCE commitments, including on the separation of state and party, ensuring a level playing field, the neutrality of the media, the accuracy of the voters list, and the possibility of redress through an effective complaints procedure. Authorities maintained effective control over the security forces.

The most significant human rights problems stemmed from significant levels of corruption and from the government's failure to respect fully the rule of law, including by continuing efforts to restrict media freedom, interference in the judiciary, and selective prosecution. Political interference, inefficiency, favoritism toward well-placed persons, prolonged processes, violations of the right to public trial, and corruption characterized the judicial system.

Other human rights problems reported during the year included: 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; 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; discrimination against Roma and other ethnic minorities; societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; and child labor, including forced begging.

The government took some steps to punish police officials guilty of excessive force, but impunity continued to be a problem.

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.

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 abused detainees and prisoners and used excessive force when apprehending criminal suspects. During the first nine months of the year, the Ministry of the Interior's Sector for Internal Control and Professional Standards Unit reported receiving 52 complaints against police officers for use of excessive force. It found grounds for pressing criminal charges against five police officers for excessive use of force. The court has yet to rule on their cases. In 2013 the Office of the Ombudsman received 177 complaints against police for unlawful or excessive use of force, compared to 220 complaints in 2012. The ombudsman's report was public and an English-language version was available.

Prison and Detention Center Conditions

The country's prisons and detention centers for both sexes failed to meet international standards. Problems, many of which were identified in the ombudsman's 2013 report, included inadequate funding, overcrowding, understaffing, inadequate health care, violence among prisoners, intimidation and violence by staff, inadequate rehabilitation capacities, lack of educational and recreational opportunities for juveniles, and some reports of sexual abuse of prisoners. Detainees in pretrial detention centers in Skopje and Tetovo had no organized activities and were allowed less than one hour of daily outdoor exercise, and some prisoners spent up to 22 hours a day in closed spaces. Prison authorities sought to implement alternative sanctions under the new criminal procedure code to address prison overcrowding.

According to the 2014 *European Commission Progress Report*, the annual budget of the country's prison system increased 11 percent during the year. Despite this increase, some prisons received reduced funding even though they had growing

inmate populations and were unable to cover their basic maintenance costs, since a significant portion of the funds went toward prison construction projects.

The Ombudsman's National Prevention Mechanism Office noted that despite a number of recent renovations, most psychiatric hospitals for in-patient care lacked detention rooms for convicted mentally disabled females.

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 held pretrial detainees in separate detention wards. Authorities held men and women separately in both prisons and detention facilities. As of October the country's prisons held 2,618 convicted adult prisoners (of whom 91 were female), nine juvenile prisoners, and 407 pretrial detainees. The prisons were designed to hold 2,036 prisoners, 43 juveniles, and 452 detainees.

As of August there were 12 reported deaths in prisons and detention facilities. Seven inmates died of natural causes, three died in accidents, and two committed suicide. Prisoners had adequate food. There were reports that some prisons lacked access to potable water. 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.

In an October 20 press conference, Helsinki Committee for Human Rights Director Uranija Pirovska stated that the prison in Kumanovo, built in 2013, "does not have potable water." According to the Helsinki Committee, lab tests of the prison's water showed serious bacterial contamination. The Ministry of Justice denied the Helsinki Committee's assertions and asserted the prison was constructed in line with international standards.

Administration: Authorities considered recordkeeping at prisons adequate but not always timely. The Ministry of the Interior inspected the registers of detained persons. Authorities used alternatives to sentencing for non-violent 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 prisoners' freedom of religious observance. Prisoners and detainees could not submit complaints without fear of retribution. The ombudsman investigated all credible allegations of problematic conditions.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the Council of Europe's Committee for the Prevention of Torture 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 only upon the prisoners' requests.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest and detention, these were problems. Government statistics indicated that prosecutors requested detention orders in approximately 5 percent of all cases. Civil rights activists claimed the courts indiscriminately granted almost all detention requests, often failing to provide adequate justification as required by law.

