Country Report on Human Rights Practices 2015 - Macedonia

EXECUTIVE SUMMARY

The Republic of Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. A unicameral parliament exercises legislative authority. The country held presidential and parliamentary elections in April 2014. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) stated that the 2014 elections were efficiently administered but noted that the period preceding the elections failed to meet important OSCE commitments for a democratic electoral process. These included the separation of state and party, the neutrality of the media, the accuracy of the voters list, and the possibility of redress through an effective complaints mechanism. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems stemmed from high levels of corruption and from the government's failure to respect fully the rule of law, including by continuing efforts to restrict media freedom, interfere in the judiciary, and selectively prosecute offenders. Political interference, inefficiency, cronyism and nepotism, prolonged processes, violations of the right to public trial, and corruption characterized the judicial system. During the year the release of unauthorized intercepted communications recorded by the government's intelligence services allegedly revealed evidence of political interference in public administration and the media as well as high-level corruption.

Other human rights problems reported during the year included were physical mistreatment of detainees and prisoners by police and prison guards and poor, overcrowded conditions in some prisons and mental institutions; delayed access to legal counsel by detainees and defendants; restrictions on the ability of Roma to leave the country; restrictions on access to asylum; domestic violence against women and children; discrimination against persons with disabilities; discrimination against ethnic minorities, including Roma and ethnic Albanians; societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and child labor, including forced begging.

The government took some steps to punish police officials guilty of excessive force, but impunity continued to be a problem. In September the parliament unanimously approved the establishment of a Special Prosecutor's Office to investigate alleged criminal behavior by government officials revealed through a wiretapping scandal involving the release of unauthorized intercepted communications recorded by the government's intelligence services.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but there were credible reports that police abused detainees and prisoners and used excessive force when apprehending criminal suspects. During the first six months of the year the Ministry of the Interior's Sector for Internal Control and Professional Standards Unit reported receiving 34 complaints against police officers for use of excessive force and taking disciplinary action against one police officer. From January to August, the Office of the Ombudsman received 104 complaints against police for unlawful or excessive use of force, 13 of which were for torture and maltreatment while performing official duties.

On June 22, Human Rights Watch alleged that police used excessive force against protesters, bystanders, and a journalist during a May 5 demonstration in Skopje. On June 18, the Interior Ministry stated that while police officers had used "coercive means" against some individuals on May 5, they had followed procedures and prepared internal reports on the use of force in those incidents. The ministry also stated that authorities had not received any complaints of excessive use of force.

Prison and Detention Center Conditions

The country's prisons and detention centers for both sexes failed to meet international standards. Insufficient staffing, high rates of overcrowding, and inadequate training of prison guards and personnel remained problems at all facilities.

Physical Conditions: As of November the country's prisons held 3,142 convicted adult prisoners (of whom 91 were female), nine juvenile prisoners, and 350 pretrial detainees. The prisons were designed to hold 2,036 prisoners, 43 juveniles, and 450 detainees.

As of September there were 12 deaths reported in prisons and detention facilities; seven inmates died of natural causes, three died in accidents, and two committed suicide. There were reports that some prisons lacked access to potable water. Observers described physical conditions (heating, ventilation, or lighting) as poor or problematic in the Suto Orizari detention center and sections of

Idrizovo, the largest state prison. The ombudsman's June report detailed deteriorating conditions at all prisons and at the correctional facility in Tetovo.

Administration: Authorities considered recordkeeping at prisons adequate but not always timely. Prisoners and detainees could not submit complaints without fear of retribution. The ombudsman investigated all credible allegations of problematic conditions.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the Council of Europe's Committee for the Prevention of Torture and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. The government usually granted independent humanitarian organizations access to convicted prisoners only upon the prisoners' requests.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government sometimes did not observe these prohibitions. Government statistics indicated that prosecutors requested detention orders in approximately 5 percent of all cases. Civil rights activists claimed that courts indiscriminately granted almost all detention requests, particularly in high-profile cases involving government opponents, and often failed to provide adequate justification as required by law.

In February the opposition Social Democratic Union of Macedonia (SDSM) party released intercepted communications that allegedly revealed inappropriate behavior and misuse of office by the executive branch. Authorities subsequently arrested five defendants in connection with the wiretapping scandal, including two--Sonja Verushevska and Branko Palifrov--who allegedly played a minor role in the purported criminal activity. Despite the five defendants' varying levels of alleged participation, the Basic Court Skopje 1 initially entered pretrial detention orders against each of them. In July the court granted Verushevska and Palifrov pretrial release, one week before the scheduled trial date. The court stated that sufficient measures had been put in place, such as seizing their passports, to ensure their appearance at trial but did not explain why it did not release them earlier subject to the same measures.

In May the Basic Court Skopje 1 issued detention orders against 15 participants in an antigovernment protest related to the wiretapping scandal. The accused were charged with participating in a crowd preventing a police officer from performing his or her duty. The detainees were students, including two members of the Student Plenum movement that organized protests from November 2014 to February 2015 against the government's education reform policies. The Helsinki Human Rights Committee criticized the court for ordering their detention, citing the defendants' lack of criminal history, claiming that other, less intrusive measures were sufficient, and stressing that pretrial detention should be used only as a last resort.

