

NORTH MACEDONIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of North Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. The unicameral parliament exercises legislative authority. Parliamentary elections were last held in 2016 and presidential elections during the year. In its final report on the parliamentary elections, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observed the elections were transparent, well administered, and orderly but took place "in an environment characterized by a lack of public trust in institutions and the political establishment" and failed to meet some important OSCE commitments for a democratic electoral process. The OSCE/ODIHR's final report on the 2019 presidential elections noted the environment during the campaign was calm and peaceful and fundamental freedoms of assembly and expression were respected.

The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: high-level corruption and violence against LGBTI individuals.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses. The ombudsman believed police impunity continued to be a problem.

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

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

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

b. Disappearance

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

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

The constitution and laws prohibit such practices, but there were some reports police abused detainees and prisoners and used excessive force. The government acted to investigate and prosecute legitimate claims. The Ministry of Interior Professional Standards Unit (PSU) reported that, during the first seven months of the year, it acted upon 27 complaints referring to use of excessive force by police officers. Eight of the complaints were deemed unfounded, and only one case was upheld.

Prison and Detention Center Conditions

Notable steps were taken to improve prison and detention center conditions since the October 2017 Council of Europe's Committee for the Prevention of Torture (CPT) report. Based on a 2016 visit, the report described conditions as amounting to cruel, inhuman, and degrading treatment.

Physical Conditions: The country had 11 prisons and two juvenile correctional facilities; seven prisons also held pretrial detainees. Juvenile inmates are kept in separate facilities.

According to the Ministry of Justice and the ombudsman, overcrowding was no longer a significant problem, although the prison system continued to suffer from lack of funding and understaffing. Official information from the Ministry of Justice showed that, as of September 3, there were 1,879 prisoners, while the prisons have the capacity to house 2,026 inmates.

On May 29, the European Commission (EC) released its 2019 report on the country, which noted the government had addressed the CPT's recommendations, leading to improvements in the prevention of torture and mistreatment. Poor conditions in police stations, social care facilities, and psychiatric institutions remained problems.

The ombudsman reported September 13 prison and detention facilities remained below international standards, citing inadequate health care and generally poor living conditions as the most frequently reported deficiencies. Poor housing and lack of adequate rehabilitation services in the Ohrid Prison continued to put juvenile inmates at increased risk of violence and exploitation. Seven deaths were

recorded across all prisons as of August 13. One was reported as a suicide and six died of other causes.

The Ministry of Justice Department for Enforcement of Sanctions received 18 internal notifications of the use of force against inmates by prison police. In all cases, the department found the officers acted in accordance with the Standard Operating Procedures. There was one external report of use of force by police on a prisoner, by the prisoner's family. The Department for the Enforcement of Sanctions found irregularities in the actions of the prison police officer and referred the complaint to the prison disciplinary commission, which found no fault with the officer's action.

The Ombudsman's National Preventive Mechanism also received complaints against Ohrid Prison guards for mistreatment and torture of juvenile inmates. No information was available on whether these complaints were investigated.

In addition to investigating any allegations of police mistreatment, the Ministry of Interior's Professional Standards Unit conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit may not take disciplinary measures, which require a ruling from a disciplinary commission, nor may it impose more serious criminal sanctions, which require court action.

Ministry of Justice authorities continued to distribute in the prisons brochures prepared with assistance from the OSCE explaining to prisoners how to file anonymous complaints to the ombudsman regarding mistreatment.

Administration: The 2018 Ombudsman's report noted only a few complaints from inmates about unprofessional conduct and violence by security personnel. Authorities reviewed the complaints and conducted investigations of credible allegations of mistreatment. As of September 13, the ombudsman had received four complaints involving prison violence. Of those, two complaints alleging mistreatment by prison guards were dismissed as unfounded and one disciplinary action was pending against a prison guard. The fourth complaint involved a group of prison guards who were disciplined for failing to act to prevent an inmate-on-inmate attack.

The number of inmates without valid identification decreased. In 2017 there were 900 inmates without identification cards; in October fewer than 285 were without valid identification.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. Based on a November 2018 memorandum of understanding, the government granted the Helsinki Committee for Human Rights unrestricted access to convicted prisoners. The ombudsman regularly visited (once per month) the country's prisons and investigated credible allegations of problematic conditions.

Improvements: During the year derelict facilities in the largest prison, Idrizovo, were demolished and the Bitola prison was closed for full reconstruction due to poor living conditions.

As of June all prisoners had health insurance via the Directorate for Execution of Sanctions, although access to satisfactory health care remained an issue. Prisoners also had access to hot water for personal sanitation. Staff members in penitentiary and educational-correctional institutions were trained on the new *Code of Conduct for Prison Personnel*, based on the *European Code of Ethics for Prison Staff*.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

During the first six months of the year, the ombudsman reported three complaints were filed alleging mistreatment of detained persons, two by prison officials and one by other detainees. In the case alleging attacks by other detainees, disciplinary action was filed against a number of prison officials for failing to carry out their duties. In the case of the two prison officials, the allegations were found to be baseless. The Ministry of Interior PSU received four complaints alleging excessive use of force in interrogations of suspects and detainees. The PSU filed criminal charges against one police officer for inappropriate police treatment and dismissed the other three complaints for lack of evidence.

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

In addition to investigating allegations of police mistreatment, the Ministry of Interior's Professional Standards Unit conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit may not take disciplinary measures, which require a ruling from a disciplinary commission, nor may it impose more serious criminal sanctions, which require court action.