Role of the Police and Security Apparatus

The army is responsible for external security and reports to the Ministry of Defense. The national police maintain internal security and report to the Ministry of the Interior. Civilian authorities maintained effective control over the uniformed, criminal, and border police branches, and the government has effective mechanisms to investigate and punish abuse and corruption. There were, nonetheless, reports of impunity involving the police 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 Interior Ministry's Professional Standards Unit (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.

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.

Arrest Procedures and Treatment of Detainees

The criminal procedure code implemented in December 2013 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 the maximum pretrial detention is two years.

In the majority of cases, the courts adhered to the law for pretrial detention procedures. In a small number of high-profile cases, however, there were concerns that the courts did not display appropriate independence from the prosecution when granting requests for pretrial detention and detention during trial. The courts sometimes failed to provide appropriate justification for prolonging pretrial detention.

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 requirement. To enhance the quality of legal defense, the American Bar Association's Rule of Law Initiative worked with the Macedonian Bar Association to train defense attorneys on the new Criminal Procedure Code, as well as pretrial detention, plea bargaining, and trial skills. 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 country did not practice incommunicado detention. Authorities sometimes held suspects under house arrest.

Arrested suspects, their attorneys, or close family members, 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

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, the greatest number of citizen complaints received by the ombudsman concerned the judicial system. The report stated that access to justice remained difficult. In addition, a significant portion of court budgets went to paying damages for violating a citizen's right to trial within a reasonable time. The report indicated court decisions were sometimes considerably delayed due to administrative deficiencies.

Trial Procedures

The new criminal procedure code codifies protections for defendants and victims. In May the country enacted sentencing guidelines designed to address inconsistent sentencing among different courts.

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. Trials generally were open to the public, but subject to frequent delays.

The law grants defendants and their attorneys access to government-held evidence. In some cases, however, defense attorneys alleged they did not receive the prosecution's evidence in a timely manner, hampering their ability to defend their clients.

Defense attorneys and human rights activists claimed that closing significant portions of high-profile trials to the public to protect witness confidentiality reduced transparency and contributed to declining public confidence in the courts, especially among the ethnic Albanian population. For example, in the high-profile "monster" case, which saw six ethnic Albanians sentenced to life in prison in June for the 2012 murder of five ethnic Macedonians, some court sessions were closed to the public, which denied the public access to much of the trial evidence. Some human rights organizations and many ethnic Albanians were skeptical that the right to a fair trial was respected, and multiple protests, some violent, followed.

The country does not use juries, but 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 and access government-held evidence. 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.

Political Prisoners and Detainees

During the year several cases led to international criticism and concern about selective justice.

In May Skopje-Centar Municipal Council member Miroslav Sipovic was released after more than seven months of pretrial detention; his arrest for corruption denied the opposition on the council its one-vote majority, which raised concerns that the arrest was politically motivated. Political control of Skopje-Centar was highly prized, since it is one of only four ethnic Macedonian opposition-administered municipalities and occupies the center of the capital city, where most ministries and public monuments are located, thus giving it both significant political symbolism and revenue.

In May, Dejan Stavric, a physician who led a 52-day doctors' union strike against the Ministry of Health in 2012, was convicted of taking a 2,000 euro (\$2,500) bribe from a patient and was sentenced to one year in prison following 22 days in pretrial detention and a one-day trial, both of which were unusually short. Stavric was released on bail, pending appeal.

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 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.

Regional Human Rights Court Decisions

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. According to a government report, the

government's compliance in enforcing ECHR decisions in monitored cases has improved, but delays remained in some cases, particularly regarding defendants' right to trial within a reasonable time and improper detention cases.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions. Nonetheless, membership in a party of the ruling coalition was increasingly a requisite for employment in public administration (see section 3, Political Parties and Political Participation).