Role of the Police and Security Apparatus

The army is responsible for external security and reports to the Ministry of Defense. The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Civilian authorities failed to maintain effective oversight over law enforcement personnel, particularly in the Ministry of Interior's counterintelligence division, which,

without legal authorization, allegedly intercepted the communications of more than 20,000 individuals over a multiyear period (see section 1.f.). In June the European Commission-sponsored Senior Experts' Group released a report that cited "significant shortcomings" in external oversight by independent bodies and noted that, while the country "in theory has in place a system of parliamentary oversight," it had failed in practice. There were reports of impunity involving the police forces during the year. International observers, embassies, and local nongovernmental organizations (NGOs) cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

In addition to investigating alleged police mistreatment, the Interior Ministry's professional standards unit 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 the course of its investigations, but cannot take disciplinary measures, which require a ruling from a disciplinary commission. The unit also cannot impose more serious criminal sanctions, which require court action. During the first half of the year, the unit initiated disciplinary action against 104 police personnel and filed seven criminal charges against 14 Interior Ministry employees for criminal acts, including "abuse of official position" and "falsifying passports."

Arrest Procedures and Treatment of Detainees

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

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

There is an operating bail system. The law allows defendants to communicate with an attorney of their choice, but authorities did not always inform detainees properly of this right and did not always allow them to consult with an attorney prior to arraignment. Indigent detainees have the right to a state-provided attorney, and authorities generally respected this right. Judges usually granted permission for attorneys to visit their clients in detention. There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without notifying them of their rights and without the presence of legal counsel. The country did not practice incommunicado detention. Authorities sometimes held suspects under house arrest.

Arrested suspects, their attorneys, or close family members can petition the court to decide the lawfulness of their detention or obtain court-ordered release, as well as to obtain compensation for persons unlawfully detained.

e. Denial of Fair Public Trial

Inadequate funding of the judiciary continued to hamper court operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

According to the ombudsman's report, the greatest number of citizen complaints (21 percent of the total in 2014) received by the ombudsman concerned the judicial system. The report stated that citizens complained about bias, selective justice, and undue pressure on judges. A significant portion of court budgets reportedly went to paying damages for violating a citizen's right to trial within a reasonable time. The report indicated that court decisions were sometimes considerably delayed due to administrative deficiencies.

The findings of the European Commission Senior Expert's Group's June report were consistent with the ombudsman's report. According to the group, "several sources" reported "that there is an atmosphere of pressure and insecurity within the judiciary. Many judges believed that promotion within the ranks of the judiciary was reserved for those whose decisions favor the political establishment."

Intercepted communications released by the opposition SDSM party in February allegedly revealed inappropriate influence over the judiciary by the executive branch (see section 1.f.). Multiple recorded conversations depicted executive branch representatives influencing the judicial appointment process. In one conversation alleged to be between former Minister of Interior Jankuloska and Minister of Finance Zoran Stavreski, Jankuloska told Stavreski that she requested that Chief Prosecutor Zvrlevski "take care" of criminal charges against Stavreski and confirmed with Zvrlevski that such charges had been dismissed. Despite being identified as an interested party in the wiretapping cases, Zvrlevski did not recuse himself from the Council of Prosecutors during an October vote that limited the number of prosecutors requested by Special Prosecutor Katica Janeva for her office. Legal analysts reported that the Council of Prosecutors' decision violated the law and was an attempt to limit the effectiveness of the special prosecutor.

The Senior Experts Group's June report raised concerns about the conviction of Zvonko Kostovski, a defendant in the wiretapping case. Kostovski pleaded guilty to espionage and illegal interception and was sentenced to three years' imprisonment. In its report the Senior Experts Group expressed concern that it was impossible to know to what extent the facts supported the plea and whether the light sentence the judge conferred may have been a reward for participating in a cover-up of the involvement of others.

On April 30, authorities indicted opposition leader Zoran Zaev and charged him with "attempted violence against highest state officials" (attempting to overthrow the government) in connection with the wiretapping case. Zaev called the charge politically motivated. In July he stopped complying with a provision of his pretrial release that required him to check in with the court once a week, stating that he did not recognize the authority of the court. In December the Special Prosecutor filed a motion with the court to assume jurisdiction over the case.

On July 6, authorities failed to transport two convicted defendants in the "Monster" murder case to the Skopje Appellate Court for the public hearing of their appeal. Consequently, the court postponed the hearing until September 11. The court blamed their absence on the prison

administration's failure to transport them to the court, while the prison's administration claimed it did not receive the court order to transport them to the court. According to the defendants' lawyers, the failure to transport them violated their right to the timely resolution of their appeal. In September the court resumed the defendants' appeals hearing, and they pleaded not guilty. The defense attorneys demanded a retrial of the entire case.

On December 14, the Skopje Appellate Court upheld the "Monster" verdict that sentenced six of the seven ethnic Albanian defendants to life imprisonment and acquitted one. The defense lawyer characterized the appellate court decision as "political," and filed a request with the Special Prosecutor's Office to assume jurisdiction over the case, alleging that some of the content of the unauthorized intercepted communications related to the case. The request was pending review by the Special Prosecutor at year's end.

Trial Procedures

The criminal procedure code codifies protections for defendants and victims. In July a new law took effect that contains updated sentencing guidelines designed to address inconsistent sentencing among different courts.

The law presumes defendants innocent until proven guilty. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary), but authorities did not always respect this right. Trials generally were open to the public but subject to frequent delays.

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

Defense attorneys and human rights activists claimed that closing significant portions of high-profile trials to the public to protect witness confidentiality reduced transparency and contributed to declining public confidence in the courts, especially among the ethnic Albanian population.

