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## Country Report on Human Rights Practices 2012 - 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 most recent national parliamentary elections occurred in June 2011. The Organization of Security and Cooperation in Europe's (OSCE) mission to observe those elections stated "the early parliamentary elections were competitive, transparent, and well administered throughout the country, although certain aspects require attention." Security forces report to civilian authorities.

The most critical human rights problem was the government's failure fully to respect the rule of law, reflected in its failure to follow parliamentary procedures, interference in the judiciary and the media, selective prosecution of political opponents of the country's leaders, and significant levels of government corruption and police impunity. Beyond the political interference in the judiciary, favoritism, inefficiency, and corruption slowed the delivery of justice. Tensions between the ethnic Albanian and Macedonian communities, as well as societal discrimination against Roma and other ethnic minorities, constituted another area of human rights concern.

Other human rights problems reported during the year included mistreatment of detainees and prisoners by police and prison guards, poor conditions and overcrowding in some of the country's prisons and mental institutions, delayed access to legal counsel by detainees and defendants, restricted exit rights for Roma, restricted access to asylum, domestic violence against women and children, child prostitution, discrimination against women and persons with disabilities, and mistreatment of patients in psychiatric hospitals. There was societal prejudice against members of the lesbian, gay, bisexual, and transgender (LGBT) community, who were the subject of harassment and use of derogatory language, including in the media. The government frequently interfered with workers' right to strike.

The government took some steps to punish police officials guilty of excessive force and to strengthen the internal police investigation unit, but impunity continued to be a problem. There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce officials or party members or intimidate key opposition leaders.

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

## **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any arbitrary or unlawful killings.

On January 16, the Skopje Criminal Court sentenced Igor Spasov, a member of the Ministry of Interior's special police Alpha squad, to a 14-year prison sentence for the beating death of Martin Neskovski at the celebration of the ruling political party's election victory in June 2011. On September 3, the Skopje Appellate Court upheld the verdict. In reaction to the appellate court decision, Neskovski's family reiterated their claims that Spasov did not bear the sole responsibility for Neskovski's death and demanded the criminal prosecution of Spasov's superiors.

## **b. Disappearance**

There were no reports of disappearances or politically motivated abductions or kidnappings.

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

The law prohibits such practices; however, there were credible reports that police used excessive force during the apprehension of criminal suspects and abused detainees and prisoners. During the first nine months of the year, the Ministry of Interior's Sector for Internal Control and Professional Standards Unit (PSU) reported receiving 38 complaints against police officers for use of excessive force.

After preliminary investigations the PSU found grounds for further investigation in three cases. For all three cases, the PSU proposed a mandatory disciplinary procedure by the Disciplinary Commission against the police officers involved. In one case the commission issued a written warning; in the second it recommended a salary reduction; in the third it terminated the disciplinary procedure.

In its 2011 annual report the Office of the Ombudsman noted some improvements in the way the PSU conducted its investigations; however, it reported that in most cases the investigations were not thorough or objective. The report also noted that the courts and the public prosecutor often shared "solidarity with police officers" and that court procedures lacked time limits, contributing to the impunity of police officers.

On January 25, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its 2010 visit to the country's detention facilities, prisons, and mental hospitals. Although the report noted significant improvements since its previous visit in 2008, a significant number of persons alleged mistreatment by police officers consisting of punches and kicks to the body and head; the use of batons; handcuffing to radiators or benches for prolonged periods, including during interviews; and threats of use of force if the detained person did not confess or sign a statement.

## **Prison and Detention Center Conditions**

The country's prisons and detention centers did not meet international standards; problems included overcrowding, violence between prisoners, violence by prison staff, dilapidated and unhygienic conditions, lack of educational and recreational opportunities for juveniles, and some reports of sexual abuse of female prisoners.

Physical Conditions: The country had 11 prisons and two juvenile correctional institutions. Of the 11 prisons, two were high-security prisons, Idrizovo in Skopje and the prison in Stip. Six of these prisons also housed pretrial detainees in separate detention wards. Men and women were held separately in both the prisons and the detention facilities. At year's end there were 2,238 prisoners, 21 juveniles, and an additional 407 detainees. Prisons were designed to house 1,825 prisoners, 44 juveniles, and 421 detainees.

The CPT report stated that fundamental change was required to address challenges facing the prison system. The lack of a professional management approach, low staffing/prisoner ratios, and an absence of accountability and clear rules were particular problems. At Idrizovo Prison, the country's largest prison facility, the CPT received a number of credible allegations of mistreatment of prisoners by staff, and violence between prisoners remained a significant problem. Many inmates were held in deplorable living conditions, crowded in a dilapidated, dangerous, and unhygienic environment, while most prisoners were offered no recreational activities and locked in their cells for up to 23 hours a day. Additionally, the CPT reported its impression that the prison was being run on the basis of collusion between staff and convicted inmates.