Pretrial Detention: In the majority of cases, the courts adhered to the law for pretrial detention procedures. During the year the number of court detention orders slightly increased compared with 2018, mostly in cases brought by the Organized Crime and Corruption Prosecutor's Office and the Skopje Basic Prosecutor's Office. Prosecutors across the country requested detention in 5 to 10 percent of all cases. Usually, prosecutors requested, and the court issued, preventive measures instead of detention orders for suspects and defendants to mitigate flight risk, evidence tampering, and repeating or committing new crimes.

e. Denial of Fair Public Trial

The constitution provides for "autonomous and independent" courts, supported by an independent and autonomous Judicial Council. Limited judicial independence,

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

The government demonstrated greater respect for judicial independence and impartiality compared with previous years. According to the EC's May 29 report, the country's judicial system made good progress in addressing the "EU-required Urgent Reform Priorities" and recommendations from the Venice Commission and the Senior Experts' Group on Systemic Rule of Law Issues. The country demonstrated continued determination to improve the judicial system, delivering judgments on some high-profile Special Prosecutor's Office cases.

According to rule-of-law specialized CSO All for Fair Trials, the adjudication of the 20 Special Prosecutor's Office (SPO) trials due to various procedural delays on average lasted longer compared to other prosecutor's offices cases. Of the 20 SPO cases pending before the courts since June 30, 2017, only two have been completed with final verdicts as of November 1.

Citizens filed 176 complaints concerning the judicial system from January to August, according to the Office of the Ombudsman. The ombudsman took action in 48 of those complaints, recommending a variety of remedial actions, and the judiciary took action on 20 of the cases.

Between January 1 and August 31, the ombudsman acted as "friend of the court" (human rights *amicus curiae*) in five judicial cases. This was the first time the ombudsman served as *amicus curiae*, an increased authority provided under 2016 amendments to the law.

While there were strict rules regulating the assignment of cases to judges through an electronic case management system, in September 2018 the Skopje Public Prosecutor's Office summoned several persons for interviews after a 2017 audit revealed the system to assign judges to handle specific cases had been manipulated. On June 18, the Ministry of Justice published findings from its Monitoring Committee inspection of the use of the Automated Court Case Management System (ACCMIS) in six courts. The committee report concluded cases were being randomly assigned to judges via ACCMIS, and it did not find any evidence of cases being hand-picked for specific judges. The report did note several deficiencies, such as cases not being archived, a lack of court staff and IT equipment, and inefficient Judicial Council review of the courts' function.

The Skopje Basic Prosecutor's Office indicted former chief justice of the criminal court Vladimir Pancevski on July 8 for misuse of official position, and the Judicial Council suspended Pancevski on July 17, pending completion of trial. The trial was scheduled to begin on October 21, but it was postponed.

On September 10, the Judicial Council dismissed Supreme Court Chief Justice Jovo Vangelovski and his peer justice, Rahilka Stojkovska, for misconduct related to their involvement in the May 2017 decision annulling an outstanding detention order against a defendant. Vangelovski chaired the five-justice panel that made the decision allowing the defendant to remain free after he had previously been absent from the country for a two-month period. Vangelovski told press he would appeal the decision on procedural and substantive grounds.

Trial Procedures

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

The law presumes defendants innocent until proven guilty. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary). Trials were generally open to the public. Citizens continued to complain about insufficient civil enforcement practices, resulting in violations of citizens' rights.

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

On March 15, the Skopje Criminal Court sentenced 16 defendants to prison in the April 27, 2017 parliament violence case for "terrorist endangerment of the constitutional order and security." The former director of the public security bureau received an 18-year prison sentence. Two defendants were acquitted. Of the original 33 defendants indicted, the court amnestied 15, based on an amnesty law adopted in parliament December 2018. That law provided amnesty for some

participants in the attacks but not for those who committed violence, carried weapons, or organized the incident.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Property Restitution

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

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

The 2007 Compensation Agreement among the government, the Holocaust Fund, and the Jewish Community allowed for the payment of 21.1 million euros (\$24.2 million) between June 2009 and June 2018. In March the World Jewish Restitution Organization (WJRO) committed to assisting the Jewish Community in

identifying any legitimate claimants. The government expressed willingness to establish a working group but had taken no action as of September.

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

The Islamic Community of North Macedonia (ICM) claimed the government failed to provide appropriate and timely restitution for property seized during the period of the Socialist Federal Republic of Yugoslavia. Among the disputed property is the Husamedin Pasha Mosque in Shtip that was nationalized in 1955. The ICM maintains the government took actions as recently as 2019 that prevented the ICM from regaining rightful ownership of the mosque complex.

In September an organization of Vlachs in Bitola claimed that actions taken in 2016 by the government deprived the organization of its rightful ownership of the Saint Konstantin and Elena Church, built in 1903. They claimed the government transferred ownership of the church to the Macedonian Orthodox Church-Ohrid Archbishopric (MOC-OA), without the community's consent.

As of August 31, the ombudsman received 116 complaints concerning property rights. Of those, 37 pertained to denationalization, 35 to property titles, and 20 to zoning.

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

The law prohibits such actions, and the government generally respected these prohibitions during the year.

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

On May 22, parliament adopted the Law on the National Security Agency (ANS) creating a new agency to replace the Department for Security and Counterintelligence (UBK). The ANS is independent of the Ministry of Interior and has increased parliamentary oversight. Other security sector reform laws

adopted May 22 included the Law on the Coordination of the Security-Intelligence Community, as well as amendments to the Law on the Interception of Communications, Law on Internal Affairs, and Law on Foreigners. The agency began operations September 1.