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--to attack 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 August the commission had published 74 dossiers online and listed 138 persons, 89 named and 49 unnamed, in the lustration registry (i.e., registry of collaborators of the former secret police). A previous year's review of the dossiers by the Helsinki Committee for Human Rights revealed that approximately one-third of the then 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 current ruling coalition took office. On April 9, the Constitutional Court ruled the Lustration Law constitutional; it previously had twice ruled earlier versions of the law unconstitutional.

In October the High Administrative Court rejected 24 individuals' appeals of Lustration Commission decisions. Shortly after the decision, the head of the commission sent letters to numerous public institutions, including universities and the Macedonian Academy of Sciences and Arts, instructing them to fire those deemed by the Lustration Commission to be former police informants. A number of other lawsuits challenging Lustration Commission decisions have been stalled for months before the Administrative Court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but government pressure on the media continued to be a problem. There were multiple claims during the year that the government selectively prosecuted opposition and media figures and interfered in high-profile defamation cases instigated by high-ranking government officials.

Many members of the media community, including the Association of Journalists in Macedonia (AJM), frequently accused the government of failing to respect freedom of speech and the press.

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 media criticism by directing advertising purchases toward progovernment outlets. According to the Agency for Audio and Audiovisual Media Services, the government was the top advertiser on private television stations with national coverage.

Press Freedoms: Individuals or organizations that appeared close to the current government owned most of the mainstream 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 laws that restrict speech inciting national, religious, or ethnic hatred also cover the media. The mainstream media rarely criticized the government. As the government was the largest purchaser of advertising in the country, many media outlets were financially dependent on the government and therefore subject to pressure to avoid criticism of the government. During the spring presidential and parliamentary election campaigns, most of the monitored media displayed significant bias in favor of the governing parties, according to the OSCE/ODIHR Observation Mission's final report.

In January parliament amended the December 2013 media laws, exempting internet portals from government registration requirements. The amendments improved the alignment of media censorship rules with ECHR standards and added an extra seat to the Agency for Audio and Audiovisual Media Services to allow the AJM to be represented. The AJM acknowledged the amendments as a step forward and expressed hope that the government would address remaining media freedom issues, including governmental advertising, the independence of the

public broadcaster MRT and the Agency for Audio and Audiovisual Media Services, and excessively high fines for media in the new media laws.

The OSCE representative for freedom of the media, Dunja Mijatovic, emphasized the need for the inclusive and effective implementation of the new media legislation. In addition, she expressed concern about government spending on advertising and civil defamation cases that have resulted in disproportionately high fines for media. Mijatovic also urged the establishment of an independent and inclusive self-regulatory body.

In July parliament again amended the media law through a fast-track procedure that allowed each of the two largest journalists' associations, the AJM and the Macedonian Association of Journalists (MAN) to nominate one member of the Agency for Audio and Audiovisual Services. The AJM criticized the opaque fast-track procedure and lack of input from stakeholders, alleging that the real purpose of the amendment was to promote government control by ensuring a seat for MAN, which was perceived as progovernment.

Violence and Harassment: Journalists continued to report pressure to adopt progovernment viewpoints in their reporting or risk losing their jobs. Several journalists who allegedly had not adhered to the government's guidance, including the editor in chief of daily newspaper *Nova Makedonija*, were dismissed, allegedly for political reasons.

On April 16, the Constitutional Court ruled that the forcible removal of journalists from parliament's gallery during a 2012 altercation--when security personnel removed opposition members of parliament (MPs) from the plenary hall--was for the journalists' own safety and led to restoring order in the parliament. The ruling came 14 months after the AJM and several individual journalists filed freedom of expression petitions in February 2013. The Helsinki Human Rights Committee in Macedonia noted that the Constitutional Court ruling reflected the justifications for the action offered by ruling party MPs, which increased the perception that the court was not independent of the executive. The Macedonia Center for Media Development also claimed that the Constitutional Court decision was politically motivated.