In the remand sections of the Skopje and Tetovo Prisons, detainees had no organized activities and less than one hour of daily outdoor exercise, if any. The CPT report also detailed the overcrowding and poor conditions for remand prisoners. The report particularly criticized the treatment of juveniles held in remand and

recommended taking action to offer them educational and recreational activities and to ensure that they were never held in the equivalent of solitary confinement.

National authorities stated they were taking measures to improve detention conditions in the prisons, particularly at Idrizovo Prison, with the support of a loan from the Council of Europe Development Bank. The prison's policies provided all prisoners with a range of activities as well as the legally required two hours of daily outdoor exercise.

During the year the Ministry of Justice refurbished the old detention unit in the Suto Orizari Detention Center, equipped the fitness room, repaired the plumbing and sewage infrastructure, and designated two rooms for confidential meetings of detainees and their defense counsels.

Administration: The Ministry of Interior conducted inspections of the registers of detained persons and prepared standard procedures for their detention and treatment. These procedures included designating shift supervisors who were responsible for the proper processing and treatment of detained persons. Recordkeeping at prisons was considered adequate. Authorities used alternatives to sentencing for nonviolent offenders, including fines, suspended sentences, minimum-security prisons, and house arrest. Prisoners and detainees could submit complaints; however, some complainants were subjected to political pressure. The ombudsman was allowed to visit prisons and investigated all credible allegations of inhumane conditions.

In March the media reported that wardens in the Stip prison allowed inmates serving 10-year sentences for terrorism to take home leave in violation of prison regulations. The Director of the Ministry of Justice's Prison Administration stated that, due to inadequate understanding of the pertinent rules, the prison staff mistakenly categorized the inmates as "low risk." In August a group of female inmates accused the Idrizovo prison administration of sexual abuse. Inmates housed at the Idrizovo prison continued to complain about lack of adequate medical care.

A survey of correctional personnel at the Idrizovo State Prison and the Suto Orizari Detention Center in Skopje by the Ministry of Justice's Sanctions Enforcement Administration indicated that more than half of the personnel possessed few or no professional skills or knowledge of relevant laws. The primary prison employees' union complained of inadequate equipment and training and severe understaffing.

The government usually granted the ombudsman access to convicted prisoners. The ombudsman regularly visited the country's prisons and maintained complaint boxes in each of the facilities. The ombudsman stated that the right to express religious beliefs and practice religious rites in the penitentiary and correctional facilities was not hindered. Visitors' access was allowed.

Monitoring: The law allows family members, 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. The government usually granted independent humanitarian organizations access to convicted prisoners. However, during the year the local branch of the Helsinki Human Rights Committee claimed that the government denied its representatives access to prisoners.

In its October progress report, the European Commission reported that conditions in the Tetovo Juvenile Correctional and Rehabilitation Institute and the closed ward of Idrizovo continued to raise serious concerns. The report noted that most of the prisons continued to be underfunded and could not cover their basic maintenance expenses and that the mechanisms for preventing and combating mistreatment and corruption in prisons remained weak.

Improvements: The European Commission reported that the government adopted an annual program for the construction and renovation of prisons. The government renovated parts of the prisons where degrading conditions were reported, particularly in the Idrizovo Prison and its semiopen ward.

## **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

### **Role of the Police and Security Apparatus**

The national police, consisting of uniformed police, criminal (civilian) police, and border police, are a centralized force under the Ministry of Interior. International observers 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 PSU conducted all internal investigations into allegations of other forms of police misconduct. The PSU has authority to impose administrative sanctions during the course of its investigations, such as temporary suspension from work, but cannot impose disciplinary actions, which require a ruling from a disciplinary commission, or more serious criminal sanctions, which require

court action. Although there were improvements with internal investigations and an active ombudsman, police impunity remained a problem.

PSU officials showed some improvement in efficiently conducting internal investigations; however, concerns remained about the low number of completed investigations and the lack of charges in outstanding human rights cases from previous years.

Representatives from a number of international organizations, including the OSCE, the EU, and foreign diplomatic missions, monitored police operations and advised the Ministry of Interior on police reforms. The ministry was responsive to this advice.

## **Arrest Procedures and Treatment While in Detention**

The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed this requirement in practice.

The law states that prosecutors must arraign a detainee within 24 hours of arrest. Detainees were generally informed promptly of the charges against them. An investigative 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 in practice. Preindictment detention may last a maximum 180 days. After arraignment the law sets the initial length of pretrial detention at a maximum of 30 days. This period may be extended if a council of three judges orders a 60-day extension for further investigation and a superior court orders an additional 90-day extension. The law allows for a 90-day extension only in cases for which sentencing guidelines provide that a person convicted of the crime under investigation must serve at least five years in prison. Following indictment the maximum pretrial detention is two years.