In April the PPO opened an investigation into whether a mobile application “Elections 2019” used in the presidential election campaign illegally collected personal data. As of September the investigation was pending.

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

The Operational Technical Agency (OTA), responsible for lawful intercepts in the country, became operational in November 2018. It serves as the technical facilitator of legal communications interception operations, operating with its own budget separately from the Ministry of Interior. On March 14, the chair of the Parliamentary Committee on Oversight of the Implementation of Measures for Interception of Communications, Emil Dimitriev, stated the committee visited the OTA and “found no irregularities” in the agency’s performance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

The May 29 EC report on the country noted the “overall situation and political climate for media continued to improve.” The report cited increased government efforts to support media through changes to legislation and financial subsidies for print media. The report also highlighted that professional organizations acknowledged the open dialogue and increased transparency of institutions.

Freedom House’s *Freedom in the World 2019* report stated that “while the media and civil society are active, journalists and activists face pressure and

intimidation.” The report noted the media landscape was “deeply polarized along political lines, and private media outlets were often tied to political or business interests that influenced their content. Some critical and independent outlets operated and were found mainly online.”

As of September the government had not taken measures to address a July 2018 open letter from media stakeholders expressing concern the legal changes to the electoral code, introduced the same month, would permit taxpayer money to be used for political campaigning in commercial media.

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

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

A National Network against Hate Speech in Media was launched in January, led by the Media Ethics Council and supported by the OSCE. The network is comprised of 17 entities, including media and journalist associations, civil society, government, and other relevant stakeholders. In February an awareness campaign was launched under the motto, “Respect, Do Not Hate.” The government accepted these organizations and did not limit or restrict their activities.

In December 2018 and in February, the government amended its Law on Audio and Audiovisual Media Services (AAVMS). The May EC report noted implementing the law would require “strong political commitment to guarantee professionalism, respect for the principles of transparency, merit-based appointments and equitable representation.” OSCE representative on freedom of the media Harlem Desir welcomed the adoption of the amended law, saying it “is now in general accordance with European and international standards on audiovisual media.”

Government advertising on commercial channels is banned. The May EC report noted concerns the legal changes that permitted public funding of the September

2018 referendum campaign with commercial ad buys risked politicization of editorial policies.

The EC report also noted “further self-regulation efforts are required to improve professional standards and the quality of journalism.” The Media Ethics Council reported that as of August, 78 percent of complaints received were for unethical reports or fake news in online portals.

The Skopje Criminal Court issued a reprimand May 5 against 1TV for violating Electoral Code ad campaign regulations during the first round of presidential elections in April by continuing with political advertising beyond the legal deadline. On July 12, the Skopje Appeals Court upheld the first-instance verdict reprimanding 1TV for the violation.

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

The head of the Association of Journalists of Macedonia, Mladen Chadikovski, told the Global Conference for Media Freedom on July 10-11 in London that impunity for cases of attacks on journalists remained a major problem and impeded freedom of expression. According to the Association of Journalists, the Ministry of Interior completed all 12 pending investigations of attacks on journalists since 2017, but no further action was taken except in one case. On May 17, Skopje’s Basic Court sentenced VMRO-DPMNE member Toni Mihajlovski to three-months’ probation for his June 2017 threats against journalist Branko Trickovski. The EC report noted the country should “continue paying attention to the swift and effective follow-up by law enforcement and judicial authorities of all instances of physical and verbal attacks against journalists.”

As of August 31, no progress was reported regarding the Basic Prosecution Office investigation into former head of the AJM Naser Selmani’s March 2018 complaint he received threats against his and his family’s lives from an individual affiliated with the Democratic Union for Integration party.

On April 16, journalists reporting on poor infrastructure in the village of Aracinovo said they received threats and verbal attacks from individuals reportedly linked to Mayor Milikije Halimi. The journalists alleged individuals forcibly escorted them to the municipality building after they refused to delete their recorded interviews. In a press release April 18, OSCE Representative on Freedom of the Media Harlem Desir condemned the intimidation, calling it a “blatant attack on freedom of the

media.” Additionally, the Association of Journalists and the Audiovisual Media Services Agency condemned the attack. Police did not open an investigation because, according to them, the journalists did not officially report the case to police. The prosecution also did not open an investigation.

On June 4, the AJM and the Media Ethics Council (CMEM) strongly condemned the “explicit hate speech” against ethnic Albanians during the June 3-4 celebration in Skopje of Handball Club Vardar’s European Cup victory. AJM and CMEM expressed concern media failed to condemn the hate speech calling for violence and intolerance. The Helsinki Committee, NGO CIVIL, and ethnic Albanian political parties condemned the inflammatory speech, calling for the perpetrators to be brought to justice.

Censorship or Content Restrictions: There were some reports the government pressured journalists into self-censorship. In its May 29 report on the country, the EC noted, “There was no progress on improving the labor and social rights of journalists whose working conditions are very poor. Consequently, journalists still practice self-censorship. Lengthy negotiations led by the independent union of journalists and media workers did not result in any collective union agreement with any media outlet.”

Libel/Slander Laws: Persons found guilty of defamation, libel, and slander were subject to fines according to a schedule based on nonmaterial damage. The EC noted “preliminary steps have been taken to reduce fines for defamation to a symbolic amount which is expected to improve the sense of balance between freedom of expression and protection of reputation.”