The country does not use juries, but for certain criminal and civil cases, judicial panels of three to five individuals, led by a professional judge, are used. Authorities did not always grant defendants adequate time and facilities to prepare a defense. Defendants may question witnesses and present evidence on their own behalf. Authorities may not compel defendants to testify or confess guilt. Both the prosecution and defendants have the right to appeal verdicts.

Political Prisoners and Detainees

During the year there were allegations that the government prosecuted and imprisoned persons for political reasons.

In January, Prime Minister Nikola Gruevski claimed in a public address that Zoran Zaev, leader of the opposition SDSM party, had attempted a coup by trying to blackmail him into establishing a caretaker government that included members of SDSM by threatening to publish compromising materials obtained via illegal eavesdropping (see section 1.f.). A video of Gruevski and Zaev's conversation in Gruevski's office was leaked shortly afterward, which prompted authorities to begin

investigating Zaev, former counterintelligence director Zoran Verushevski, and three alleged accomplices, Verushevski's wife, Sonja Verushevska, a former counterintelligence officer, Gjorgi Lazarevski, and Branko Palifrov, an employee in Strumica where Zaev is mayor.

On January 24, the police arrested Verushevski on charges of espionage, illegal wiretapping, coercion against highest state officials, illegal weapons possession, and child pornography. Police also arrested Lazarevski and counterintelligence officer Zvonko Kostovski on charges of espionage and illegal wiretapping, Sonja Verushevska on charges of accessory in espionage, and Palifrov on charges of accessory in violence against highest state officials. On February 25, the Basic Court Skopje 1 sentenced Kostovski to three years in prison after he pleaded guilty to the charges filed against him, prompting legal experts and human rights activists to express concern about a lack of transparency in the plea-bargaining process and the evidence against Kostovski. After several extensions of detention and Verushevski's conviction in July on the charge of illegal weapons possession, all of the defendants were released on bail to await trial. In December, Special Prosecutor Katica Janeva assumed jurisdiction over the case pursuant to the September 15 adoption of the Law on the Special Prosecutor.

Civil Judicial Procedures and Remedies

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

The ombudsman's 2014 annual report noted continuing problems regarding the right to trial in a reasonable time. According to the report, protracted civil and administrative court cases as well as insufficient civil enforcement practices resulted in violations of citizens' rights.

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

In February the opposition SDSM party revealed a widespread, illegal wiretapping campaign allegedly carried out over multiple years inside the National Intelligence Service's facilities. According to the June report of the European Commission Senior Experts' Group, the "content of many of the recordings provide indications of unlawful activities and abuse of power by senior government officials" that "can be traced back both to a concentration of power within the National Security Service (UBK) and to a malfunctioning of the oversight mechanism of the UBK." The report stated that the unlawful recordings presented a number of serious legal violations, including of the fundamental rights of the individuals concerned and serious infringements of personal data protection legislation. The Public Prosecution Office stated that it was investigating the wiretapping activities, but it did not file any criminal charges related to the criminal activity revealed by the wiretaps. In December, Special Prosecutor Katica Janeva assumed jurisdiction over the 36 open cases involving the content of the interceptions.

The government continued to use lustration--originally designed to identify publicly individuals who collaborated with the secret services during the communist era and ban them from public office and other government benefits--to attack political opponents and disloyal former associates. The government's Lustration Commission, established after the second lustration law was adopted in 2012, continued to make the dossiers of former police informants publicly available on the internet.

On August 22, the parliament adopted a law terminating lustration. Pursuant to the new law, the Lustration Commission could not open any new cases as of September 1, and it was scheduled to disband within two years. Already lustrated individuals remained banned from running for or holding public office for a five-year period after the final lustration decision.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

Freedom of Speech and Expression: The law prohibits speech that incites national, religious, or ethnic hatred and provides penalties for violations. Individuals may criticize the government publicly or privately, but there were credible reports that the government attempted to impede media criticism by directing its advertising purchases toward progovernment outlets. The Agency for Audio and Audiovisual Media Services' 2015 report did not provide information about the top advertisers in the country for 2014. The 2014 report identified the government as the top advertiser on private television stations with national coverage.

Press and Media Freedoms: Individuals or organizations that appeared close to the government owned most of the mainstream media. A very limited number of independent media voices actively expressed a variety of views without explicit restriction. Media outlets and reporting continued to be divided along ethnic and political lines. The laws that restrict speech inciting national, religious, or ethnic hatred also cover the media. The mainstream media rarely criticized the government. As the government has been one of the largest purchasers of advertising in the country, many media outlets were financially dependent on it and therefore subject to pressure to avoid criticism of the government. There were credible reports the government abused its market power in this manner.

According to the European Commission Senior Experts Group's June report, the media environment deprived journalists of their ability to perform professionally and without fear. Media experts reported that a chilling effect dominated the media environment, as intimidation, absence of good labor conditions for journalists, and financial instability for media companies made them vulnerable to government pressure and reliant on government advertising. Experts reported an

environment of fear surrounding the media that encouraged self-censorship. The country's political crisis also highlighted serious concerns over selective reporting and lack of editorial independence on the part of the public service broadcaster, Macedonian Radio Television (MRT).

Violence and Harassment: Journalists reported pressure to adopt progovernment viewpoints or risk losing their jobs. Several journalists reported threats and intimidation directed against them, including allegedly by government officials.

On March 26, the Lustration Commission named the editor-in-chief of the independent weekly newspaper *Fokus*, Jadranka Kostova, as a collaborator of the former secret services during the 1990s, when she worked as a journalist for MRT. The ruling banned her from running for or holding public office. Kostova claimed she was selectively targeted for lustration as revenge for *Fokus*' criticism of the government.

