

NORTH MACEDONIA 2020 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. Presidential elections were last held in May 2019 and won by current president Stevo Pendarovski.

Parliamentary elections took place in July after a three-month delay due to the COVID-19 pandemic. On January 3, Prime Minister Zoran Zaev resigned, and a caretaker government, led by interim Prime Minister Oliver Spasovski and composed of ministers from across the political spectrum, took office for the 100 days preceding scheduled elections. On February 16, the speaker of parliament dissolved the legislature and called elections for April 12. Due to the COVID-19 outbreak and resulting state of emergency, the caretaker government postponed elections from April 12 to July 15 and remained in office until August 30, when the new government, again led by Prime Minister Zoran Zaev, was sworn in. In its July 16 Statement of Preliminary Findings and Conclusions on the parliamentary elections and October 2 Final Report, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights observed the elections were "generally administered effectively amid adjustments in response to the COVID-19 pandemic, but legal stability was undermined by substantial revisions to the Electoral Code and subsequent ad hoc regulations enacted during the state of emergency." The report characterized the elections as "genuinely competitive" despite politicians' limited ability to conduct outreach during the pandemic. Election day went smoothly.

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. Members of the security forces committed some abuses, including excessive use of force by police and prison guards.

NORTH MACEDONIA

Significant human rights issues included: violence and threats of violence against journalists, high-level corruption, and instances of violence and threats of violence against members of the lesbian, gay, bisexual, transgender, and intersex community.

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, during the first seven months of the year, it acted upon 32 complaints referring to use of excessive force by police officers. The unit deemed 13 of the complaints unfounded, dismissed 17 for insufficient evidence, and upheld two. In the latter two cases, the PSU filed criminal reports against the police officers for “harassment while performing duty.”

NORTH MACEDONIA

In response to a September 24 video on social media showing police officers physically abusing Romani citizens in Bitola, the PSU reported November 3 it filed a criminal complaint with the Organized Crime and Corruption Prosecutor's Office's Police Misconduct Unit. The PSU also took disciplinary action against a traffic police officer implicated by the video, as well as against another police officer present during the incident. The cases were pending as of November 3. Prime Minister Zaev publicly condemned the incident on September 25.

The ombudsman received a total of 30 complaints from detained and convicted persons alleging physical abuse, brutality, torture, inhuman or degrading treatment by police officers and prison police or guards, including at Idrizovo, Skopje, Kumanovo, Stip, and Ohrid Prisons. As of August 11, the ombudsman had filed 10 criminal complaints against members of the prison police with the prosecutors' office, dismissed one complaint for lack of sufficient evidence, and continued to review the remaining complaints.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison conditions were sometimes inadequate, but notable steps were taken to improve prison and detention center conditions since the 2017 Council of Europe's Committee for the Prevention of Torture (CPT) report described detention conditions as amounting to cruel, inhuman, and degrading treatment. A CPT delegation conducted a follow-up visit to North Macedonia in December 2019 and visited eight police establishments, six prisons, two psychiatric facilities, and one social care facility where persons were deprived of their liberty. Following the visit, CPT presented its preliminary findings to the government, but the official report was not public as of August 31.

Physical Conditions: The country had 11 prisons as well as two separate correctional facilities, one each for female and juvenile prisoners. Four prisons also held pretrial detainees.

According to the Ministry of Justice and the ombudsman, overcrowding was no longer a significant problem, except in some wards of the state prison Idrizovo.

NORTH MACEDONIA

Official information from the Ministry of Justice showed that, as of August 31, there were 1,674 prisoners, while the prisons have the capacity to hold 2,384 inmates. Information from the ombudsman reported a higher number of persons in state custody as of August 11, including 1,897 convicted prisoners and 228 detainees. Despite having excess physical capacity, the prison system continued to suffer from lack of funding and understaffing. Poor conditions persisted in police stations, social care facilities, shelters, and psychiatric institutions.

The ombudsman reported August 14 that the authorities had made notable improvements in prison conditions by reconstructing some facilities. The ombudsman reported, nonetheless, that prison conditions continued to be generally inadequate. Transfer of juveniles kept at Ohrid Prison to the newly constructed Volkovija Juvenile Correction Home was pending as of August 17.

The ombudsman opened inquiries into the death of six incarcerated persons. As of August 17, two inquiries were closed based on a Public Prosecutor's Office's (PPO) report ruling out violence as a contributing factor in the deaths, two inquiries were pending reports from the PPO, and the remaining two were awaiting overdue autopsy reports.

The Ministry of Justice Department for Enforcement of Sanctions (DES) received 19 internal notifications of the use of force against inmates by prison police. In all cases the department found the officers acted in accordance with standard operating procedures. There was one report of police using force in self-defense while responding to a prisoner's attack. The DES found the use of force was in line with applicable regulations.

The Ombudsman's National Preventive Mechanism received a large number of complaints regarding inadequate health care. According to the ombudsman, prison and detention centers' medical facilities were understaffed and underequipped. No information was available on whether these complaints were investigated.

Ministry of Justice authorities continued to distribute brochures published with assistance from the Organization for Security and Cooperation in Europe (OSCE) explaining to prisoners how to file anonymous complaints to the ombudsman regarding mistreatment.

NORTH MACEDONIA

Administration: As of August 11, the ombudsman had received four complaints for excessive use of force by the prison police. Based on the information collected, the ombudsman filed two criminal complaints against members of the prison police with the Organized Crime and Corruption Prosecution Office (OCCPO)'s Police Misconduct Unit. As of August 11, the complaints were pending review.

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. In accordance with a 2018 memorandum of understanding, the government granted the Helsinki Committee for Human Rights unrestricted access to convicted prisoners. The ombudsman visited the country's prisons monthly and investigated credible allegations of problematic conditions and treatment.

Improvements: The Ministry of Justice reported making improvements at all prisons, including completing a full reconstruction of Bitola prison and constructing the Volkovija Juvenile Correctional Facility in Tetovo and a courtroom in the Idrizovo Prison.

Authorities opened a new healthcare facility in Idrizovo Prison with two medical doctors, three nurses, one dentist, and one dental technician on staff. Despite this, access to satisfactory health care remained an issue. 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*. The COVID-19 outbreak impeded some regular staff training.

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, as well as to receive compensation for unlawful detention. The government generally observed these requirements, but in some cases, prolonged pretrial detention remained a problem.

NORTH MACEDONIA

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 prohibits police from interrogating suspects without informing them of their status and their rights and enabling them to obtain a lawyer. 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.

The Ministry of Interior PSU received one complaint alleging excessive use of force in interrogations of suspects and detainees. The PSU dismissed the complaint for lack of evidence.

There is a functioning bail system. In addition to bail, the law allows the substitution of pretrial detention with house arrest or other measures for securing defendants' presence at trial. Common measures include passport seizure, a prohibition on leaving one's place of residence, and an obligation to report to the court on a weekly basis.

The law provides advisory deadlines to avoid protracted criminal proceedings. Prosecutors should generally complete investigations within six months, although the deadlines can be extended to 12 months in more complex cases and 18 months in organized crime cases with a supervisor's consent. In practice, prosecutors often exceeded those deadlines and suffered no adverse consequences for failing to meet them.

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.

NORTH MACEDONIA

In addition to investigating allegations of police mistreatment, the PSU conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit may not take disciplinary measures, which require a ruling from a disciplinary commission, nor may it impose more serious criminal sanctions, which require prosecutorial action, but it may refer cases as appropriate.

As of August 20, the OCCPO's Unit for Investigating and Prosecuting Criminal Misconduct of Police Officers and Prison Guards had investigated 21 cases against police officers and prison guards based on criminal complaints accusing them of mistreatment, unlawful arrest, torture, and other cruel, inhuman, and degrading treatment. All 21 cases were still pending as of August 31. Separately, the unit obtained a guilty plea and five-month prison sentence against a police officer for accepting bribes.