Deputy Prime Minister Bujar Osmani of DUI announced January 29 his party would file slander charges against journalists and media for alleging some DUI officials had abused state pension funds. AJM reacted January 30, urging politicians to refrain from filing slander charges against journalists. On February 7, EC spokesperson Maja Kocijancic noted “threats of legal consequences for media for their reporting,” by political actors, reiterating the EC 2018 recommendation the country should demonstrate “zero tolerance for physical and verbal harassment, and threats against journalists.”

Government General Secretary Dragi Rashkovski announced July 2 slander charges against journalists and media portals for spreading fake news by alleging that he had been illegally involved in a bid for the purchase of an air navigation

system. The AJM criticized Rashkovski's "direct threats" against journalists as "pressure that may result in 'self-censorship'."

Internet Freedom

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

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

A "state of crisis" has been in force for border areas adjacent to Greece and Serbia since 2015. It has been extended by the government every six months, including through year's end. The state of crisis allows government authorities to regulate the entry and transit of migrants. Since the closure of the "Western Balkans Route" in 2016, migrants apprehended in these areas were regularly placed in contained temporary transit centers, near the border, and pushed back to the prior transit country within days. No freedom of movement was ensured for migrants while in the transit centers or the reception center for smuggled foreigners, nor was a formal removal or readmission procedure established.

In-Country Movement: The Office of the UN High Commissioner for Refugees (UNHCR) estimated that approximately 25,000 persons transited the country from

January 1 to August 31, but neither UNHCR nor the International Organization for Migration (IOM) registered any hate crimes against them. UNHCR did not note any in-country movement restrictions for internally displaced persons (IDPs), refugees, or stateless persons.

e. Internally Displaced Persons (IDPs)

According to the Ministry of Labor and Social Policy (MLSP), 112 persons (26 families) remained displaced from the 2001 internal armed conflict, seven (three families) lived in collective housing centers, and 105 persons (25 families) were in private accommodations or with host families. The government provided protection and assistance, and supported safe, voluntary, and dignified returns, as well as resettlement or local integration of IDPs. There were no reports of IDPs suffering abuses.

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

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with UNHCR, the IOM, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, migrants, stateless persons, and other persons of concern.

Authorities undertook significant measures to combat and detect cases of migrant smuggling. During the year the government established a task force comprised of representatives from the Ministry of Interior and prosecutors from the Public Prosecutor's Office for Organized Crime and Corruption. The May EC report noted the problem of smuggling needed to be continuously addressed, as the country continued to be under severe pressure due to its geographic location.

The *2018 Helsinki Committee for Human Rights Annual Report* stated, "The provision limiting the freedom of movement of asylum seekers was retained. Namely, Article 63 prescribes that freedom of movement shall be restricted in extraordinary circumstances, in order to determine the identity and citizenship, and establish the facts and circumstances of the asylum requests, particularly if a risk for escape has been determined, in order to protect the order and national security or when a foreigner is retained for the purposes of initiating a procedure for his return or removal."

The IOM stressed the movement of migrants through the Western Balkans route was facilitated by smuggling networks, which exposed the migrants to significant risks of abuse and exploitative practices, including trafficking in human beings.

A multisector system and standard operating procedures (SOPs) were in place to ensure protection of the victims of gender-based violence. UNHCR considered the system needed strengthening and a systemic application of SOPs, especially regarding case identification.

Refoulement: UNHCR assessed access to asylum practices had consistently improved since 2016, and that previous concerns regarding the arbitrary practice of denying access to asylum had been addressed. During the year there were no instances of forceful returns of asylum seekers or refugees to unsafe countries recorded, or inappropriate pressure by any countries to return them to their country of origin.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system to provide protection to refugees. UNHCR reported, however, that the mechanism for adjudicating refugee status failed to provide basic procedural guarantees and proper determinations as prescribed in the law. It reported that 252 migrants applied for asylum in the first eight months of the year. No person was granted refugee status or a subsidiary form of protection.

In April 2018 parliament adopted a new Law on International and Temporary Protection. The Macedonian Young Lawyers Association (MYLA) stated the new law addressed some of the shortcomings of the old law pertaining to the right to family reunification and access to asylum, but it unduly limited asylum seekers' freedom of movement. The IOM expressed similar concerns regarding the new law. On September 14, the Constitutional Court dismissed MYLA's May 2018 petition challenging articles 63 and 65 of the law.

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

Migrant populations detained in the Transit Center for Foreigners were impeded from accessing asylum. An asylum application by a person held in the Reception Center for Foreigners (a closed-type facility in Gazi Baba) would only be possible after the person gave a statement before the court, in criminal proceedings, against

their smugglers. During the year approximately 50 percent of all asylum requests registered in the country were processed through the Reception Center for Foreigners.

During the year the Administrative and the Higher Administrative Courts continued to avoid ruling on the merit of asylum applications, despite having the requisite authority, according to MYLA. They routinely returned the cases to the Ministry of Interior for further review.

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

MYLA also noted the practice of detaining illegal migrants and asylum seekers to secure their testimony in criminal proceedings continued during the year. Detention orders did not specify the legal grounds for detention, and there was no effective judicial review of the detention decisions. According to MYLA, as of August 28, at least 126 persons were detained as illegal migrants.

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

Some improvement was noted compared to previous years, as women, children, or families were generally not detained; alternatives to detention were employed instead. A Safe House, run by an NGO, was rented for these individuals, with international donor funding, so they were not placed in prison or in detention facilities. The individuals were monitored, however, and needed to report to authorities on a weekly basis.

The 2018 Law on International and Temporary Protection introduced the possibility of detaining asylum seekers, referred to in the law as “limitation of freedom of movement.” Under this provision, three asylum seekers were detained in the Reception Center for Foreigners, a closed facility. The law stipulates the “use of limitation of freedom of movement” should be a last resort. The law does

not provide for adequate alternatives to detention. Through September 24, unaccompanied children and three women were held in detention.