There is a functioning bail system. The law provides detainees prompt access to a lawyer, but the government did not respect this right in practice. Indigent detainees have the right to an attorney provided by the state. 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 without legal counsel for "informative talks" without notifying them of their rights. The law permits immediate family members access to detainees with the approval of an investigative judge, and authorities generally provided access.

## **e. Denial of Fair Public Trial**

The constitution and laws provide for an independent judiciary; however, the government exercised political pressure and intimidation on the judicial branch. Inadequate funding of the judiciary continued to hamper courts' operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

In April parliament confirmed three new Constitutional Court justices. The opposition claimed all three were chosen for their family ties to leaders of, or loyalty to, the ethnic Macedonian ruling party VMRO-DPMNE and did not appear qualified for the positions.

According to the ombudsman's 2011 report, the majority of the citizens' complaints in 2011 concerned the judiciary. The report stated that access to justice remained difficult, in spite of the amended laws. A significant amount of courts' budgets were expended toward damages for violations of the right to trial within a reasonable time. Citizens continued to face problems in trial courts and prosecution offices, and especially before the Administrative Court.

## **Trial Procedures**

The law presumes defendants innocent until proven guilty. Trials generally were open to the public, but subject to severe and frequent delays. The country does not use juries. A single judge hears less serious cases, and a judicial panel of one or two professional judges and two to three lay judges hears more serious cases. Judicial panels determine guilt and impose sentences. The panel usually followed the recommendations of the presiding judge.

Defendants have the right to an attorney from the time they are detained in pretrial and trial proceedings. However, authorities did not always inform detainees of this right promptly, and most defendants were not allowed to consult with an attorney privately until after they appeared in court. While judges usually granted permission for attorneys to visit their clients in detention, legal contacts reported that in some high profile cases, defense attorneys were not granted timely and confidential access. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. The law entitles defendants and their attorneys to access government-held evidence, but in practice defendants were not always given access. Both the prosecution and defendants have the right to appeal verdicts.

Human rights activists and defense attorneys accused the government of violating the right to fair trial by using agents-provocateurs as protected witnesses in high-profile and politically sensitive cases.

### **Political Prisoners and Detainees**

During the year there were claims that authorities detained persons for political reasons.

In March a court sentenced Ljube Boskovski, leader of the United for Macedonia political party, to seven years in prison for illegal campaign financing in a trial that Boskovski's supporters claimed to be politically motivated. In July authorities opened an investigation against Boskovski for being an accessory in a double-murder case in 2002. Another 14 individuals, nine former and current police officials and five other persons, were suspected of direct or indirect involvement in the killings. The antigovernment media claimed that the prosecution planned to use testimony from a protected witness in the case. Sources close to Boskovski characterized this as politically motivated repression. The trial continued at year's end.

### **Civil Judicial Procedures and Remedies**

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, 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 may also appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for appealing excessive judicial delays to the Supreme Court. The government generally complied with civil decisions of domestic courts.

### **Regional Human Rights Court Decisions**

Individuals could appeal court decisions involving alleged violations of human rights by the government to the European Court of Human Rights (ECHR). In 2011 the government paid a total of \$260,000 (an average \$15,000 per case) as damage compensation to plaintiffs who won cases against Macedonia for violations of the right to trial in a reasonable time and of the right to life. According to a government report, despite some notable progress, compliance with ECHR decisions in monitored cases is still lagging behind by two or more years, depending on the complexity of the case.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. Membership in a party of the ruling coalition is increasingly a requisite for employment in public administration.

The government used lustration (identifying individuals who collaborated with the secret services during the communist era and banning them from public office and other government benefits) as a means of attacking political opponents and disloyal former associates. In June parliament enacted a new lustration law that contains numerous elements of an older law previously struck down twice by the Constitutional Court. The new law requires the Lustration Commission to make the dossiers of former police informants publicly available on the Internet. In August the Commission published the first 11 dossiers online. A review of the cases revealed that the majority of the 26 citizens identified were actually victims of the communist secret police rather than police informants.

Vladimir Milcin, a drama professor, director of the Soros Open Society Foundation, and outspoken government critic, was publicly identified (lustrated) by the government as a collaborator of the former secret police, although the secret police actually monitored, questioned, and harassed him during the communist era, according to his dossier, which Milcin had obtained through the law on access to information.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press; however, the government did not always demonstrate respect for this right in practice, and government pressure on the media was a continuing problem.

**Freedom of Speech:** The law prohibits speech that incites national, religious, or ethnic hatred, and it provides penalties for violations. Individuals may criticize the government publicly or privately, but there were reports that the government attempted to impede criticism.