Pretrial Detention: In most cases the courts adhered to the law for pretrial detention procedures. During the year the number of court detention orders remained stable when compared with 2019; most orders related to cases brought by the OCCPO and the Skopje Basic PPO. As of August 20, the courts issued 227 detention orders, which is in line with the 289 issued by mid-November 2019. The number of detention orders issued during 2020 and 2019 decreased significantly from 2018 when the courts issued 457 detention orders. 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. Instances of judicial misconduct, undue pressure of judges, protracted justice, and inadequate funding of the judiciary continued to hamper court operations and effectiveness and affected public confidence in the judiciary. Courts continued to operate after the

NORTH MACEDONIA

start of the COVID-19 pandemic in mid-March, but with significantly reduced dockets. Both the judiciary and the PPO remained underfunded.

The government demonstrated greater respect for judicial independence and impartiality compared with previous years. According to a European Commission (EC) October 6 update report, the country established mechanisms to ensure judicial independence and accountability, including creating rules on merit-based appointments, checking assets and conflicts of interest, and establishing disciplinary procedures. The EC's March 2 report also noted positive developments, including the adoption of a new law on the PPO and improvements in the country's record in fighting corruption and organized crime, while also noting the judiciary remained underfunded, susceptible to political influence, and poorly trusted by the public.

On February 16, parliament adopted a new law on the PPO. The law entered into force on June 30, officially terminating the mandate of the Special Prosecutor's Office (SPO). The new law provides greater financial independence for the PPO, greater autonomy for the OCCPO, merit-based promotion for prosecutors, and exclusion of illegal wiretaps from evidence, except in the cases indicted by the former SPO on or before June 30, 2017.

As of August 20, the Judicial Council received 283 citizen complaints alleging judicial misconduct. The allegations included biased or unethical conduct, procedural errors, recusals, and exceeding deadlines. Separately, the Judicial Council received 60 formal requests for removal or disciplinary action against judges.

On January 8, the Judicial Council publicly condemned defense counsel pressure on a lay judge in the high-profile "TNT" case and recommended that the Private Attorneys' Chamber and the PPO take appropriate action to avert and sanction such misconduct.

Citizens filed 90 complaints concerning the judicial system from January to August, according to the Office of the Ombudsman. This represented a decline in comparison with 2019. The ombudsman attributed the smaller number of complaints to the COVID-19 pandemic and the related reduction in court trial

NORTH MACEDONIA

calendars. Most of the complaints alleged denial of the right to a fair trial by repeated trial delays, judicial misconduct, violations of in-absentia trial procedures, and failures to respond to discovery. In one instance the ombudsman found that an appellate court dismissed an indictment but refused to award compensation to the defendant for his defense counsel expenses, as required by law. Upon the ombudsman's intervention, the court granted the former defendant's compensation request. In another instance the ombudsman endorsed a citizen's complaint alleging the courts ruled in favor of an electrical supply company in violation of the law and forwarded the case to the Judicial Council for further review.

Between January 1 and August 17, the ombudsman acted as "friend of the court" (human rights *amicus curiae*) in two criminal cases. This was the second year 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, a 2017 audit revealed manipulation in the system for assigning judges to specific cases. In July 2019 the Skopje Basic Prosecutor's Office indicted former chief judge of the Skopje Criminal Court Vladimir Pancevski for misuse of official position. The Judicial Council later suspended him and then removed him from the bench. On August 4, the Veles Basic Court convicted and sentenced Pancevski to three-and-a-half years in prison for misuse of office for interfering with the electronic case management system between 2013 and 2016 and directly assigning cases to handpicked judges. Although briefly detained to appear before the court for the trial, as of August 31, Pancevski remained free, pending appeal before the Skopje Appeals Court.

On January 27, the Judicial Council dismissed Supreme Court Justice Risto Katavenovski for misconduct related to his involvement in a 2017 decision annulling an outstanding detention order against a defendant. Katavenovski's appeal was pending before a Supreme Court-led appeal panel as of August 20. He is the third Supreme Court justice dismissed in connection to the same case.

In February, Skopje Basic PPO opened an investigation into former chief justice Jovo Vangelovski for hiding cases pending review before the Supreme Court in his chamber. The investigation was pending as of August 20. On July 7, Skopje Basic

NORTH MACEDONIA

PPO filed a summary indictment against Vangelovski in a separate matter. The indictment alleges misuse of office in connection to a November 2018 incident in which he withheld a monetary bonus from a colleague that was granted to all other Supreme Court justices. The trial's start was pending as of November 3.

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 against them (with free interpretation as necessary). Trials were generally open to the public. During the year the courts operated under reduced calendars due to the COVID-19 pandemic. Citizens continued to complain about insufficient civil enforcement practices, resulting in violations of citizens' rights.

On March 17, in response to the COVID-19 pandemic outbreak, the Judicial Council adopted a decision recommending all courts operate in line with COVID-19 mitigation measures and appropriately reduce their calendars. The decision also advised the courts to close trials to the public and to give priority to cases involving deprivation of liberty, issues of urgency, injunction orders, cases involving foreign nationals without permanent residence status, COVID-19 related offenses, and cases in the final stages of adjudication. The guidance also permitted courts to hold virtual hearings, which allowed some courts to balance health risks with their commitment to ensuring timely trials.

On March 30, the caretaker government adopted a decree with force of law suspending preclusive court deadlines, such as the statute of limitations, during the COVID-19 state of emergency. The decree also extended the terms of lay judges for the duration of the COVID-19 state of emergency and delayed enforcement of pending prison sentences of up to three years, except in cases where there was a risk of the statute of limitations lapsing.

For certain criminal and civil cases, judicial panels of three to five individuals, led by a professional judge, are used. Lay judges assist in all cases where defendants

NORTH MACEDONIA

face potential prison sentences of more than five years. According to observers, lay judges were underpaid and susceptible to corruption or outside pressure. Defendants, particularly those in cases initiated by the SPO, 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 January 9, the Skopje Criminal Court confirmed the OCPPO 2019 indictment against former speaker of parliament Trajko Veljanoski, former minister of transportation Mile Janakieski, former minister of labor Spiro Ristovski, and former director of the Department for Security and Counterintelligence Vladimir Atanasovski. The defendants were charged with “terrorist endangerment of the constitutional order” for orchestrating the April 27, 2017 violence in parliament. Former VMRO-DPMNE party leader and prime minister Nikola Gruevski and former Department for Security and Counter-Intelligence official Nikola Boshkovski were not among the defendants because they fled to Hungary and Greece, respectively, in connection with other court cases against them. The trial began February 26 and continued before the Skopje Criminal Court as of November 3.

On June 4, the European Court of Human Rights (ECHR) ruled against North Macedonia for violating the right to a fair trial of Ljube Boshkoski, former member of parliament and minister of internal affairs. The ECHR found the proceedings in the 2011 illegal election campaign finance case against Boshkoski violated his right to a fair trial insofar as the court excluded the public from several hearings and one witness testified as a protected witness, meaning the court and the defense did not have the opportunity to view his demeanor while testifying, even though the witness was known to the defendant and thus should not have been afforded this status. On July 8, the Constitutional Court accepted a petition challenging the constitutionality of Article 353, paragraph 5 of the Criminal Code criminalizing serious forms of misuse of official position and authority. Article 353, paragraph 5 is the main charging statute in several SPO-initiated, adjudicated, and pending

NORTH MACEDONIA

cases. The Constitutional Court's ruling on the petition's merit was pending as of November 3.