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

The 2018 Law on International and Temporary Protection also provides the right to work for persons granted subsidiary protection, as well as for asylum seekers, whose asylum request is not completed within nine months. Recognized refugees and persons under subsidiary protection with work permits were able to access the active labor market. Nevertheless, asylum seekers faced restrictions because of conflicting laws. By law, a foreigner needs to have a unique identification number assigned in order to be issued a work permit. Although an asylum seeker has the legal right to apply for a work permit after nine months in procedure, s/he has no right to be assigned a unique identification number, which by the same law is issued once a positive decision is granted. Consequently, an asylum seeker is granted the right to work but is unable to exercise it, a serious gap considering some procedures last for two to three years, including instances of judicial review.

Access to Basic Services: Asylum seekers, prior to a final decision on their asylum applications, had the right to basic health services, in accordance with the regulations on health insurance. The same applied to the right to education. To date, however, there were no cases of children coming from outside the region enrolled in state-run educational facilities. Upon recognition of status, persons with refugee status have the right to full health care provided under the same conditions as it is to citizens.

Durable Solutions: According to UNHCR none of the 394 individuals from the 1999 conflict in Kosovo who remained in the country returned to Kosovo during the year. No cases of resettlement were registered.

The law provides for naturalization of refugees residing in the country under preferred conditions, while persons under subsidiary protection may naturalize as any other foreigners do who stay legally in the country for a minimum of eight years. During the year one refugee and one person under subsidiary protection were naturalized.

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

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

Temporary Protection: The government could provide subsidiary protection to individuals who may not qualify as refugees, but there were no such protections granted during the year.

g. Stateless Persons

Some habitual residents were legally stateless, in spite of fulfilling one or more criteria for citizenship. According to consolidated statistics from the government, UNHCR, and NGOs, there were 569 stateless persons registered in the country at the end of the year. They were primarily Roma who lacked civil registration and documentation. Children born in the country to stateless persons are considered nationals and have access to birth registration and certification. A government program to register persons without documents was initiated in late 2018.

Some 281 persons have been recorded as habitual residents with undetermined nationality and at risk of statelessness since the dissolution of the former Socialist Federal Republic of Yugoslavia in 1991. The MLSP estimated some 500 children lacked birth certificates or personal name registration in the country. Early in 2018 the government initiated a program to register persons without documents. In July it reissued a public call for persons without birth certificates and personal name registration to apply for birth registry by the end of September.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: A popular election for president was held in two rounds on April 21 and May 5. The OSCE/ODIHR report on the elections concluded, “in the well-administered [second round] to the presidential election, continued respect for fundamental freedoms allowed voters to make an informed choice between candidates.” The report also noted shortcomings in campaign rules reflected broader deficiencies in the electoral law, and the transparency of campaign finance was lacking due to incomplete reporting. The 2016 parliamentary elections had a record high turnout and only minor confirmed irregularities. According to the OSCE/ODIHR report, although the State Election Commission (SEC) struggled with election preparations, election day was generally well administered and orderly. While ODIHR found fundamental freedoms were generally respected and candidates were able to campaign freely, it noted the elections took place “in an environment characterized by a lack of public trust in institutions and the political establishment, and allegations of voter coercion.” According to ODIHR, the elections failed to meet some important OSCE commitments for a democratic electoral process; voter intimidation, widespread pressure on civil servants, vote buying, coercion, and misuse of administrative resources were observed.

During the year the ombudsman received complaints from 57 citizens concerning election rights. Of those, 47 concerned voting rights violations, five concerned threats or pressure, three concerned inmates’ voting rights, and two concerned sick persons’ voting rights. According to the ombudsman, the Electoral Code and its implementation need to be improved to address voting rights issues.

Political Parties and Political Participation: There were few restrictions on forming or joining political parties, which were subject to the same laws as ordinary citizens. While membership in a political party was not mandatory, there was an active patronage system in the country through which parties conferred special benefits and advantages to their members. The opposition VMRO-DPMNE party accused the government of continuing these practices, alleging party membership overrode educational and professional qualifications prescribed by law for public administration positions. For example, on April 22, the State Commission for the Prevention of Corruption (SCPC) recommended charges against Economy Minister Kreshnik Bektish and Prosecutor’s Council president Kola Sterjev for violating conflict of interest laws by employing and appointing family members.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process, and women and minorities did participate. The law requires gender diversity in each political party’s candidate list for

parliamentary and municipal elections. No more than two-thirds of a party's candidates may be the same gender. As of August, 48 of the 120 members of parliament were women, and four women served as ministers in the president's 25-member cabinet. Six of the 81 mayors were women.

Ethnic Albanians and other ethnic minorities continued to complain of inequitable representation within government and discriminatory practices that excluded them from political participation. There were nine ethnic Albanian ministers in the 25-member government cabinet. There were 23 ethnic Albanian members of parliament, including the speaker of parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. The government generally implemented the law, but there were reports officials engaged in corruption. NGOs stated the government's dominant role in the economy created opportunities for corruption. The government was the country's largest employer; some analysts estimated it employed as many as 180,000 persons, despite official statistics showing public sector employment of approximately 128,000 persons.

Corruption: In its May 29 report, the EC noted the country has "some level of preparation," and "good progress has been made through further consolidating a track record of investigating, prosecuting and trying high-level corruption cases, and changes to the legislative framework." The report specifically noted the February 8 appointment of the new State Commission for Prevention of Corruption (SCPC) was more transparent than before and highlighted steps taken by the commission to proactively fight corruption. The commission also acknowledged, however, prevalent corruption in many areas remained a concern.