On January 15, the Skopje Appellate Court reduced convicted journalist Tomislav Kezarovski's 2013 sentence for allegedly revealing the identity of a protected witness from four and one-half years to two years. On January 16, police took Kezarovski, who had been serving the sentence under house arrest, to prison to serve the remaining three and one-half months of the now two-year prison sentence. Dunja Mijatovic, OSCE representative on freedom of the media, condemned Kezarovski's imprisonment and called on the authorities to relieve pressure against the media. Mijatovic also stated that Kezarovski's imprisonment was unacceptable in a democracy, disappointing, and disproportionate to the crime. On January 22, the Basic Court Skopje 1 granted Kezarovski's motion for parole and released him, ostensibly for health reasons. Journalist associations and human rights activists staged a series of protests demanding that authorities fully abolish Kezarovski's conviction and proclaim him innocent. Both his six-month pretrial detention and his multi-year sentence, which numerous local and international analysts considered excessive, had drawn strong rebukes from the OSCE, the European Federation of Journalists, NGOs, and journalist associations.

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

On February 3, the Public Prosecution Office issued a statement warning media not to publish videos or other material connected to an investigation into opposition leader Zoran Zaev, stating that anyone publishing these materials "may be subject to further criminal proceedings," and that doing so "is punishable by law." The statement had a chilling effect on the media. Goran Petreski, the editor in chief of MRT, cited the statement when explaining why MRT was not covering the opposition's "bombs" (periodic releases of recorded conversations depicting alleged government wrongdoing) (see section 1.f.). Other media outlets reported on the "bombs" and did not face criminal charges.

On February 16, journalist Ivana Kostovska, editor-in-chief of web portals *Telegraf* and *Independent* and acting president of the Media Ethics Council, resigned as editor, citing pressure from management to publish politically directed articles and censorship preventing professional reporting on the "bombs."

On March 13, MRT security agents entered the studio of Radio Kanal 103 (an independent radio station that leased office space in MRT's building) during a show and asked the host to present identification. The television channel Telma and the online news site Independent.mk reported that the security agents terminated the program because opposition politician and former police general Stojance Angelov was scheduled to appear on the show and discuss the wiretapping scandal.

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

In September 2014 the Basic Court Skopje 1 ordered opposition SDSM political party leader Zoran Zaev to pay Prime Minister Nikola Gruevski 50,000 euros ($55,000) for "harming his reputation and honor" by claiming that in 2004 Gruevski abused his official position illegally to receive 1.5 million euros ($1.65 million) from the sale of Makedonska Bank. Zaev's attorneys criticized the court for refusing without explanation to permit the introduction of relevant evidence central to Zaev's defense. Zaev appealed the judgment, and the appeal was pending at year's end.

According to the Association of Journalists of Macedonia, 39 libel or defamation lawsuits involving journalists were filed between October 2014 and 2015. Of those, 17 cases involved journalists suing other journalists for libel or defamation. Of the 39 cases, eight cases were adjudicated, with the court dismissing seven cases and partially upholding the plaintiff's claim in the eighth case. As of August 31, the complaints were still pending before the civil courts.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The State Statistical Office estimated that 69.4 percent of households had access to the internet in the first quarter of the year, up from 68 percent in 2014.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for the freedom of assembly. While the government mostly respected this right, some cases of government interference were reported.

On February 20, wiretapped recordings released by opposition leader Zoran Zaev included an alleged conversation between the minister of the interior and the prime minister's chief of staff in which the minister promised that she would direct traffic police to prevent five buses full of protesters traveling from the city of Prilep from reaching Skopje to participate in an antigovernment protest (see section 1.f.).

On October 21, the High School Plenum held a march in central Skopje protesting the state exam process. Some students reported pressure from school officials to not advertise or take part in the protest, including threats that participants would miss a school field trip and other indirect consequences. Protesters reported that two Skopje high schools were locked immediately before the protest was scheduled to begin, preventing students from leaving. The schools were unlocked after students called the police and the country's Helsinki Committee.

Freedom of Association

The law provides for the right to freedom of association, and the government generally respected the right.

c. Freedom of Religion

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

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In June the parliament amended the asylum law to alleviate the flow of irregular migrants and asylum seekers, granting them 72 hours to apply for asylum or exit the country. The amended law allows them to apply for asylum at a border crossing or the nearest police station and to transit the country freely during the 72-hour period.

Foreign Travel: The law allows authorities to deny exit to individuals suspected of harming the country's foreign relations by undermining visa-free travel regimes. During the year, the UN Human Rights Committee urged authorities to respect every individual's right to leave his/her country without prejudice. In response to an EU request to reduce the number of asylum seekers arriving in the EU from Macedonia, authorities implemented a strategy to limit the exit of potential asylum seekers. The strategy included a media campaign, sanctions on travel agencies that serve potential asylum seekers, and profiling at border crossings. As part of this effort, from January through October, border authorities denied exit to persons, mostly Roma, whom authorities suspected would seek asylum in the EU. During the year, the ombudsman and the Helsinki Committee continued to receive complaints, especially from Romani individuals, that state authorities denied their freedom of movement solely based on their ethnic, racial, and/or religious profile.

Internally Displaced Persons (IDPs)

The government reported that 199 persons remained displaced from the 2001 internal conflict, 56 of whom lived in collective centers and 173 with host families.