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 in the Constitutional Court, depending upon the type of human rights violation in question and its alleged perpetrator. Individuals may appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis to appeal excessive judicial delays to the Supreme Court. The government generally complied with domestic courts' civil decisions. Individuals may appeal cases involving alleged state violations to the ECHR after exhausting all domestic legal options.

Backlogs in some civil trial courts and the Administrative Court increased due to the COVID-19 pandemic. From March through May, the Skopje Civil Court, the busiest civil court in the country, adjudicated one-third the number of cases it adjudicated during the same period in 2019.

On April 1, the country notified the secretary general of the Council of Europe that it would exercise the right to derogate from its obligations under the European Convention on Human Rights. In view of the measures the government took in relation to COVID-19 and the declared state of emergency, the country derogated from Article 8 (right to private and family life), Article 11 (freedom of assembly and association), and Article 2 of Protocol Number 4 (freedom of movement).

Article 15 of the European Convention on Human Rights allows states in time of war or public emergency threatening the life of the nation to derogate from its obligations under the convention to the extent strictly required by the exigencies of the situation, and provided that such measures are not inconsistent with its other obligations under international law.

NORTH MACEDONIA

On June 29, the country withdrew the derogation and informed the Council of Europe that the state of emergency was terminated on June 23.

Property Restitution

The government has laws and mechanisms in place for citizens of the country. The government has no specific laws or mechanisms in place related to the resolution of Holocaust-era claims by foreign citizens, but they may still seek property restitution via civil proceedings. The government made significant progress on resolution of Holocaust-era restitution claims for citizens of the country, particularly after the 2000 Denationalization Law and the 2007 compensation agreement.

In 2000 the 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.

Advocacy groups reported some foreign citizens, not covered by the 2000 law, still sought restitution. A report of the Skopje-based Institute of Human Rights covering the first half of the year found that 1,057 denationalization cases were still pending with the Administrative Court, another 101 with the High Administrative Court, and more than 3,000 others in other courts throughout the country. Foreign citizens may apply for restitution in civil proceedings. The country is party to the 2009 Terezin Declaration. For additional information regarding Holocaust-era property restitution and related issues, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, at <https://www.state.gov/reports/just-act-report-to-congress/>.

The Islamic Community of North Macedonia (ICM) continued to claim the government used a “selective justice” approach and that it 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

NORTH MACEDONIA

claimed the government prevented the ICM from regaining rightful ownership of the mosque complex.

In May the Anticorruption Commission demanded the Constitutional Court look into Article 64 of the Denationalization Law after the Ministry of Transport and Communications sold property in Skopje that had been the subject of a denationalization process since 2003.

As of mid-August, the ombudsman received 14 complaints concerning denationalization of property seized by the Socialist Federal Republic of Yugoslavia, compared with 36 in 2019. As of August 17, the ombudsman dismissed two complaints as inadmissible and five as unfounded. One complaint was successfully resolved after the ombudsman's intervention, while the remaining six were pending further review. The ombudsman noted there are major difficulties and procedural oversights in denationalization cases and said he received citizen complaints about unjustified delays and court inefficiencies in clearing a backlog of property-related cases. This situation persists even though the 2000 Denationalization Law stipulates the denationalization procedure is urgent in nature. The Ombudsman's Office continued to improve its collaboration with the Ministry of Finance's denationalization commissions.

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.

The Operational Technical Agency, responsible for lawful intercepts in the country, became operational in 2018. It serves as the technical facilitator of operations for legal interception of communications, operating with its own budget separately from the Ministry of Interior.

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

NORTH MACEDONIA

life. The amendments also prohibit the use of such materials in election campaigns or for other political purposes.

Although there was a Council for Civilian Oversight of Wiretapping, the council was not functional as of November 3. On June 14, the president and the deputy of the council resigned citing lack of operational resources.

The ombudsman reported receiving two complaints alleging unlawful interference with privacy and home.

On February 16, parliament adopted a Law on Personal Data Protection, aligned with the EU General Data Protection Regulation (2016/679). On April 10, the Personal Data Protection Agency submitted a criminal complaint against unidentified persons for abuse of personal data before the Skopje Basic PPO. The Agency submitted the complaint in response to the publication of lists with personal data (name, surname, address, personal identification number) of persons from Kumanovo who allegedly contracted COVID-19. The complaint was pending prosecutors' review as of August 20.

On August 4, the agency ordered the State Election Commission (SEC) to address breaches of data protection rules within set deadlines in relation to the events surrounding SEC's website breaches on election day.

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, and the government generally respected this right. The media environment continued to improve during the year. According to the Association of Journalists of Macedonia, the authorities' response to instances of violence toward and intimidation of journalists was slow and inefficient.

In the Statement of Preliminary Findings and Conclusions on the July 15 parliamentary elections, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) stated, "media coverage of the elections lacked critical assessment of platforms and provisions regarding paid political advertisement

NORTH MACEDONIA

avored the three largest parties.” The statement noted, “Significant improvements in media freedoms in recent years were not reinforced by systematic reforms in the media sectors, such as ensuring the political neutrality of the public Macedonian Radio and Television and the media regulator” (Agency for Audio and Audiovisual Media Services). Observers expressed concerns the COVID-19 pandemic caused deterioration in already challenging conditions for journalists. The OSCE report further noted, “Ongoing stagnation in the advertising market caused by the pandemic has further increased the dependence of media on owners and state subsidies.”

Freedom House’s *Freedom in the World 2020* report released March 4 noted an improvement in the score from two to three (out of maximum four points), “because pressure on journalists has eased in recent years.” The April 21 Reporters without Borders’ annual *World Press Freedom Index* noted “slight improvement” of the country’s media freedom. The report added that, “regrettably, senior government officials have an engrained tendency to threaten and insult journalists. The culture of impunity is well entrenched and still an obstacle for journalists’ safety. The number of the physical attacks on journalists declined; however, there is a growing practice of cyberbullying and verbal abuse.”

As of October 1, the government had not taken measures to address calls from media stakeholders and the State Commission for Prevention of Corruption and Conflict of Interest (SCPC) to abolish 2018 amendments to the Electoral Code permitting taxpayer money to be used for political campaigning in commercial media.

The government prosecuted journalists during the year for disclosing confidential or classified documents. On March 4, the Skopje Criminal Court convicted journalist Aleksandar Mitovski and sentenced him to a six-month suspended prison sentence for leaking confidential documents related to the “Racketeering” criminal investigation. He published the first page of a witness deposition on his portal, Infomax, in August 2019. On July 30, the PPO filed a summary indictment against Ljupco Zlatev, the editor of Lider, a financial news portal, for disclosing classified documents from the National Security Agency in two texts the portal published in July.

NORTH MACEDONIA

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. The Helsinki Human Rights Committee and other human rights and media freedom activists reported an increase in hate speech, particularly along interethnic lines and in relation to the COVID-19 crisis. On June 8, the committee issued a press release urging public figures to refrain from speech blaming interethnic coexistence for the public health crisis and to focus instead on increased compliance with COVID-mitigation measures.

Freedom of Press and Media, Including Online Media: While outlets and reporting continued to be largely divided along political lines, the number of independent media 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.

Central government advertising on commercial channels is banned, but local government advertising is permissible. The state continued to subsidize print media. Budget funds were allocated to media to mitigate the impact of COVID-19. The state subsidized paid political ads in commercial media for the campaign leading to the July 15 early parliamentary elections.