As of August 26, the SCPC received 465 citizen and 12 whistleblower complaints, the majority dealing with misuse of public funds, failure to exercise due diligence, and other nonethical conduct. In addition, the commission received 81 conflict of interest complaints. The SCPC opened at its own initiative 21 cases involving allegations of corruption, and another 65 nepotism cases. The commission also published 68 decisions that resulted in public reprimands against public officials, the recommendation of disciplinary action against four public officials, and a proposal to dismiss another official.

On August 21, the Skopje Criminal Court issued a 30-day detention order for Chief Special Prosecutor Katica Janeva for “abuse of official position” in relation to the “Racketeering” case. Her detention followed the July 15 Skopje Criminal Court detention order against 1TV Manager Bojan Jovanovski (aka “Boki 13”) and businessman Zoran Milevski in the same case. The Prosecutors’ Council dismissed Janeva on September 15 upon parliament’s recommendation. The trial was scheduled to begin December 3.

On September 13, the chief public prosecutor assumed authority over the SPO cases and announced he would assign the cases to the appropriate prosecution offices based on their competencies.

On March 8, the Skopje Criminal Court convicted and sentenced former UBK director Saso Mijalkov to a three-year prison sentence in the SPO “Titanic 2” case, on charges of illegal gain resulting from unlawful influence trading to commit election fraud in connection with the 2013 local elections in Strumica. The court also sentenced Democratic Party of Albanians (DPA) leader Menduh Thaci to three years in prison; former VMRO-DPMNE State Election Commission members Sasho Srcevic, Aneta Stefanovska, and Vlatko Sajkovski to three years in prison each; and DPA member Bedredin Ibrahimovic to four years and six months in prison for misuse of official authority. Defense appeals were pending before the Skopje Appeals Court as of September 10.

Police arrested and brought to prison SPO “Trust” convict Sead Kocan on August 1 to serve his four-year-and-eight-months sentence for public procurement fraud. On March 11, the Skopje Appellate Court upheld convictions of Sead Kocan and Vasilije Avirovic in the case. The court also upheld an order to confiscate €17.3 million, (\$19.03 million), the largest amount ever confiscated by courts in North Macedonia.

A Hungarian court denied on June 27 North Macedonia’s request to extradite former prime minister Gruevski, who fled to Hungary November 2018 after the court rejected his appeal and ordered him to report to prison to start serving a two-year sentence in the “Tank” case involving the fraudulent procurement of a 600,000-euro (\$660,000) armored Mercedes Benz in 2012. Hungary granted him asylum. Additionally, the Ministry of Justice shared October 7 it had received notification from Hungarian authorities on August 5 that Hungary’s Supreme Court had denied North Macedonia’s request to extradite Gruevski in the case against the organizers of the April 27, 2017 parliament violence. Previously, on June 27, a Hungarian court denied Gruevski’s extradition in relation to the SPO

“Tank” case. Also, November 13, Skopje Criminal Court dropped charges against Gruevski in the SPO “Trajectory” case due to that statute of limitations taking effect.

Financial Disclosure: The anticorruption law requires appointed and elected officials and their close family members to disclose their income and assets and provides penalties for noncompliance. The public may view disclosure declarations on the SCPC’s website. The commission routinely received and checked conflict of interest statements submitted by public officials. In a prominent case, the SCPC found a conflict of interest involving Deputy Prime Minister for Economic Affairs Kocho Angjushev and businesses in which he had an interest.

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

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

In 2016 tax authorities under the previous government opened inspections of 20 civil society organizations, and the Public Revenue Office targeted NGOs that had been critical of the VMRO-DPMNE-led government’s policies. In 2018 the interior minister informed representatives of the civil society organizations that the Ministry of Interior had requested the prosecutor to close the investigations for lack of evidence, which was done in April.

Government Human Rights Bodies: The ombudsman worked to protect citizens from infringement of their rights by public institutions, reduce discrimination against minority communities and persons with disabilities, promote equitable representation in public life, and address children’s rights.

The May 22 Law on Prevention of Discrimination terminated the incumbent Commission for Prevention of Discrimination effective August 21. The appointment of the new commission remained pending at year’s end.

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

Women

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

From January to June, the MLSP registered 767 victims of domestic violence, of whom 572 were women, 160 men, and 75 children. Six, all female, were victims of sexual abuse.

The government ran four Regional Centers for Victims of Domestic Violence that accommodated 56 victims. In cooperation with the civil sector, the government funds one Center for Victims of Domestic Violence and one Crisis Center, which holds victims 24 to 48 hours. In 2018 they accommodated 126 victims. A national NGO operated a hotline in both the Macedonian and Albanian languages and ran two crisis centers to provide temporary shelter for victims of domestic violence.

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

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

Discrimination: Women have the same legal status as men under family, religious, personal status, labor, property, nationality, and inheritance laws. The laws were effectively enforced. In some communities the practice of men directing the voting or voting on behalf of female family members disenfranchised women. From January to July, a total of 21 complaints were filed with the Commission for Protection against Discrimination concerning unequal treatment of women in political life.

Parliament adopted the Law for Protection and Prevention of Discrimination on March 11, explicitly listing gender identity and sexual orientation as categories protected from discrimination. The law requires courts to waive fees for plaintiffs in discrimination cases and for civil society action lawsuits.