A violent police operation in May temporarily displaced 121 families (some500 individuals) from their homes in Kumanovo. July flooding in Tetovo forced 99 persons from their homes. At year's end approximately 80 individuals from Kumanovo and 19 families from Tetovo remained displaced.

Local media, NGOs, and members of the government's Ad Hoc Commission for the Assessment of Damages reported claims from individuals from both Kumanovo and Tetovo that the government did not distribute aid swiftly or efficiently. Some of these individuals alleged the government showed no urgency in rebuilding affected villages because they were located in predominantly ethnic Albanian areas.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate (officially 25.5 percent in the third quarter of the year).

During the year the government encouraged IDPs to return to their original homes in areas authorities considered safe. Some IDPs continued to assert that the government did not provide adequate support for the return process. Romani IDPs faced additional challenges because they were unable to document their tenancy at properties where they had previously resided.

Protection of Refugees

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity this report will refer to these populations as 'migrants and asylum seekers' if more specific information is not available.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR reported, however, that the mechanism for adjudicating refugee status failed to provide basic procedural guarantees and proper determinations as prescribed in the law. The government continued rejecting asylum applications, mostly on the grounds that the applicant posed a threat to national security. The government asserted that it did not reject any applications based on race or country of origin.

In the second half of the year arrivals of migrants and asylum seekers from outside the region, primarily from Syria, Iraq, and Afghanistan, increased dramatically, and the government declared a crisis situation on the northern and southern borders. Since the asylum law was amended in June, the Ministry of Interior reported that more than 350,000 individuals were registered at the border as of December 17. The ministry also reported, however, that approximately 650,000 migrants and asylum seekers transited the country during the same period. Illegal entry across the more porous areas of Macedonia's border with Greece, migrant smuggling, and ineffective registration procedures, particularly during the period from June through October, primarily account for this

difference. A lack of qualified interpreters in Pashto, Dari, or Arabic made identification and interviews difficult. Most migrants and asylum seekers left the country within the 72-hour period prescribed by law for filing asylum claims.

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. While the government had a formal system for appointing guardians for minor children, it generally did not appoint guardians to meet unaccompanied minors seeking asylum. By mid-August authorities registered more than 600 unaccompanied children.

As required by law, the government typically provides applicants for asylum with a residence, free-of-charge legal services, basic health services and insurance, social protection, the right to seek employment, and education. Once asylum seekers receive refugee status, they have the same rights as citizens, although they cannot vote, establish a political party, or serve in the military.

Refugee Abuse: Both Amnesty International and Human Rights Watch issued reports in July and September, respectively, documenting how migrants and asylum seekers transiting Macedonia were subjected to routine mistreatment and abuse by the police. Much of the abuse occurred at the Reception Center for Foreigners in Skopje. Victims recounted being subject to arbitrary detention and suffering verbal and physical abuse and substandard living conditions while awaiting judicial proceedings where they would testify against migrant smugglers and human traffickers. NGOs reported that police and border control officials used excessive force against migrants and asylum seekers attempting to cross the border with Greece. Human Rights Watch reported that police officers used rubber bullets, tear gas, and stun grenades against migrants and asylum seekers and also beat one individual attempting to cross the border on August 21.

Durable Solutions: As of September only 49 of the country's 43,000 asylum seekers were recognized as refugees. Twenty-six individuals from the 1999 conflict in Kosovo had returned to Kosovo, while 100 awaited return. UNHCR continued to assist rejected asylum seekers from Kosovo, whom the government allowed to stay in the country. The government issued them provisional identification documents to secure their access to services. The Ministry of Labor and Social Policy provided integrated, durable solutions with the support of UNHCR for approximately 600 refugees who had applied for integration into the country.

Temporary Protection: The government provides subsidiary protection to individuals who may not qualify as refugees, though it had not provided it to any persons during the first nine months of the year.

Stateless Persons

Some habitual residents were legally stateless, in spite of fulfilling one or more criteria for citizenship. As of December 2014 UNHCR reported that there were 741 persons in the country under its statelessness mandate. UNHCR worked with the authorities to resolve the situation of an additional estimated 800 persons, primarily Roma, who lacked civil registration and documentation. Children born in the country to stateless persons are themselves considered nationals and have access to birth registration and certification.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair elections based on universal and equal suffrage. Government institutions, however, failed to create a level playing field to ensure free and fair elections.

Elections and Political Participation

Recent Elections: In April 2014 the country held presidential and parliamentary elections with high public turnout and only minor confirmed incidents. The OSCE/ODIHR reported that the elections were "efficiently administered, candidates were able to campaign without obstruction, and freedoms of assembly and association were respected." The report, however, also noted that the country failed to meet important OSCE commitments during the period preceding the elections, including the separation of state and party, ensuring a level playing field, the neutrality of the media, the accuracy of the voters list, and the possibility of gaining redress through an effective complaints procedure. According to the OSCE/ODIHR, allegations of voter intimidation persisted throughout the campaign.

Claiming electoral fraud by the ruling coalition, the opposition SDSM party did not accept the results of the April 2014 elections and boycotted the parliament until September 2015. In February the SDSM claimed that the government unlawfully wiretapped more than 20,000 citizens through the Counterintelligence Directorate over a four-year period (see section 1.f.). The SDSM released recordings that implicated high-level government officials in numerous apparent election-related abuses, including electoral fraud and harassment of members of opposition parties.

Political Parties and Political Participation: During the year the ruling coalition dominated and manipulated the media. Membership in a party of the ruling coalition conferred advantages, and there was widespread reporting that party membership influenced civil service hiring that included teachers and even custodial staff. There was also interference with opposition parties' ability to publicize their views.