Tomislav Kezarovski, a journalist convicted in 2013 of revealing the identity of a protected witness and sentenced to four and one-half years in prison, continued serving his sentence under house arrest, pending appeal. According to Kezarovski, the court has not responded in a timely manner to his attorney's request for out-of-

home medical appointments, obliging him to obtain substandard in-home care. Both his six-month pretrial detention and his long sentence, which numerous local and international analysts considered excessive, drew a strong rebuke from the OSCE representative for freedom of the media, the European Federation of Journalists, NGOs, and journalist associations.

Censorship or Content Restrictions: There were reports that the government pressured journalists into self-censorship. Journalists reported far greater self-censorship when covering 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.

Libel Laws/National Security: Persons found guilty of defamation, libel, and slander were subject to fines according to a schedule based on non-material damage. Some editors and media owners expressed concern that the steep fines would promote further self-censorship. There were claims that the government used the statute as a tool to target political opponents. In September the Skopje Court of Appeals upheld the January decision of Skopje Basic Court ordering the defunct daily newspaper *Fokus* to pay 9,300 euros (\$11,625) for “damaging the reputation” of Security and Counterintelligence Director Saso Mijalkov by printing quotes of a former Macedonian ambassador to the Czech Republic questioning the propriety of Mijalkov’s business dealings in the Czech Republic.

On September 3, the Skopje Basic Court ordered opposition political party leader Zoran Zaev to pay Prime Minister Nikola Gruevski 50,000 euros (\$62,500) for “harming his reputation and honor” by claiming that in 2004 Gruevski abused his official position illegally to receive 1.5 million euros (\$1.88 million) from the sale of Makedonska Bank. Zaev’s attorneys criticized the court for refusing without explanation to permit the introduction of relevant evidence central to Zaev’s defense.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without judicial oversight. The State Statistical Office estimated that 65 percent of the population used the internet in 2013, up from 63 percent the previous year.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of 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, 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 by undermining visa-free travel 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 January through August, border authorities denied exit to 3,686 persons, allegedly mostly Roma, whom authorities suspected would seek asylum in the EU. On May 28, a Skopje court ruled that the Ministry of the Interior violated a Romani citizen's rights by preventing the citizen from exiting Macedonia--the first ruling of its kind. The court determined that border authorities acted solely based on the ethnicity of the plaintiff.

Internally Displaced Persons (IDPs)

The government reported that 229 persons remained displaced from the 2001 internal conflict, 56 of whom lived in collective centers and 173 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 28 percent in the first quarter of the year).

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 law provides for granting asylum or refugee 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.

Arrivals of migrants from outside the region, primarily from Syria and Afghanistan, continued to increase. A lack of qualified interpreters in Pashto, Dari, or Arabic made identification and interviews difficult. Most asylum seekers left the country within weeks of filing asylum claims. As of the end of August, asylum seekers registered 594 asylum applications.

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 generally did not appoint guardians to meet unaccompanied minors seeking asylum. As provided by law, asylum seekers are typically provided with a residence, free-of-charge legal services, basic health services and insurance, social protection, the right to seek employment, and education. Once asylum seekers are granted refugee status, they have the same rights as citizens, although they cannot vote, establish a political party, or serve in the military.

Durable Solutions: As of September only 70 of the country's 2,242 asylum seekers, recognized refugees, persons under subsidiary protection status, and other persons of concern (approximately 900 of them Roma) from the 1999 conflict in Kosovo had returned to Kosovo, while 126 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. The Ministry of Labor and Social Policy provided integrated, durable solutions with the support of the UNHCR for 600 refugees who had applied for integration into the country.