Several organizations raised concerns over the media environment prior to the July 15 parliamentary elections. The ODIHR Special Election Assessment Mission's (SEAM) Preliminary Findings noted: "The legal framework for the allocation of funds for paid time, and the distribution of maximum limits for such advertisements, was modified by a government decree enacted on 22 June, the last day of the state of emergency. The provisions favor the Social Democratic Union of Macedonia (SDSM)-led coalition, the Internal Macedonian Revolutionary Organization--Democratic Party for Macedonian National Unity (VMRO-DPMNE), and the Democratic Union for Integration (DUI)." The ODIHR also noted: "The newscasts of all national broadcasters monitored by the ODIHR SEAM provided superficial coverage of the campaign activities...in-depth analytical reporting or policy-based discussions were largely absent from the

NORTH MACEDONIA

coverage of the campaign, limiting the opportunity for voters to make an informed choice between distinct policy alternatives.”

According to an analysis of the Balkan Investigative Reporting Network, published August 14, parties spent nearly two million euros (\$2.4 million) on commercials, 550,000 euros (\$660,000) on online media, 150,000 euros (\$180,000) on radio ads, and 40,000 euros (\$48,000) on print media. For the Association of Journalists of Macedonia, it was problematic that the political parties could decide without any criteria in which media outlets to place ads. The State Anticorruption Commission, in its draft National Anticorruption Strategy endorsed by the executive in January, urged the government to terminate paid political advertising in media, seeing it as a “potential risk for corruption and creation of clientelist relationships.”

There were reports external actors also leveraged media before the elections. On February 28, Organized Crime and Corruption Reporting Project (OCCRP), an investigative reporting platform for a worldwide network of independent media centers and journalists, reported, “an influential cheerleader for Hungarian Prime Minister Viktor Orban has pumped more than 3.2 million euros (\$3.84 million) into his media network in North Macedonia under the guise of questionable advertising purchases.” Arafat Muaremi, the director of the Financial Police, purportedly told OCCRP he suspected the funds originated with the Hungarian state and were part of a propaganda operation intended to fund political activities. As OCCRP noted in their report, “it is illegal in North Macedonia for foreign entities to fund political parties, but there is no ban on channeling money to media outlets.”

The Agency for Audio and Audiovisual Media filed misdemeanor charges against Macedonian Radio 1, Alsat-M TV, Shenja TV, and Telma TV for violating the media blackout preceding the election. On July 30, the Skopje Appellate Court upheld a conviction against both Macedonian Radio 1 and its director. On November 3, the Skopje Misdemeanor Court issued a judgment against TV Shenja and Alsat-M TV. Both outlets were appealing the decision before the Skopje Criminal Court. Telma TV was acquitted.

NORTH MACEDONIA

On February 4, following an open call, the government allocated 43.9 million Macedonian denars (MKD, approximately \$852,000) to cover half of the 2019 printing and distribution expenses to 12 print media outlets. The State Anticorruption Commission's draft National Anticorruption Strategy, finalized on January 17, urged the government to introduce more specific subsidizing criteria to avoid "not purposeful spending of awarded funds."

On October 8, the ECHR issued a judgement against North Macedonia under Article 10 (Violation of Freedom of Expression) in a case involving journalist Nikola Gelevski. The ECHR found that a 2011 criminal conviction for defamation against Gelevski for criticizing another journalist in an opinion piece limited critical and investigative journalism as a matter of legitimate public interest. The court noted the criminal conviction could have a chilling effect on political debate between members of media on matters of importance and characterized the authorities' interference as disproportionate.

The Media Ethics Council continued to work on promoting self-regulation. As of August 10, the council received 106 complaints for unethical reporting and fake news, which the council noted was triple the number received in the same period in 2019. Of the complaints, 33 percent were related to misinformation on COVID-19.

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

As of October 24, the Association of Journalists of Macedonia registered 16 cases of attacks on journalists, of which 14 cases were verbal attacks, most of them involving life threats on social media, and two were physical attacks. The association noted the fact that of all verbal attacks, eight were directed against female journalists. In all cases the association called on police and the prosecution to investigate and bring perpetrators to justice, and reiterated concern that impunity remained a serious issue with respect to attacks on journalists. On July 28, the association reiterated its call to the authorities to amend the criminal code to ensure attacks on journalists were treated as criminal offenses prosecuted *ex officio*.

NORTH MACEDONIA

On March 16, the Skopje Basic Court issued a 20-month prison sentence, preceded by psychiatric treatment in Bardovci Mental Hospital, for Emil Jakimovski, then assistant head of department in the Central Registry, for death and sexist threats made separately against journalists Meri Jordanovska and Iskra Korovesovska during January and during November and December 2019, respectively. The case triggered numerous reactions domestically and internationally, including by the Committee to Protect Journalists.

Over several days in July, Brussels-based correspondent for state news agency MIA Tanja Milevska received numerous death and rape threats from anonymous Twitter and Facebook users. The case triggered reactions by media organizations in North Macedonia, the region, and internationally, including the Committee to Protect Journalists and the European Federation of Journalists, as well as North Macedonia's Ministry of Information Society and Administration. Milevska reported the threats to police in Belgium and in North Macedonia but had not received any response as of August 12.

In April journalists and media staff Dushica Mrgja, Natasha Stojanovska, Goran Trpenoski, Vlatko Stojanovski, Biljana Nikolovska, Tome Angelovski, and Igor Jankovski filed civil compensation lawsuits against the state for violating their right to freedom of speech before the Skopje Civil Court. The plaintiffs, who testified in court in the parliament violence case, sought financial and moral compensation for the PPO's lack of action to prosecute the "United for Macedonia" civil movement members who insulted and physically attacked press crews reporting on the April 27, 2017, storming of parliament. As of August 31, the case was pending before the court.

Censorship or Content Restrictions: There were some reports the government pressured journalists into self-censorship.

On February 4, the Independent Media Trade Union signed the first collective agreement with a media outlet, state news agency MIA, which regulates terms and conditions of MIA's employees, including but not limited to guarantees for a 36-hour working week, paid overtime work, protection from arbitrary dismissal, and guaranteed freedom of expression.

NORTH MACEDONIA

Libel/Slander Laws: Persons found guilty of defamation, libel, and slander were subject to fines according to a schedule based on nonmaterial damage.

On July 19, the Skopje PPO opened a case against Levica leader and Member of Parliament Dimitar Apasiev for a post he made on Facebook. On July 16, after election results were announced, he wrote, “Do not try to suck up to us, we will shoot you all.” The case was opened based on three criminal complaints filed by the Ministry of Interior, as well as by two private citizens, who filed their complaints with assistance from the Helsinki Human Rights Committee. The case was pending as of August 31.

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, most

NORTH MACEDONIA

recently on October 5. The state of crisis allows the government additional authorities to regulate the entry and transit of migrants and deploy additional resources as needed. 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.

A total of 1,799 persons were housed in transit centers in the first eight months of the year, 1,448 in Tabanovce, near the border with Serbia; and 351 in the Vinojug transit center, near the border with Greece.

The 2018 Law on International and Temporary Protection prescribes freedom of movement shall be restricted in extraordinary circumstances to determine the identity and citizenship, and establish the facts and circumstances of the asylum requests, particularly if the subject has been determined to be a flight risk, as well as to protect order and national security, or when a foreigner is retained for the purposes of initiating a procedure for his or her return or expulsion.

The government authorities did not exert pressure on migrants to return to their country of origin.

The ombudsman determined that the Ministry of Interior often made arbitrary decisions to restrict freedom of movement, including in cases involving unaccompanied minors.

In-country Movement: The UN High Commissioner for Refugees (UNHCR) office in Skopje estimated more than 28,000 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.

NORTH MACEDONIA

According to the EU's border and coastguard agency, Frontex, in the first seven months of the year, 11,300 migrants were encountered along the so-called Balkans Route that includes North Macedonia.