During the year the MYLA and the Antidiscrimination Commission received complaints alleging discrimination against women athletes. The commission found discrimination existed and recommended to all sports federations they align their internal regulations and practices with the antidiscrimination laws. MYLA also received complaints about workplace discrimination against pregnant women.

Children

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

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

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

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

minimum age for consensual sex is 16. The country follows the Convention on the Rights of the Child, under which any person under the age of 18 is considered a child.

Authorities considered child commercial sexual exploitation a problem but did not know its extent. The country had an online registry, searchable by name and address, of convicted child traffickers and sex offenders that listed photographs, conviction records, and residential addresses. Offenders could ask authorities to remove them from the register 10 years after they completed their sentence, provided they did not commit a new offense. According to the registry, during the year there were six pedophiles serving prison sentences of two to 20 years.

Displaced Children: According to the MLSP, as of the end of August there were 56 newly registered displaced children of different ethnicities. From June 2018 to August the MLSP through mobile teams established by the Centers for Social Work, and with support from UNICEF and the IOM, registered a total of 222 street children. A 2016 report from the ombudsman's office estimated 236 children lived without shelter. With international support the ministry operated two day centers for street children. The government also maintained a transit shelter for street children, but its small size limited its effectiveness in providing social services (see section 2.d.).

Institutionalized Children: In 2018 advocates and the ombudsman reported a lack of accountability for child neglect and abuse in orphanages, shelters, and detention centers. To address this, in 2018 the MLSP began replacing the Public Institution for the Care of Children with Educational Social Problems and Disturbed Behavior and two public homes for parentless children with individual household accommodation. As of August, five to six children per home were housed with 24-hour oversight by social workers and childcare providers. As of October 13, all orphans under three years of age were in foster homes. The MLSP also took steps to shorten the time required to adopt orphan or abandoned children. There were no reports of cases of abuse of children in the new household accommodations.

The ombudsman noted the educational-correctional facility for juveniles in Volkovija-Tetovo, completed in 2016, was still not operational. Juveniles continued to be housed in the penitentiary in Ohrid, which did not fully meet the established criteria for accommodating juveniles and did not provide adequate rehabilitation and medical services.

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

Anti-Semitism

According to the Jewish community, approximately 200 Jewish persons resided in the country. The community reported no violent acts against the community or anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services, but the government did not always enforce these provisions effectively. The new Law on Prevention of Discrimination recognizes the failure to provide reasonable accommodation as a form of discrimination on grounds of disability. The law allows persons who have experienced discrimination to submit complaints to the Commission for Protection from Discrimination. The commission was not functional in November, awaiting appointment of new members.

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

The law establishes accessibility standards for new buildings; existing public structures were to be made accessible for persons with disabilities by the end of

2015. NGOs reported many public buildings did not comply with the law. Although all buses purchased since 2013 by the government for Skopje were accessible to persons with physical disabilities, public transportation remained largely inaccessible in other regions.

The Ministry of Education and Science made efforts to provide suitable support to enable children with disabilities to attend regular schools. It employed special educators, assigned either to individual selected schools or as “mobile” municipal special educators covering all schools in their municipality, to support teachers who had children with disabilities in their regular classes. School authorities continued installing elevators in several primary schools and deployed technology to assist students with disabilities to use computers in selected primary and secondary schools. Despite these efforts, a large number of students with disabilities continued to attend separate schools. Many of the polling stations in the presidential elections, particularly in the rural areas, were inaccessible for persons with disabilities.

In July the ombudsman’s Children and Disabilities Unit formed a UN Convention on Persons with Disabilities’ implementation monitoring team. As of September 13, the ombudsman received and acted on 12 complaints concerning discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

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

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

On January 15, the Law on the Use of Languages was promulgated and became final. The law is seen by many ethnic Albanians as resolving the last remaining issue from the Ohrid Framework Agreement. Ethnic Albanians continued to criticize unequal representation in government ministries and public enterprises, as well as inequitable budget allocations.

Ethnic Albanians continued to criticize inequitable representation in government ministries and public enterprises as well as inequitable budget allocations. In September the ombudsman's office noted slow implementation of the measures for equitable representation of ethnic communities in the state administration, including in law enforcement. According to the ombudsman's annual report for 2018, the representation of ethnic Albanians in state institutions was somewhat lower compared to previous years. Ethnic Albanian and other minority representation within the civilian administration of the Ministry of Defense remained low, with 19 percent overall, and under 13 percent in managerial/leadership positions. Some elite units of police and military had almost no representation of ethnic minorities.

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

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

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

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community remained marginalized, and activists supporting LGBTI rights reported incidents of societal prejudice, including hate speech. The CSO Coalition Margini documented 70 cases of violence against LGBTI individuals, five cases of discrimination, and one case of verbal assault by a police officer during the year. In one case fellow students verbally and physically attacked an LGBTI high school

student, resulting in a broken nose. The student reported the case to the principal but chose not to report it to the police. Additionally, Margini noted most cases of violence against LGBTI persons are not reported to police or other institutions. According to the coalition, the Skopje public prosecutor remained ineffective in processing pending cases involving hate speech targeting members of the LGBTI community. On January 17, the European Court of Human Rights (ECHR) found the country violated the privacy rights, as well as the right to appeal, of a transgender person related to the gender change procedure. The court required the government to pay €9,000 (\$9,900) in damages to the unnamed applicant. Despite the court ruling, NGOs complained the government failed to recognize gender identity changes in identification documents.

On June 29, the day of the country's first ever pride parade, approximately 20 persons attacked prominent LGBTI activist Bekim Asani in Skopje. The aggressors chased Asani and six other LGBTI activists down the street, pulled them out of a taxi, beat Asani, and threatened to kill him and the other activists. Police arrested the assailants and opened a criminal investigation.