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

The law provides citizens the ability to change their government through the right to vote in free and fair elections, and citizens exercised this right through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In April the country held presidential and parliamentary elections with high public turnout and only minor confirmed incidents. The OSCE/ODIHR reported that the elections were "efficiently administered, and candidates were able to campaign without obstruction and freedoms of assembly and association were respected," but it noted that the run-up to the elections failed to meet important OSCE commitments, including those on the separation of state and party, on ensuring a level playing field, on the neutrality of the media, on the accuracy of the voters list, and on the possibility of gaining redress through an effective complaints procedure. According to the OSCE/ODIHR, allegations of voter intimidation persisted throughout the campaign. Limited procedural irregularities were observed during the voting process that included some problems with the secrecy of the vote, ballot boxes not sealed properly, and cases of family voting.

Political Parties and Political Participation: During the year the ruling coalition dominated and manipulated the media. Membership in a party of the ruling coalition conferred advantages, and there was widespread reporting that party membership influenced civil service hiring that included teachers and even custodial staff. There was also interference with opposition parties' abilities to publicize their views. The OSCE/ODIHR International Election Observation Mission found that the majority of monitored media was largely biased in favor of

the ruling party and its presidential candidate and against the main opposition party and its candidate. The OSCE/ODIHR also found that the media often failed to distinguish between the coverage of officials in their capacity as ministers and as candidates.

Participation of Women and Minorities: There were 42 women in the 123-seat parliament and two women in the 26-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 candidates may be the same gender. Sixty percent of judges were women, but only four of the country's 81 mayors were women.

There were 27 ethnic Albanians, two ethnic Serbs, one ethnic Bosniak, two ethnic Turks, and one ethnic Rom in parliament. There were 10 members of minority communities in the 26-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 official positions to intimidate key opposition leaders. Police and judicial corruption also remained problems.

The Public Prosecution Office announced in June that it would not pursue criminal embezzlement charges filed by the opposition party Social Democratic Union of Macedonia (SDSM) against Prime Minister Gruevski. Zoran Zaev, head of SDSM, had submitted an expert opinion to the Chief Prosecutor's Office regarding a controversial voice recording, purportedly of the prime minister, regarding the sale of Makedonska Bank in 2004. SDSM asserted that Gruevski illegally benefited from the sale, but the Prosecutor's Office claimed further investigation was not warranted because of changes to Makedonska Bank's ownership structure. The public prosecutor also argued that there was not enough evidence to warrant an investigation. SDSM, however, claimed that the prosecutor in the case was seeking to protect Gruevski from criminal offenses. In response to Zaev's allegations, in April Gruevski filed a slander lawsuit against Zaev (see section 2.a).

On September 2, the Court of Appeals upheld the 2008 conviction of the former SDSM prime minister Vlado Buckovski for abuse of office. The Skopje Appellate

Court overturned the conviction in 2009 and returned the case for retrial. Rule of law analysts cited the Buckovski and Gruevski cases as examples of selective applications of the law.

On October 8, authorities arrested 14 misdemeanor judges and 11 members of their administrative staff for allegedly failing to process fines against defendants in misdemeanor cases. According to the Public Prosecutor's Office, the accused caused \$1.5 million in damage to the state budget by failing to process approximately 8,000 rulings on fines before the statute of limitations expired.

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 State Commission for the Prevention of Corruption and Conflict of Interest (ACC) is responsible for overseeing asset disclosure, investigating conflicts of interest involving appointed and elected officials, and handling corruption complaints by citizens, but it did not provide fully systematic verification of the assets, liabilities, and statements declared by public officials, their spouses, or dependent children. 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. Absence of a registry of elected and appointed officials continued to hamper effective control of assets and monitoring of conflicts of interest.

During the first six months of the year, the ACC referred two cases to the Public Prosecution Office for misuse of public funds. In one case the ACC initiated a procedure for removal of a public official. The ACC received and checked 535 conflict of interest statements by public officials and found that conflict of interest existed in 53 cases. The resolution of these cases remained pending.