On March 21, the government introduced a countrywide curfew as part of the measures introduced to prevent the spread of COVID-19. The curfew limited the movement of citizens outside of their homes to specific periods during the day. It was in effect until May 26.

On May 14, the Constitutional Court suspended as discriminatory select provisions of the government's COVID-19 state of emergency decrees that ordered more restrictive regimes governing the movement of seniors age 67 and older and minors younger than age 18. The Court ordered the government's decrees restricting citizens' movement outside of their homes to prevent the spread of COVID-19 should apply equally to all citizens.

Citizenship: The Agency of National Security reported September 1 that as many as 1,800 individuals were awaiting its decision regarding the granting or revocation of their citizenship.

e. Status and Treatment of Internally Displaced Persons

According to the Ministry of Labor and Social Policy, 112 persons from 26 families remained displaced from the 2001 internal armed conflict. Of them seven individuals from three families lived in collective housing centers, and 105 from 25 families lived 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

The government cooperated with UNHCR, the IOM, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning

NORTH MACEDONIA

refugees, asylum seekers, migrants, stateless persons, and other persons of concern, except on the adoption of a new strategy on integration of refugees, which has been pending since 2017. In addition UNHCR and its partners lacked access to individuals detained in the Reception Center for Foreigners (Skopje-Gazi Baba) and in the transit zones at international airports, which impeded UNHCR's ability fully to exercise its mandate under its 1951 convention.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities took significant measures to combat and detect cases of migrant smuggling by utilizing the support of mobile teams and a task force consisting of representatives from the Ministry of Interior and prosecutors from the PPO for Organized Crime and Corruption. The May 2019 EC report noted the problem of smuggling needed to be addressed continuously, as the country was under severe pressure due to its geographic location.

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.

There were occasional reports of incidents of sexual and gender-based violence against migrants, allegedly by smugglers and traffickers. These reports were infrequent. The majority of migrants in transit were working-age single men.

Authorities provided adequate mechanisms to protect migrants, refugees, asylum seekers, and stateless persons from abuse. A multisector system and standard operating procedures (SOPs) were in place to provide protection from gender-based violence. UNHCR noted the system needed strengthening to ensure universal and systemic application of the SOPs, especially regarding case identification.

Refoulement: During the year no instances of forceful returns of asylum seekers or refugees to unsafe countries were recorded.

Access to Asylum: UNHCR assessed access to asylum practices continued to improve consistently, and previous concerns regarding the practice of arbitrarily denying access to asylum had been addressed. The law provides for granting

NORTH MACEDONIA

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 181 migrants applied for asylum in the first seven months of the year. Two persons were granted refugee status or a subsidiary form of protection.

The legal framework provides for procedural safeguards and review. There were a number of disputes concerning the application of some safeguards, including at the judicial level. For instance, although legally permissible, in practice the court refused all requests to hear from dissatisfied asylum applicants during the appeals procedure.

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.

There were some impediments to accessing asylum. Migrant populations detained in the Transit Center for Foreigners were impeded from accessing asylum. An application for asylum by anyone held in the Reception Center for Foreigners was possible only after the person gave a statement before the court, in criminal proceedings against their smugglers. During the year, 76 persons, or approximately 50 percent of all asylum requests registered in the country, were processed through the Reception Center for Foreigners.

Throughout 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 the Macedonian Young Lawyers' Association. 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 were arbitrary. As a rule, individuals are supposed to be detained only until their identity could be established. They were routinely detained after identification, however, to prevent them from departing the country prior to providing legal testimony against their smugglers. In addition a majority of asylum seekers who

NORTH MACEDONIA

were previously detained reported they were either not issued detention decisions or issued decisions in a language they could not understand. This impeded their ability to exercise their right to judicial review. According to UNHCR, this situation qualifies as arbitrary deprivation of liberty.

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

Some improvement was noted compared with previous years, as women, children, or families were generally not detained; alternatives to detention were employed instead. A safe house, run by a nongovernmental organization (NGO) utilizing donor funds, was rented for these individuals, so they were not placed in prison or in detention facilities. They were monitored, however, and needed to report to authorities on a weekly basis. Three unaccompanied asylum-seeking children were housed with foster families during the year.

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.

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 nine months after applying for asylum, she or he has no right to be assigned a unique identification number until asylum is granted. Consequently, an asylum seeker has the right to work but is unable to exercise it. This represents a serious gap in protection since cases sometimes remain pending for two to three years.

Access to Basic Services: In accordance with health insurance regulations, asylum seekers had the right to basic health services while their claims were pending. The same applied to the right to education. Five children from outside the Balkan region (Syria, Afghanistan, and Pakistan) were enrolled in state-run educational facilities in Skopje. Refugees have the right to full health care provided under the same conditions as it is to citizens.

NORTH MACEDONIA

Durable Solutions: According to UNHCR, none of the 275 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. Individuals under subsidiary protection may naturalize after eight years of legally residing in the country. During the year one refugee and one person under subsidiary protection were naturalized.

Under the law the Ministry of Labor, 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 access to services. The Ministry of Labor provided integrated, durable solutions with the support of UNHCR for approximately 158 refugees who 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. Two persons were granted subsidiary protection during the year.

g. Stateless Persons

Some habitual residents were legally stateless, despite fulfilling one or more criteria for citizenship. According to consolidated statistics from the government, UNHCR, and NGOs, there were 563 stateless persons registered in the country at the end of August. 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 273 persons have been recorded as habitual residents with undetermined nationality and at risk of statelessness since the dissolution of the former Socialist

NORTH MACEDONIA

Federal Republic of Yugoslavia in 1991. The Ministry of Labor estimated some 700 children lacked birth certificates or personal name registration in the country.

Despite basic protections against arbitrary detention and some safeguards to prevent and reduce statelessness, there is no mechanism to identify and determine statelessness in the country, no stateless protection status, nor any route to acquiring citizenship for the stateless in the country. Significant gaps remain, which hindered the country's progress towards compliance with international standards for the protection of stateless persons and prevention of statelessness.

Barriers to universal birth and civil registration continued disproportionately to affect minority groups, including Roma, Ashkali, and Egyptians. Government-initiated registration campaigns identified 750 individuals lacking personal documents and at risk of statelessness.

Ethnic Albanian opposition parties claimed more than 7,000 ethnic Albanians resident in the country were unjustly denied the right to possess citizenship of North Macedonia.

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: Early parliamentary elections were held on July 15. The OSCE/ODIHR report on the elections concluded, "The early parliamentary elections were generally administered effectively amid adjustments in response to the COVID-19 pandemic, but legal stability was undermined by substantial revisions to the Electoral Code and subsequent ad hoc regulations enacted during the state of emergency." The report continued that "the campaign, although negative in tone, was genuinely competitive and participants could deliver their messages despite limitations on traditional outreach" and "election day proceeded smoothly, despite technical challenges in publishing results and concerns related to

NORTH MACEDONIA

voter registration.” The 2020 parliamentary elections had low turnout due to the COVID-19 pandemic and minor reported and confirmed irregularities.

The elections were conducted under a legal framework which was substantially amended on the eve of the announcement of the elections (originally scheduled for April), contrary to international good practice. Amendments introduced into the Electoral Code in February partially addressed some previous ODIHR recommendations on issues such as voter registration, transparency of election dispute resolution, deadlines for campaign finance reporting, and campaign oversight.

Still, most ODIHR recommendations remain unaddressed, including those pertaining to the universality and equality of the vote in the electoral district abroad, revision of electoral district boundaries by an independent body, the accessibility of polling places to persons with disabilities, and an effective campaign finance audit.

A popular election for president was held in two rounds on April 21 and May 5, 2019. Stevo Pendarovski won the election. 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.