Participation of Women and Minorities: There were 42 women in the 123-seat parliament; however, only one woman served on the 26-member Council of Ministers. The law requires gender diversity in each political party's candidate list, and no more than two-thirds of a party's candidates may be the same gender. Some 60 percent of judges were women, but only four of the country's 81 mayors were women. Leadership within political parties continued to be dominated by men.

There were 27 ethnic Albanians, two ethnic Serbs, one ethnic Bosniak, two ethnic Turks, and one ethnic Roma in parliament. There were 10 members of minority communities in the 26-member Council of Ministers. Ethnic Albanians and other ethnic minorities continued to complain of inequitable representation within government and of discriminatory practices excluding them from political participation, such as selective withholding of security clearances.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: During the year there were credible reports that the government interfered in high-profile cases involving abuse of office or misused official positions to intimidate key opposition leaders. Police and judicial corruption also remained problems. The European Commission Senior Experts Group's June report found "apparent direct involvement of senior government and party officials in illegal activities," including corruption.

During the year the Public Prosecution Office opened investigations against high-level government officials for illegal wiretapping, violation of privacy, and allegations of corruption, based on criminal complaints filed by the opposition SDSM party. The Public Prosecution Office had 17 prosecutors reviewing 24 criminal complaints filed by SDSM, although it did not file criminal charges against any of the alleged suspects during the year. In November, the Public Prosecution Office turned over materials related to those cases to the Special Prosecutor. On December 4, the Special Prosecutor announced that she accepted jurisdiction over 22 of the 24 cases filed by SDSM and was reviewing and prioritizing which cases to prosecute at year's end.

On March 10, the Ministry of Interior pressed charges against opposition leader Zoran Zaev for allegedly soliciting a 200,000 euro ($220,000) bribe from a Strumica businessman. Zaev called the charges politically motivated and filed a criminal complaint against the businessman for allegedly spreading false and malicious accusations. On June 4, the Public Prosecution Office indicted Zaev on bribery charges. On July 1, at Zaev's request, the Basic Court Skopje 1 held a public hearing to review the indictment. On November 18, the Basic Court Skopje 1 confirmed the bribery indictment against Zaev, and the case was scheduled for trial in January 2016.

Between April 22 and May 21 the court convicted seven (six active and one retired) misdemeanor judges arrested in October 2014 for failing to process fines against defendants in misdemeanor cases. They received suspended sentences after pleading guilty. The prosecution dropped charges against five other accused judges and an administrative staff member for lack of evidence. The start of the trial before the Basic Court Skopje 1 against another 13 defendants--three retired judges and 10 administrative staff members--was postponed twice for defendants' health reasons. On December 1, the Supreme Court recused the Basic Court Skopje 1 from trying the case on the basis of possible conflict of interest and transferred the trial to the Bitola Basic Court.

Financial Disclosure: The anticorruption law requires appointed and elected officials and their close family to disclose their income and assets and provides penalties for noncompliance. The public could view the disclosure declarations on the website of the SCPC. Absence of a registry of elected and appointed officials continued to hamper effective control of assets and monitoring of conflicts of interest.

During the first six months of the year the SCPC referred two cases to the Public Prosecution Office for misuse of public funds. In one case, the SCPC initiated a procedure for removal of a public

official. The SCPC received and checked 535 conflict of interest statements by public officials and determined that a conflict of interest existed in 53 cases. The resolution of these cases remained pending at year's end.

Public Access to Information: Although the law provides for public access to government information, citizens' and the media's access to the government's financial and public procurement dealings remained limited. The government addressed public access to information in the Open Government Partnership Action Plan, adopted by the government in 2014. Numerous members of civil society and media outlets complained that the government often ignored requests for information under the freedom of information law.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often willing to listen to these groups but were also often unresponsive to their views.

Government Human Rights Bodies: The ombudsman worked to protect citizens against infringement of their rights by public institutions, reduce discrimination against minority communities and persons with disabilities, promote equitable representation in public life, and address children's rights. The government did not ensure adequate resources for the ombudsman's office. In August parliament approved a revised 2015 budget that significantly cut the amount allocated for the ombudsman's office staff salaries by approximately 70,000 euros ($77,000). The ombudsman attempted to address parliament about the cuts, but parliament staff reportedly turned him away, erroneously claiming that he did not have the right to address parliament on the topic. The ombudsman also reported that he had sent inquiries to the Ministry of Interior, the Public Prosecution Office, and the parliamentary committee overseeing the Counterintelligence Service to request explanations of the wiretapping scandal that involved many of the government's key players, but that none of the requested agencies complied. By law public institutions are required to respond to the ombudsman's inquiries within eight days.

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

The country's seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of antidiscrimination law. The commission does not have the power to punish offenders. The commission was located in an office inaccessible to persons with physical disabilities. Unlike the ombudsman, the commission reviewed complaints from both the public and private sectors,

although the public at large continued to be largely unaware of the commission's existence. Citizens not satisfied with the outcome of complaints may seek redress in court, which may accept the written opinion of the commission as evidence.

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

The constitution and law prohibit discrimination based on age, gender, race, disability, language, and ethnic, social, or political affiliation. The law provides for fines ranging from 400 to 1,000 euros ($440 to $1,100) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. The ombudsman's report stated that discrimination existed in all spheres in society, especially with regard to employment rights and on the bases of ethnicity and political affiliation.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment, but those laws were poorly enforced. Domestic violence is illegal but was a persistent and common problem. Cultural norms, including social stigmatization, victims' concerns over possible shame to the family, discouraged women from reporting violence against them or filing criminal charges. Police and judicial officials were reluctant to prosecute spousal rape and domestic violence.

