

Document #2028208

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Human Rights in Europe - Review of 2019 - North Macedonia [EUR 01/2098/2020]

Despite progress in implementing reforms identified by the European Commission (EC), concerns remained about corruption, the right to asylum and discrimination against women, Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Background

The country was renamed in February following the conclusion in 2018 of a long-standing dispute with Greece.

The government formed in May 2017 continued to take measures required by the EC following a political crisis in 2015 when the then opposition published audio recordings revealing extensive unlawful surveillance and widespread government corruption. Priorities included guaranteeing the rule of law, the rights to privacy and freedom of expression, the independence of the judiciary and an end to government corruption.

The Special Prosecution Office (SPO) continued to hold former government ministers, officials and employees to account.

In March, the former Director of Security and Counterintelligence was sentenced to three years' imprisonment for electoral corruption. In April, 16 police and internal security officers, including the former police chief, were convicted of “terrorist endangerment of the constitutional order” for colluding in the April 2017 attack on opposition members of parliament.

Proceedings opened in December against Katica Janeva, head of the SPO until August, charged with abuse of office and taking bribes. Measures to transfer the SPO's case-load to the public prosecutor were proposed.

Media freedom gradually increased and fewer journalists were physically attacked.

In May, parliament adopted a clarification of the exact meaning of, and a preliminary amendment to financial laws which had been deliberately misinterpreted by the previous government to penalize NGOs which received external funding.

Torture and other ill-treatment

Measures were initiated to address long-standing impunity for police ill-treatment, including an external oversight mechanism. By March, the Public Prosecutor’s Office was investigating 50 reports against police officers and others relating to prison guards.

The International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2007, has not yet been ratified.

Discrimination

In May, the new Law on Prevention and Protection against Discrimination included sexual orientation and gender identity as protected categories, but did not recognize same-sex partnerships. The commission to receive complaints was not in place by the end of the year.

Both the Prime Minister and Head of the Islamic Community were criticized for homophobic remarks. Hate speech against LGBTI people rose before the first Skopje Pride held in June.

Inter-ethnic hate speech and hate crimes - including a murder case decided in April - remained consistently high.

Roma continue to experience institutional discrimination in education, health, housing and employment, as well as access to bars, cafés and shops. Legal advocates reported repeated human rights violations in cases including property rights, contact with the police and employment. Around 440 Roma remained stateless.

Sexual and reproductive rights

In July, the amended Law on Termination of Pregnancy eased access to abortion, removing mandatory waiting periods, counselling and spousal approval. Contraception was not available at primary health-care centres.

Refugees and asylum-seekers

As of 31 December, 40,887 refugees and migrants who entered the country irregularly had officially been registered by the Ministry of Interior. Of 490 asylum applications, 407 were discontinued; of 18 applications considered, 17 were rejected; subsidiary protection was granted in only one case. Some 47% of applications were submitted by refugees and migrants unlawfully detained as witnesses against smugglers in inadequate conditions at Gazi Baba. An Emirati woman fleeing domestic violence was released from Gazi Baba after being granted interim measures by the European Court of Human Rights.

The Ministry of the Interior continued collective expulsions to Greece, pushing back 10,017 people trying to enter North Macedonia. Under an agreement with the EC, the European Border and Coast Guard Agency (Frontex) was deployed with border police. People seeking international protection reported being unlawfully pushed back to Greece by Frontex after being fingerprinted and detained for 24 hours; four were explicitly told by Frontex that they could not claim asylum.

The administrative courts rejected the overwhelming majority of cases brought by Kosovo Roma refugees denied asylum in 2017-18. They had challenged the revocation of their subsidiary protection status, which left them without legal status and vulnerable to deportation.

Counter-terrorism and security

In September, the Supreme Court denied an appeal by the “Kumanovo group” of 33 ethnic Albanians, 16 from Kosovo, against their 2017 conviction for terrorism. The charges against them related to the killing of eight police officers and the injuring of 40 others in May 2015 in Divo naselje, Kumanovo; police killed 10 ethnic Albanians. The accused claimed that the confrontation was set up by the former government and had demanded an international investigation.

In December, the Council of Europe's Committee of Ministers closed the case of Khaled el Masri, despite the fact that the Macedonian authorities had failed to conduct a full and effective criminal investigation, as required by the European Court of Human Rights' judgment. In 2003, the German citizen had been subjected to unlawful detention, enforced disappearance, torture and other ill-treatment, before being transferred to the US authorities, who violated his human rights outside Macedonia.

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ecoi.net summary:

Report on the human rights situation covering 2019



Country:

North Macedonia

Source:

AI – Amnesty International ([/en/source/10960.html](https://www.amnesty.org/en/source/10960.html))

Original link:

<https://www.amnesty.org/en/countries/europe-and-central-asia/north-macedonia/report-macedonia/> (<https://www.amnesty.org/en/countries/europe-and-central-asia/north-macedonia/report-macedonia/>)

Document type:

Periodical Report

Language:

English

Published:

16 April 2020

Document ID:

2028208

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