During the year the ombudsman received complaints from nine citizens alleging voter rights or election administration violations: seven from voters omitted from the Voters’ List and two from election boards’ members for not receiving financial compensation for their work. The ombudsman attributed the significant reduction in election-related complaints in part to parliament’s February amendments to the Electoral Code.

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

NORTH MACEDONIA

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.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups 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 November 3, a total of 47 of the 120 members of parliament were women, and four women served as ministers in the president's 20-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 eight ethnic Albanian ministers in the 20-member government cabinet. There were 33 ethnic Albanian members of parliament, including the speaker of parliament, and three Turkish, one Roma, one Vlach, one Serb, and one Bosniak member of parliament.

The ombudsman reported some improvement in the equitable representation of the smaller nonmajority ethnic communities in the public administration ranks but not at the managerial level. The exceptions were ethnic Albanians who participated in the government at the ministerial level.

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. According to the minister of information, society, and administration, as of December 31, 2019, there were 132,900 persons employed in

NORTH MACEDONIA

the public sector. There are reports that some individuals on the government's payroll do not fill real positions in the bureaucracy. On September 13, Deputy Prime Minister and Minister of the Political System and Community Relations Artan Grubi announced the government would assign 1,300 civil servants, paid by the ministry but not currently filling bureaucratic positions, to specific jobs across government institutions as soon as possible.

Corruption: In its October 6 update report on North Macedonia, the EC stated the country "has made good progress as reflected in its consolidated track record on investigating, prosecuting and trying high level corruption cases." The EC's March 2 report noted the SCPC took a proactive role in tracing nepotism, conflict of interest, and corruption across political party lines. As of August 20, a total of 49 public-sector institutions and six private-sector entities submitted midyear reports to the commission in accordance with the Law on Prevention of Corruption and Conflict of Interest.

As of August 20, the SCPC received 260 citizen and one whistleblower complaint, the majority dealing with misuse of public funds, failure to exercise due diligence, and other unethical conduct. In addition the commission received 69 conflict of interest complaints. The SCPC opened eight cases on its own initiative involving allegations of corruption, and another four involving conflicts of interest. 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. In July the commission took remedial action in a 2019 whistleblower's complaint. Eighteen other complaints submitted in 2019 were still pending as of August 20. The commission received additional complaints from citizens, political parties, and other entities during the campaign season prior to the year's early parliamentary elections.

As of August 20, the commission reviewed a total of 123 cases and adopted and published 128 related decisions. In one case the commission recommended the PPO open a criminal investigation, and in another four cases it filed inquiries with government institutions to determine the culpability of public officials in management or working-level positions. As of August 20, the commission filed 10 misdemeanor cases for conflict of interest and recommended removal of a

NORTH MACEDONIA

management board member for conflict of interest. The number of cases the commission received and reviewed as of August 20 was notably smaller than the number reviewed in the same period in 2019. This was likely due to the COVID-19 pandemic.

According to anticorruption civil society organizations (CSOs), there were indications of corrupt practices and lax due diligence in public procurement, both at the central and local levels. They noted this was especially true with respect to procurement of service vehicles, where there was a lack of effective control and oversight mechanisms. Anticorruption CSO Center for Civic Engagement's September 30 report on COVID-19-related emergency public procurement covering the first six months of the pandemic indicated lax compliance with the public procurement laws and significant price differences for procurement of similar protective gear.

On June 18, the Skopje Criminal Court sentenced former special public prosecutor Katica Janeva to seven years in prison, and codefendant Bojan Jovanovski (aka Boki 13) to nine years in prison in the OCCPO "Racketeering" case. The court found Janeva guilty of misuse of official authority by accepting bribes and abusing her official position while handling the "Empire" case, a multimillion-dollar embezzlement and money-laundering case involving a former government official and a number of businessmen. Jovanovski was found guilty of accepting bribes to exert illegal influence and money laundering. The court issued a three million MKD (approximately \$58,000) forfeiture order against Janeva and a separate forfeiture order of 735,000 MKD (approximately \$14,300) against Jovanovski's luxury-brand clothes, art, and furniture. As of November 3, Jovanovski and Janeva remained under house arrest, pending appeal before the Skopje Appeals Court.

On July 1, the OCCPO's "Racketeering 2" trial against Jovanovski, SDSM Member of Parliament Frosina Remenski, and three other defendants, as well as the NGO International Alliance began in the Skopje Criminal Court. According to the indictment, Remenski was charged with accessory to fraud for using her authority in a manner that augmented defendant Boki 13's ability to defraud victims. The trial continued as of November 3.

NORTH MACEDONIA

Former SPO-initiated trials, including several high-profile cases, continued before the Skopje Criminal Court. In the “Titanic” trial, which deals with election irregularities during the 2013 local elections, witnesses testified that they neither donated nor authorized anyone to make bank transfers to VMRO-DPMNE in their names and only learned of the donations when shown evidence by the SPO. As part of the “Titanic” indictment, 21 former government and party officials from VMRO-DPMNE, including former prime minister Nikola Gruevski, were charged with criminal conspiracy, electoral fraud, and violating campaign finance rules.

As of June 30, the Ministry of Interior’s Sector for Internal Control, Criminal Investigations, and Professional Standards (ICCIPS) filed six criminal complaints against a total of 10 police officers for abuse of official position and authority, receiving a bribe, and unscrupulous conduct in the service.

On July 28, the OCCPO opened an investigation into the SEC’s procurement of software to tabulate the results of the July 15 parliamentary elections. According to official sources, the Ministry of Interior was conducting a separate investigation into an election-day cyberattack on the SEC’s website. On November 4, the OCCPO requested the court issue precautionary measures against four SEC members and one other individual to prevent their fleeing or tampering with evidence during a continuing investigation of public procurement misuse charges.

On August 24, the Skopje Basic Prosecutor’s Office indicted VMRO-DPMNE Member of Parliament Antonio Miloshoski and another 12 persons in former SPO case “Strongman.” The indictment charged Miloshoski with fraud and abuse of official position in relation to 2.97 million MKD (approximately \$58,000) worth of real estate and construction fraud. The case was pending before the Skopje Criminal Court as of November 3.

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.

NORTH MACEDONIA

On April 10, the SCPC announced an inquiry into former SPO chief Janeva and her assistant prosecutors for allegedly failing to report their bonuses on their financial disclosure statements. The inquiry was pending as of November 3. On September 29, the State Audit Office released a preliminary report of the audit on SPO's financials stating the payment of extra bonuses did not entirely conform to the law.

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 several ministries hosted working group meetings that included members of civil society.

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 abuses of children's rights.

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. Penalties range from six months to five years imprisonment for lower-level offenses and one to 10 years' imprisonment for crimes resulting in grave or permanent bodily injury. Offenders can receive up to life imprisonment if their actions resulted in the death of their victim. Additionally, courts can impose

NORTH MACEDONIA

finances of 500 to 5,000 euros (\$600 to \$6,000). The law is enforced in cases where victims press charges, but many do not.

From January to June, the Ministry of Labor registered 824 victims of domestic violence: 611 women, 140 men, and 73 children. Three were victims of sexual abuse.

The government ran four regional centers for victims of domestic violence that accommodated 67 victims in the first six months of the year. In cooperation with the civil society sector, the government funds one center for victims of domestic violence and one crisis center, which cares for victims for 24 to 48 hours after an assault. 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.

The ombudsman conducted several inquiries concerning child abuse on his own initiative and received four complaints requesting protection from domestic abusers. In each case the ombudsman pursued all legal measures to protect the victim, to secure appropriate treatment for them, and to sanction the perpetrators.