CSOs noted deficiencies and improved the legislative framework to protect the LGBTI community from discrimination. The Law on Primary Education, adopted in July, introduced antidiscrimination language related to sexual orientation and gender identity. The Law on Prevention and Protection from Discrimination, adopted in May, explicitly forbids discrimination based on sexual orientation and gender identity in all areas. Amendments to the Criminal Code specifically list sexual orientation and gender identity in the section regulating hate speech.

The first Pride Parade took place in June. Police ensured the safety of approximately 2,000 participants that included members of parliament and government ministers. The parade triggered some hate speech on social media.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Trade unions are based on voluntary membership, and activities are financed by membership dues. Approximately 22 percent of employees are union members.

Union representatives, with the exception of a few branch unions, claimed they were generally not free from the influence of government officials, political parties, and employers.

The law requires federated unions to register with the MLSP and with the State Central Registry.

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

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

The MLSP received three complaints in the period 2018-19 about violations of the right to union organization and freedom of association. The complaints were forwarded to the State Labor Inspectorate and are currently pending action.

The president of the Confederation of Free Trade Unions (KSS), Blagoja Ralpovski, claimed he was fired from the State Cadaster Agency due to his union activities. He filed a lawsuit for wrongful termination, with court action pending at year’s end.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the government largely enforced applicable laws. The law prescribes imprisonment, which applies to violations of forced labor laws or for the destruction or removal of identification documents, passports, or other travel documents. Penalties were

generally sufficient to deter violations. There were instances in which women and children were subjected to forced labor, such as peddling small items in restaurants and bars, and sexual exploitation. Some Romani children were subject to forced begging, often by relatives (see section 7.c.).

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The government has established laws and regulations related to child labor, including prohibiting the worst forms of child labor. The government made efforts to enforce the law in the formal economy but did not do so effectively in the informal economy. Gaps exist in the country's legal framework to protect children adequately from labor abuses, including the worst forms of child labor, and the minimum age for work. The minimum age for employment is 15. Children may begin work at 14 as apprentices or as participants in official vocational education programs, cultural, artistic, sports, and advertising events. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health, safety, or morality. It also prohibits minors from working at night or more than 40 hours per week.

The MLSP's Labor Inspectorate is responsible for enforcing laws regulating the employment of children. Police and the ministry, through centers for social work, shared responsibility for enforcing laws on child trafficking, including forced begging. Due to lack of enforcement, stringent penalties are insufficient to deter violations.

There were no reports of children under 18 unlawfully engaged in the formal economy. During inspections at some family-run businesses, the State Labor Inspectorate noted minor children assisting in the work, most commonly in family run handicrafts and retail businesses, as well as on farms.

Some children in the country engaged in forced begging, cleaning windshields; scavenging, or selling cigarettes or other small items in open markets, on the street, or in bars and restaurants at night. Although the necessary laws were in place, government efforts to eliminate forced begging by children were largely ineffective. Children involved in these activities were primarily Roma, Ashkali, and Balkan-Egyptian and most often worked for their parents or other family members. Despite enforcing legal remedies, such as temporary removal of

parental rights, criminal charges, and revoking parental rights of repetitive offenders, officials were largely ineffective in preventing this continuous practice, and Romani children remained vulnerable to exploitation and forced labor.

The MLSP runs a call-center where child abuse can be reported, and most reports referred to cases of street begging. The ministry also funded two day centers that provided education, medical, and psychological services to children who were forced to beg on the street.

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations generally prohibit discrimination based on race, sex, gender, disability, health status, political opinion, religion, age, national origin, language, or social status. The law does not specifically address discrimination based on HIV or other communicable disease status but does refer to the health status of employees. The government did not always enforce the laws effectively, and penalties were not always sufficient to deter violations. The Commission for Protection against Discrimination received a total of 136 complaints related to workplace discrimination, of which most referred to gender and age discrimination.

Despite government efforts and legal changes for mandatory inclusion in primary and high school education, Roma continued to live in segregated groups without proper health and social protection, mostly due to lack of registration documents. Data from the State Employment Office showed that due to low participation in the education system, particularly higher education, Roma generally had difficulties finding jobs in the formal economy. Women's wages lagged behind those of men, and few women occupied management positions. The government made efforts to prevent discrimination in hiring and access to the workplace for persons with disabilities.

e. Acceptable Conditions of Work

The national minimum wage, as of October 15, was below the poverty threshold for a family of four, but the average monthly wage was significantly higher. The State Statistical Office estimated that 22.9 percent of the population lived at or below the poverty line.

Although the government set occupational safety and health standards for employers, those standards were not enforced in the informal sector.

The total number of labor inspectors was considered adequate to investigate violations of labor law and penalties were sufficient to deter violations. Inspections were not adequate, though, to ensure compliance, due, in part, to an inadequate regional distribution of inspectors.

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 an average of eight hours of overtime per week over a three-month period or 190 hours per year. According to the collective agreement for the private sector between employers and unions, employees in the 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.

During the year the MLSP labor inspectorate filed complaints against several businesses for forcing employees to work long hours without the rest breaks required by law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation. Violations in wage and overtime were most common in the textiles, construction, railroads, and retail sectors.

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

According to data from the Macedonian Occupational Safety Association, there were 33 workplace fatalities in 2018 and 124 workplace injuries. Most of the casualties occurred in the category of Household Activities, which included farming and use of agriculture equipment, followed by the construction sector.