Public Access to Information: Although the law provides for public access to government information, citizens' and the media's access to the government's financial and public procurement dealings remained limited. The government addressed public access to information in the Open Government Partnership (OGP) Action Plan, adopted by the government in May. The OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Numerous members of civil society and media outlets complained that the government often ignored requests to access information under the freedom of information law.

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 often were cooperative in listening to these groups but often were unresponsive 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 disabilities, promote equitable representation in public life, and address children's 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 antidiscrimination law. The commission does not have the power to punish offenders. As of September it received 73 complaints and determined that four constituted discrimination. The commission 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 not satisfied with the outcome of complaints 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

The constitution and law prohibit discrimination based on age, gender, race, disability, language, gender identity, and ethnic, social, or political affiliation. The law provides for fines ranging from 400 to 1,000 euros (\$500 to \$1,250) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. The ombudsman's report 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, but those laws were poorly enforced. According to the Ministry of the Interior, rape cases decreased by 11.6 percent since 2012, while sexual attacks against children increased by 47 percent. Domestic violence is illegal but was a persistent and common problem. Cultural norms, including victims' concerns over possible shame to the family, discouraged women from reporting violence against them or filing criminal charges. Police and judicial officials were reluctant to prosecute spousal rape and domestic violence and many victims did not come forward due to social stigma.

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 both Macedonian and Albanian languages and ran two crisis centers to provide temporary shelter for victims of domestic violence. Local NGOs combating domestic violence relied largely on international donations.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C, and the practice was not known to exist.

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 to have the means to do so, and the right to attain the highest standard of reproductive health care, free from discrimination, coercion, and violence. Women from rural areas had limited access to family planning counseling and gynecological services, since both were available in 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 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 (see section 7.d.). In some Albanian and Romani communities, the practice of men directing the voting or voting on behalf of female family members disenfranchised 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 that 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 the Interior are responsible for addressing child abuse. 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 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 inclusion of the Romani population--youth in particular--and decentralizing social services, including 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 and community services and school counseling and outreach, and improving access to basic-level health services.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. During the year, there were no reports of FGM/C on children.

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 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 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 re-offend.

Displaced Children: According to the Ministry of Labor and Social Policy, there were 96 displaced children registered as of September. With international support, the ministry operated five day centers for street children. In October 2013 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 the UN Children's Fund 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 country-specific information see the Department of State's website at travel.state.gov/content/childabduction/english/country/macedonia.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/rls/tiprpt/.

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 (see section 7.d.).

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 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.

Relations between the ethnic Macedonian and ethnic Albanian communities were often strained. Several inter-ethnic incidents triggered protests that 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 was increasing. Only one of 13 students in the November 2013 class of the Judicial Academy, the institution responsible for initial and continuing education of judges and prosecutors, was ethnic Albanian; the rest were ethnic Macedonian. Ethnic Albanians were underrepresented in the justice system. As of July, 79 percent of judges were ethnic Macedonian and 15 percent were ethnic Albanian. Ethnic Macedonians represented 81 percent of the judicial court staff, while ethnic Albanians represented 14 percent.

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.

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, the UNHCR, and several NGOs 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 health care. 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 and the inadequacy of Turkish-language education and media. Turkish is an official language in four rural municipalities.

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

Activists supporting LGBT rights reported multiple incidents of societal prejudice such as physical violence, harassment, and use of derogatory language, including in the media and from the government. The Helsinki Committee in Macedonia announced criminal lawsuits against television hosts Milenko Nedelkovski and Janko Ilkovski for hate speech against the LGBT community in Macedonia

In October a group of masked individuals entered an event marking the second anniversary of the LGBTI (lesbian, gay, bisexual, transgender, and intersex) support center (operated by the Helsinki Committee) in Skopje and threw glass bottles at the guests, injuring at least one person. As of November 4, police had not identified or arrested any suspects. In an October statement, Amnesty International called on authorities to carry out a prompt and fair investigation into

the attack and said that this was the sixth attack on the center since it opened in 2012. Amnesty International noted that five of the attacks remain unresolved. It criticized the Ministry of the Interior for failing to recognize the organized and alleged discriminatory motivation for the attack and only recording the attack as violence by unknown perpetrators.