According to the CSO National Network to End Violence against Women and Domestic Violence, the government measures introduced in March in response to the COVID-19 pandemic deepened existing gender differences and pushed the burden of the crisis primarily onto women. Violence against women increased during the COVID-19 state of emergency, and access to support services decreased as a result of government-issued quarantine measures. According to the National Network, women and children who were stuck at home with abusers during the state of emergency had little recourse. A set of guidelines supporting female victims of assault during the pandemic, produced in part by the National Network, called on the government to designate support services provided by women's NGOs as essential services during any further periods of lockdown, to materially support the work of these organizations, to provide them with personal protective equipment, and to prioritize women seeking refuge in shelters for COVID-19 testing. CSOs opened hotlines in March to field calls from victims who were otherwise unable to access resources and reported receiving calls every day. As of August 20, authorities received 920 domestic violence complaints, involving 934

NORTH MACEDONIA

victims, of whom 592 were female. A plurality of the complaints, 307, were submitted by women alleging spousal abuse.

In contrast to the experience of other CSOs, the First Family Center in the City of Skopje, a specialized counseling and assistance center for victims directly or indirectly affected by violence, reported a rapid decrease in calls during the COVID-19 quarantine periods. Between March 22 when a police curfew was introduced and mid-April, the center only received two calls for assistance.

The Ministry of Labor, in cooperation with the OSCE Mission to Skopje, opened the National Free Mobile SOS Line for Victims of Domestic Violence and launched a campaign for the prevention of and protection from domestic violence during the COVID-19 state of emergency. The SOS Line and the campaign provided round-the-clock, accurate, timely, and confidential assistance, including information on victim protection, available services, and telephone counseling to victims of gender-based and 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. When victims pursued legal remedies, the government effectively enforced the law. Nonetheless, sexual harassment of women in the workplace remained a problem, and victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health free from discrimination, coercion, or violence. Most individuals had access to information and the means to do so, but accessibility to reproductive health services varied across geographic areas and populations.

Women from rural areas had limited access to family planning counseling and gynecological services. Romani women faced barriers to accessing family planning counseling and gynecological services due to discrimination, high poverty levels, and the lack of sufficient numbers of family doctors and gynecologists in their communities.

NORTH MACEDONIA

The government provided access to sexual and reproductive health services for survivors of sexual violence. Three centers for survivors of sexual violence in Skopje, Kumanovo, and Tetovo were funded by the government and the NGO Open Gate/La Strada. In addition a shelter in Skopje for trafficking victims provided reproductive health care.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women have the same legal status as men under family, religious, personal status and nationality laws, as well as laws related to labor, property, nationality, inheritance, employment, access to credit, and owning or managing businesses or property. 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.

President Pendarovski signed the comprehensive Law on Prevention of and Protection from Discrimination on May 22, 2019, codifying protections for vulnerable groups under one piece of legislation. On May 14, the Constitutional Court repealed the law, due to an inadvertent procedural error in parliament during the law's 2019 adoption. Parliament readopted the Law on Prevention of and Protection from Discrimination on October 27. Appointments to the new Antidiscrimination Commission it creates were pending as of November 3. According to the law, members of the commission will be appointed by a parliamentary select committee made up of two members of the majority, two members of the opposition, and three representatives from civil society.

Nondiscrimination provisions were previously included in a number of separate laws and regulations applicable to various sectors. Those laws remained operable while the Antidiscrimination Law was pending.

No complaints were pending before the ombudsman or Ministry of Labor and Social Policy (MLSP) for unequal treatment of women in political life as of August 31.

Children

NORTH MACEDONIA

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, with 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. At its own initiative, the Ombudsman's Department for the Protection of Children's Rights opened a case for the protection of the rights of two persons, of whom one was an 11-year-old child with disabilities, based on media stories of an alleged rape. The review of both complaints continued as of August 20. The ombudsman found evidence indicating domestic violence against children had occurred in five additional cases he reviewed.

Child, 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 younger than age 18 is considered a child.

NORTH MACEDONIA

Authorities considered child commercial sexual exploitation a problem but did not know its extent. As of August 17, the Center for Social Work and the Ministry of Interior identified four victims of human trafficking, all of them minors and domestic citizens. Three of them were sexually exploited and one was forced to beg. 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 Ministry of Labor, as of the end of August, there were 37 newly registered displaced children of different ethnicities. The ministry funded two day centers for street children, one operated by the Center for Social Work and the other by the NGO Association for Protection of the Rights of the Child in Suto Orizari.

Institutionalized Children: As of August 25, children were housed in small group homes with five to six children per home and 24-hour oversight by social workers and childcare providers. All orphans younger than age three were in foster homes. The Ministry of Labor also took steps to shorten the time required to adopt orphaned or abandoned children. There were no reports of child abuse in these household accommodations.

The ombudsman took the initiative to inspect small group homes and registered cases of rejection and discriminatory treatment of the children living in them by classmates, classmates' parents, and teaching staff. Schools were receptive to the ombudsman's recommendations and took corrective action. The ombudsman opened a case related to hospital conditions for treatment of children with severe disabilities, followed by an intervention with the Ministry of Labor, which was fully endorsed and implemented. In another case arising from the inspection, the ombudsman successfully intervened with the ministry to protect the rights of children who were victims or suspected victims of human trafficking.

The ombudsman noted the educational-correctional facility for juveniles in Volkovija-Tetovo, completed in 2016, was still not operational. Juveniles

NORTH MACEDONIA

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 them but submitted a complaint to the authorities over extreme anti-Semitic content and comments in a Facebook group. This case remained pending in September.

Anti-Semitic speech and incidents in the country occurred rarely and sporadically, usually on social media.

On January 6, political party leaders and academics condemned anti-Semitic comments on social media by supporters of the governing SDSM Party against interim Minister of Labor and Social Policy Rashela Mizrahi. Mizrahi was ultimately dismissed by a majority vote in parliament on February 15 for failure to observe the country's new constitutional name in her public appearances. Mizrahi stated she had been the target of a "witch hunt that started with anti-Semitic attacks."

In March the government adopted the International Holocaust Remembrance Alliance's (IHRA) 2013 working definition of Holocaust denial and distortion, following IHRA's December 2019 unanimous decision to accept the country's request to elevate its observer status to a liaison country.

Trafficking in Persons

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

NORTH MACEDONIA

Persons with Disabilities

The Law on Prevention of and Protection from Discrimination readopted on October 27 protects the rights of persons with disabilities (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.

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 Ministry of Labor. 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 mainstream schools. It employed specially trained 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. Despite these efforts, a large number of students with disabilities continued to attend separate schools. Many of the polling stations in the parliamentary elections, particularly in the rural areas, were inaccessible for persons with disabilities.

As of August 17, the ombudsman received and successfully helped address complaints concerning discrimination against persons with disabilities. For example, he assisted complainants in obtaining due compensation to enroll an autistic child in kindergarten and receive educational support while changing schools.

NORTH MACEDONIA

On January 23, the ECHR delivered a judgment against the country for substantive and procedural violations of Article 3 (prohibition of torture, inhuman and degrading treatment) involving inappropriate placement, lack of requisite care, and inadequate diagnosis of an institutionalized minor, as well as an inadequate response in investigating the case. The child had been moved to a small group home with 24-hour care prior to the court's ruling.

Members of National/Racial/Ethnic Minorities

The constitution and laws refer to ethnic minorities as communities. 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 August data, the smaller ethnic minorities, with the exception of Serbs and Vlachs, remained underrepresented in the civil service and other state and public institutions.

The law provides for primary and secondary education in the Macedonian, Albanian, Romani, Turkish, and Serbian languages. Press reported parents of students in Idrizovo submitted an official complaint to the Ministry of Education and Science claiming their children were not able to attend school in the Albanian language, despite their constitutionally protected right to do so. Opposition parties Alliance for Albanians and Alternativa publicly alleged on several occasions that ethnic Albanian students were denied their right to study in Albanian language in the municipalities of Chashka and Bitola/Manastir as well. The number of minority students who received secondary education in their native language continued to increase, 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.