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

Sexual Harassment: The law prohibits sexual harassment in the workplace and provides a sentencing guideline of three months to three years in prison for violations. Sexual harassment of women in the workplace was a problem, and victims generally did not bring cases forward due to fear of publicity and possible loss of employment (see section 7.d.).

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

Discrimination: Women have the same legal status as men in family, labor, property, nationality, and inheritance law and in the judicial system. Advocates reported that women who owned property and businesses were under-represented and noted some industry-specific gender discrimination. Romani women did not have equal opportunities for employment and education due to traditional or

religious restrictions on their education and role in society. In some Albanian and Romani communities, the practice of men directing the voting or voting on behalf of female family members disenfranchised women.

Children

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

Child Abuse: Child abuse was a problem in some areas. Child welfare advocates asserted that children were reluctant to report abuse due to fear that authorities would place them in institutions. The government operated a hotline for domestic violence, including child abuse.

Early and Forced Marriage: The minimum legal age for marriage is 18. A court may issue a marriage license to persons between the ages of 16 and 18 if it finds them mentally and physically fit for marriage. Early and forced marriage occurred in the Romani community and, to a much lesser extent, Albanian communities. It was difficult to estimate the number of early and forced marriages because they were rarely registered. Government plans for improving the social inclusion of the Romani population included measures to prevent underage marriage, including mandatory high school education, special social and community services and school counseling and outreach, and improved access to basic-level health services.

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

Displaced Children: According to the Ministry of Labor and Social Policy, there were 96 displaced children registered as of September, and an October report from the public ombudsman's office revealed that 236 children live without shelter. These children range in age from a few months old to 18, and, while most live in Skopje, there are many in the towns of Bitola, Kumanovo, Veles, Gostivar, and Kisela. With international support, the ministry operated five day centers for street children. The government maintained a transit shelter for street children, but its small size limited its effectiveness in providing appropriate social services. The ombudsman's June report stated that authorities occasionally detained homeless children as young as 10.

Following amendment of the asylum law in June, the Ministry of Interior reported that it had registered 299 unaccompanied migrant children at the border as of September 17. The ministry also

reported, however, that approximately two-thirds of potential applicants did not register, implying that the numbers may have been higher (see section 2.d.).

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's website at travel.state.gov/content/childabduction/en/country/macedonia.html.

Anti-Semitism

The Jewish community estimated that 200 to 250 Jews lived in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

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

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

The law requires that new buildings be built in accordance with accessibility standards, while existing public structures were to be made accessible for persons with disabilities by year's end. Although NGOs reported that building accessibility was slowly improving, the deadline was not met and NGOs called for further clarification of the requirement for a "fully accessible" environment. Many new buildings did not have accessible toilets. Public transportation was largely inaccessible to persons with physical disabilities, although all buses purchased since 2013 by the government for Skopje were accessible. The Ministry of Transport and Communications continued a two-year project to procure accessible train cars and make train stations in Skopje and 10 other cities accessible.

The Ministry of Education and Science made efforts to provide suitable support to enable children with disabilities to attend regular schools. It employed special educators, assigned either to individual selected schools or as "mobile" municipal special educators covering all schools in their

municipality, to support teachers who had children with disabilities in their regular classes. School authorities also installed elevators in several primary schools and deployed technology to assist students with disabilities in using computers in selected primary and secondary schools. Despite these efforts, a large number of students with disabilities continued to attend special schools.

National/Racial/Ethnic Minorities

According to the country's most recent census in 2002, the ethnic composition of the population was 64.2 percent Macedonian, 25.2 percent Albanian, 3.9 percent Turkish, 2.7 percent Romani, 1.8 percent Serbian, 0.8 percent Bosniak, and 0.5 percent Vlach.

Relations between the ethnic Macedonian and ethnic Albanian communities were often strained. Several interethnic incidents triggered protests that added to tensions between the two largest communities. Ethnic Albanians continued to complain of unequal representation in government ministries and public enterprises. The Police Academy of Macedonia continued to fall short of the number of minority trainees needed to comply with the constitution. Ethnic Albanians complained that the government designed the testing process in the academy unfairly to deny access to ethnic Albanians and other minority groups. In the most recent academy class, 47 percent of the ethnic Macedonian applicants passed all of the required exams, compared with just 12 percent of the ethnic Albanians. In particular, ethnic Albanians struggled with exams and courses given in the Macedonian language and complained of cultural biases within the tests.

According to the annual report of the ombudsman, ethnic minorities, with the exception of Serbs and Vlachs, were under-represented in the civil service and other state institutions, including the military, police, intelligence services, courts, national bank, customs service, and public enterprises.

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

Roma reported widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public welfare funds. Romani children were overrepresented in segregated "special" schools for students with intellectual disabilities. Romani NGOs also reported that proprietors occasionally denied Roma entrance to their establishments. Some Roma lacked identity cards, which were necessary to obtain government services such as education, welfare, and health care, although the EU, UNHCR, and several NGOs worked to provide identity documents to all Roma.

The government funded implementation of the National Strategy for Roma under its commitment to the 2005-15 Decade of Roma Inclusion, providing assistance with education, housing, employment, and infrastructure development. With the exception of education, the funds were not sufficient to produce significant results, especially in health care. The government continued to fund information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education, including making conditional cash transfers to Romani students, resulted in steady school attendance rates, especially in secondary schools.