Intimidation did not prevent LGBT organizations from reporting incidents of abuse. This was not the case for individuals. In June the LGBTI Center organized a public pride week event and experienced neither problems nor provocations. Police were visibly present during the event.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

While workers enjoy a wide range of rights and protections in law and often in practice, there were many instances in which the government did not effectively enforce applicable laws. Enforcement resources, including for inspections, and remediation were inadequate. Penalties for violations of labor laws ranged from 500 to 1,200 euros (\$625 to \$1,500); these were insufficient to deter violations. Administrative and judicial procedures were generally subject to lengthy delays.

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 government did not always respect these rights in practice. The law prohibits anti-union discrimination and provides for reinstatement of workers fired for union activity.

During a strike the law allows an employer to “exclude” or temporarily release up to 2 percent of workers who 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 allow them to return to work after the strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages. More restrictive legislation governs essential government employees such as members of the military, police, and health care workers. The law regulates the number of

essential government employees who can strike (versus the number who must remain on duty) and the length of their strikes.

Freedom of association, including the right to strike, and the right to collective bargaining, were not always respected by employers and the government. For instance, in September the government amended the education law to facilitate replacing striking teachers with temporary workers after the teachers' union announced a strike. The Worker's Union of Education, Science, and Culture, the country's largest public-sector union with 30,000 members, called off the planned strike after reported pressure on its members by local and national government officials. Worker organizations generally collaborated with the government and employers, rather than confront them.

On May 6, authorities arrested Dejan Stavric, a physician who led a 52-day doctors' union strike against the Ministry of Health in 2012, on corruption charges. Stavric was released on bail, pending his appeal (also see section 1.d.).

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

The law prohibits all forms of forced or compulsory labor, and the government largely enforced applicable laws. The law prescribes a minimum penalty of four years' imprisonment for forced labor. Even so, women and children were subjected to forced labor in restaurants, bars, and nightclubs. Relatives forced some Romani children to beg (see section 7.c).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, although children can begin work at 14 as apprentices or as participants in 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. The government did not effectively enforce the law.

The Ministry of Labor and Social Policy (MLSP) is responsible for enforcing laws regulating the employment of children. The police and the MLSP, through centers for social work, had responsibility for enforcing laws on forced begging and trafficking. 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. If enforced, these penalties would be sufficient to deter violations. Although the necessary laws were in place, government efforts to eliminate forced begging by children were largely ineffective.

During the year the ministry funded one additional center that provided education, medical, and psychological services to children who were forced to beg on the street. The ministry also funded an additional day care center operated by an NGO in the Skopje suburb of Shutka Orizari.

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 frequently failed to hold those exploiting the children accountable, and Romani children remained vulnerable to exploitation and forced labor.

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 or Occupation

Labor laws and regulations generally prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, health status, or social status. The government did not enforce the laws effectively. Discrimination in employment and occupation occurred with respect to gender, disability, and certain ethnic groups (see section 6).

e. Acceptable Conditions of Work

The legal national minimum wage was 8,800 denars (\$173) per month, except in the textiles and leather industry, where the minimum wage was 7,500 denars per month (\$147). According to official statistics, the average monthly net wage in August was 21,217 denars (\$417).

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. The National Council for Occupational Safety and Health was still not fully functional.

Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced. The MLSP employed 123 labor inspectors. 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. Penalties were sufficient to deter violations; however, inspections were not adequate to ensure compliance. During the year the MLSP's Labor Inspectorate 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.

Many employers hired workers without complying with the law, and small retail businesses often required employees to work well beyond legal limits. An estimated 22 percent of workers were in the informal economy. 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. Between 2011 and the end of 2014, there were no major industrial accidents in the country.