NORTH MACEDONIA

In August the ombudsman's office noted slow implementation of the measures for equitable representation of the smaller ethnic communities in the state administration. According to the ombudsman's 2019 annual report, 1.74 percent of all complaints received in 2019 alleged discrimination on various grounds, including a lack of fair and just ethnic representation. Ethnic Albanian and other minority representation within the civilian administration of the Ministry of Defense remained low, with 16 percent overall, and less than 9 percent of leadership positions. Two of the top 12 positions in the Army were held by ethnic Albanians. The president improved the representation of nonmajority community officers in elite units of the military, but some police units 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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation and gender identity 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. In January 2019 the ECHR found the country violated the privacy rights, as well as the right to appeal, of a transgender person related to their gender change procedure. The court required the government to pay 9,000 euros (\$10,800) in damages to the unnamed applicant. Despite the court ruling, the Civil Status Registry rejected the request,

NORTH MACEDONIA

underscoring NGOs' complaints the government failed to recognize gender identity changes in identification documents. On February 10, the second-instance State Commission quashed the Civil Status Registry decision by expressly invoking the binding nature of ECHR judgments. In October the Civil Status Registry enforced the judgement and entered the gender identity change in the official books as requested by the plaintiff.

The Ministry of Labor and the CSO Sexual and Gender Minorities Association Subversive Front trained 325 civil servants from 82 public institutions on addressing discrimination and hate speech. The training survey results report showed better knowledge and skills among the civil servants in tackling discrimination and hate speech based on ethnic origin, religious affiliation, and political beliefs than on sexual orientation, gender identity, disability, and health status.

On June 27 and 28, the Ministry of Labor, in partnership with the Council of Europe and CSO Subversive Front, organized the first-ever state-organized national conference on advancing the human rights of LGBTI persons in the country. The conference gathered national, regional, and European institutional actors and civil society organizations and aimed to increase the state's commitment to improving LGBTI rights. This resulted in the development and adoption of a national action plan on advancing the human rights of LGBTI persons.

The ombudsman received one complaint from an NGO referring to discrimination based on gender identity in the education process regarding a textbook used in high schools. The Ministry of Education acted upon the recommendation of the ombudsman.

Violence against members of the LGBTI community remained an issue. Prominent LGBTI activist Beqim Asani was attacked August 5 in downtown Tetovo, while in his car with four other members of his organization. When his and another car got into each other's way, Asani took off his mask to speak and upon recognizing him, the passenger in the other car referred to him with an epithet, got out of the car, and punched Asani through the open car window. This was the second physical attack against Asani that he reported to the authorities. A

NORTH MACEDONIA

criminal investigation into a June 2019 attack on Asani was still pending as of August.

In June the second Skopje Pride parade was held virtually. State representatives participated in online discussions, addressing the issues relevant to LGBTI rights and status, including the repealed antidiscrimination law and the ways in which the 2020 health crisis affected the lives of LGBTI persons. Skopje Pride 2020 garnered significant hate speech based on sexual orientation and gender identity. CSO Subversive Front filed five criminal complaints about sexual orientation and gender identity (SOGI)-based hate speech with the PPO in July 2020.

HIV and AIDS Social Stigma

CSO Subversive Front reported two cases of intersectional discrimination based on sexual orientation and HIV status in access to health care, and one case of discrimination based on sexual orientation and HIV status at the workplace. The victim in the latter case was fired when his employer stated his HIV diagnosis was a threat to the health of his colleagues and that he was endangering their working conditions. Subversive Front chose not to report these cases to the authorities due to prior negative experiences. Staff feared victims' privacy would be violated and their HIV status disclosed and cited the poor implementation of the few laws and policies protecting LGBTI persons as contributing to their decisions.

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.

NORTH MACEDONIA

The law requires federated unions to register with the Ministry of Labor 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 cited as evidence 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 were commensurate with those of other laws involving the denial of civil rights. Administrative and judicial procedures were generally subject to lengthy delays.

During the year the Ministry of Labor did not receive any complaints regarding violations of the right to union organization and freedom of association. Workers often feared reprisal and refrained from filing complaints directly with the Ministry of Labor. Where applicable, workers would sometimes have unions file complaints on their behalf.

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 for violations were commensurate with those of other serious crimes. There were instances in which women and children were subjected to forced labor, such as

NORTH MACEDONIA

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 younger than age 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 Ministry of Labor'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. The government did not effectively enforce the law, although penalties for violations were commensurate with those of other serious crimes.

There were no reports of children younger than age 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.

Child labor occurred in agriculture, domestic work, and in bars and nightclubs. 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,

NORTH MACEDONIA

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 Ministry of Labor 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 for 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, although penalties for violations were commensurate with those of other laws related to civil rights.

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 national employment agency 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. Per Articles 131 and 160 of the Labor Relations Law, women are prohibited from working in certain "high risk" and "physically demanding" positions in the mining and

NORTH MACEDONIA

construction industries. The government made efforts to prevent discrimination in hiring and access to the workplace for persons with disabilities.

The Office of the Ombudsman reported some progress in improving the representation of smaller nonmajority communities in public administration working-level ranks, but not at the managerial level.

During the year the ombudsman received two complaints regarding employment discrimination on ethnic grounds and determined that one of the two cases represented a bona fide case of discrimination.

e. Acceptable Conditions of Work

The law does set a minimum wage in all sectors, which is below the poverty income level.

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. Labor inspectors have the authority to make unannounced inspections and initiate sanctions. Inspections, however, were not adequate 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 Ministry of Labor's 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

NORTH MACEDONIA

cutting employees' vacation. Violations in wage and overtime were most common in the textile, construction, railroad, and retail sectors.

Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced. Penalties for violations were commensurate with those of other similar crimes. 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.

In a whole-of-government response to the economic impacts of COVID-19, the government adopted a series of economic and social measures to help both businesses and employees. The measures were wide ranging and included instituting physical distancing measures in workplaces, providing subsidies to private-sector businesses to retain their employees, and allowing one parent of children up to age 10 to stay home without financial penalty.

As of June 30, the State Market Inspectorate received more than 7,000 complaints alleging violations of workers' rights in relation to the government's COVID-19 relief measures and other workplace violations and conditions, most of which came from the textile and food-processing sectors. The largest number of complaints, (28 percent) alleged employers violated the government's order to excuse parents with children up to age 10 from work while schools and childcare facilities were closed.

Civil society organizations, including the Helsinki Committee for Human Rights and Reactor Research in Action, reported on business noncompliance with the government's pandemic measures. Examples included businesses forcing employees to use sick leave while they were entitled to administrative leave, failing to pay salaries, and threatening employees with termination if they failed to return to work. In cases of termination during the pandemic, Reactor Research documented different treatment of male and female workers. Men were usually fired, while women were often forced to sign documents terminating their

NORTH MACEDONIA

contracts. In these cases these women were then ineligible for state benefits because the record indicated they had left their employment of their own free will.

In July the Public Revenue Office (PRO) disclosed that hundreds of employers who received financial support from the state to pay salaries during the COVID-19 state of emergency failed to transfer the money to their employees. PRO Director Lukarevska said 281 employers were cited in April and 427 in May. The government published a list of the companies that abused the financial assistance and updated it as employers fulfilled their obligations to their employees.

According to data from the Macedonian Occupational Safety Association, there were 25 workplace fatalities and 153 workplace injuries in 2019. Most of the accidents resulting in casualties occurred in the category of household activities, which included farming and use of agricultural equipment, followed by the construction sector.