Ethnic Turks complained of discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions and the inadequacy of Turkish-language education and media. Turkish is an official language in four rural municipalities.

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

The constitution and law do not prohibit discrimination based on sexual orientation and gender identity; the antidiscrimination law does not list sexual orientation as a protected ground. On January 20, parliament approved a constitutional amendment banning same-sex marriage, defining marriage as a union solely between a woman and a man. LGBTI advocates decried the amendment as redundant, as current law already prohibits the registration of same-sex partnerships. Advocates expressed concern that the amendment would reinforce discrimination against an already deeply marginalized community.

Activists supporting LGBTI rights reported multiple incidents of societal prejudice. In June, the LGBTI Center organized a public pride week event, during which police were visibly present. In response, people posted numerous hate speech messages and calls for violence against the LGBTI community on the center's website; the profiles of individuals who made these posts were reported to the Department for Electronic Crime at the Ministry of Internal Affairs. Anti-LGBTI activists also showed up at the pride week lesbian picnic in order to intimidate the attendees.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

The law requires unions to register with the Ministry of Labor. Trade unions are obliged to terminate their activities when their membership falls below a minimum requirement, although the law does not specify that minimum membership. Trade union activities can be terminated by a court of general jurisdiction at the request of the registrar, where those activities are deemed to be "against the law." There are no nationality restrictions on membership in trade unions, though foreign nationals must have a valid work permit for Macedonia and be employed by the company or government body listed on the permit.

Trade unions are required to specify the length of a strike in advance. During a strike the law allows an employer to "exclude" or temporarily release up to 2 percent of workers who are potentially violent or engaged in "undemocratic activity" or who are obstructing negotiations between the workers and the employer. Employers must pay the workers' benefits during the exclusion period and allow them to return to work after the strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages. The law regulates the number of essential government employees who can strike including members of the military, police, and health care workers.

The government and employers did not always respect freedom of association, including the rights to strike and to collective bargaining. Workers exercised the right to strike, but unions maintained that the law's "exclusionary" provision allowed employers to bar union leaders from collective bargaining negotiations during a strike. Collective bargaining is restricted to trade unions which represent at least 33 percent of the employees at the level at which the agreement is concluded (company, sector, or country). Government enforcement resources and remediation were inadequate. Penalties for violations of the law ranged from 100 to 7,000 euros ($110 to $7,700); these were insufficient to deter violations. Administrative and judicial procedures were generally subject to lengthy delays.

The Worker's Union of Education, Science, and Culture, the country's largest public-sector union with about 30,000 members, went on strike over pay and employee benefits in January. The union reported various forms of pressure on its members by local and national government officials, pro-government media, and government-influenced trade unions.

Worker organizations generally collaborated with the government and employers rather than confront them.

b. Prohibition of Forced or Compulsory Labor

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, although children can begin work at 14 as apprentices or as participants in an official vocational education program. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors from working nights or for more than eight hours per day or 40 hours per week.

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. The police and the ministry, through centers for social work, shared

responsibility for enforcing laws on forced begging and trafficking. The law mandates a prison sentence of at least eight years for persons who buy, sell, keep, or take minors for the purpose of exploitation. If enforced, these penalties would be sufficient to deter violations.

The government did not effectively enforce the law. There were reports that individuals in the informal economy employed child labor, using children to beg, clean windshields, and sell cigarettes and other small items in open markets, the streets, 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. The children involved in these activities were primarily Roma and most often worked for their parents or family members. Officials frequently failed to hold those exploiting the children accountable, and Romani children remained vulnerable to exploitation and forced labor.

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

Children were subjected to commercial sexual exploitation, a worst form of child labor (see section 6, Children).

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations generally prohibit discrimination regarding race, sex, gender, disability, language, health status, political opinion, national origin, language, or social status. The law does not address discrimination based on HIV or other communicable disease status. The government did not enforce the laws effectively. Discrimination in employment and occupation occurred with respect to gender, disability, and certain ethnic groups in the military, police, intelligence services, courts, national bank, customs service, state agencies, and public companies (see section 6, "National/Racial/Ethnic Minorities").

e. Acceptable Conditions of Work

The legal national minimum wage was 9,590 denars ($175) per month, except in the textiles and leather industry, where the minimum wage was 7,500 denars per month ($137). According to official statistics, the average monthly net wage in September was 22,024 denars ($402).

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 or 190 hours per year. According to the collective agreement between the government and the unions, employees in both the public and private sector have a right to overtime pay at 135 percent of their regular rate. In addition the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary. The government

sets occupational safety and health standards for employers; however, those standards do not apply de facto to the informal sector, an estimated 22 percent of the economy.

The Labor Ministry employed 123 inspectors to enforce labor laws. Labor inspectors have the authority to press misdemeanor charges against an employer who violates labor laws or to close an establishment until the employer corrects the violations. In cases of repeated violations, the owners can be fined. Penalties were sufficient to deter violations; however, inspections were not adequate to ensure compliance. During the year the ministry's Labor Inspectorate filed complaints against several businesses for forcing employees to work long hours without the rest breaks required by law; failure to register employees according to law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation.

Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced. Many employers hired workers without complying with the law, and small retail businesses often required employees to work well beyond legal hourly limits. The National Council for Occupational Safety and Health was still not fully functional. 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.

There were no major industrial accidents in the country.