Freedom of Press: Media outlets were covered by the same laws that restrict speech inciting national, religious, or ethnic hatred. A very limited number of independent media voices were active and expressed a variety of views without restriction, particularly through online outlets. Media outlets and reporting continued to be divided along ethnic and political lines. The government was the largest purchaser of advertising in the country and favored outlets and journalists it perceived as friendly. The Broadcasting Council also changed the regulations covering revenue restrictions on the national Macedonian Radio and Television station to allow it more advertising minutes during prime time than other outlets.

Violence and Harassment: Some journalists reported they were pressured to report a progovernment viewpoint or else lose their jobs. As the largest purchaser of advertising, the government also used financial pressure to coerce reporting along government lines.

Censorship or Content Restrictions: There were reports that the government pressured the media and forced journalists to practice self-censorship. Journalists reported far greater self-censorship when reporting on issues sensitive to the government.

In June the Broadcast Council ordered A2 Television to close, allegedly for failing to meet content requirements of no more than 65 percent entertainment programming, and no less than 35 percent news and educational shows. This was the first time a television station had been closed on those grounds. Many regarded the closure as politically motivated.

In November Zoran Andonovski, editor in chief of the country's largest print daily, *Dnevnik*, was ordered by the paper's management not to print a story on a continuing doctors' strike. He refused to remove it, arguing that it was simply factual reporting, not an opinion or critical piece. The article in question was removed without his knowledge during the printing process and replaced with a car ad, and the editor resigned the next day in protest.

On December 24, journalists were forcibly removed from a session of parliament during which opposition MPs had attempted to prevent the budget from being passed without the vote of a two-thirds majority as required by the constitution. The Ministry of Interior's PSU investigated a complaint about the incident from the Association of Journalists (AJM) but found no grounds for the complaint and dismissed it. The incident prompted outcries from citizens and the international community, including the International Federation of Journalists and the European Federation of Journalists.

During the year the AJM criticized specific media developments, such as the closing of A2 Television, and the overall decline in media freedom. The AJM called on authorities to engage publicly with members of the media to address the crisis. The Independent Trade Union of Journalists was another frequent voice of alarm over the erosion of media freedom. The ruling party, various ministries, and the president's cabinet regularly denied any undue pressure on journalists but at the same time expressed disappointment over reporting by some media outlets and criticized them and individual journalists for bias and unprofessionalism.

Libel Laws/National Security: In June, as part of the EU's High Level Accession Dialogue, the AJM and the government announced an agreement on the decriminalization of defamation and libel and slander and a schedule of fines for nonmaterial damage. Some editors and media owners expressed concerns that the steep fines would cause self-censorship. The implementing law was passed on November 14.

Publishing Restrictions: The government did not use import controls or other measures to limit the operation of publishing houses. Owners of print media not aligned with the government reported that distribution companies aligned with the ruling party refused to distribute their publications.

## Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In 2011 according to statistics of the International Telecommunication Union, 57 percent of the population used the Internet.

## 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 freedom of assembly, and the government generally respected this right in practice. To hold public gatherings of any kind, organizers are advised to notify the Ministry of Interior so the venue can be made secure. In December there were several large antigovernment demonstrations in central Skopje.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right in practice.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

## **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 in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: The law allows authorities to deny exit to individuals suspected of harming the country's foreign relations. In response to an EU request to reduce the number of asylum seekers coming from the country, authorities implemented a strategy to limit exit of potential asylum seekers. The strategy included a media campaign, sanctions on travel agencies that serve potential asylum seekers, and profiling at border stations. As part of this effort, between January 1 and December 10, border authorities denied exit permission to 4,360 citizens, mostly Roma, who authorities suspected would seek asylum in the EU.

### **Internally Displaced Persons (IDPs)**

The government reported that 400 persons remained displaced from the 2001 internal conflict. Of these, 166 persons lived in collective centers, and 234 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate (officially more than 30 percent in the first quarter of the year). The UNHCR assisted 31 IDPs in establishing their civil status and obtaining identity documents.

During the year the government encouraged IDPs to return to their homes of origin 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 previously resided.

### **Protection of Refugees**

Access to Asylum: The country's laws, which are modeled on EU and other international law, provide for the granting of asylum or refugee status to those individuals meeting the criteria for refugee status and, if not, to those meeting the criteria for subsidiary protection. The government has established a system for providing protection to refugees. However, the UNHCR reported that in practice the refugee status determination mechanism failed to provide basic procedural guarantees and proper determination as prescribed in the law.

The government did not grant refugee status or subsidiary protection to any asylum seekers during the year. The UNHCR noted that only two locations in Skopje reported registrations of new asylum seekers, and no border crossings, police stations, or immigration offices outside Skopje reported any registrations. The UNHCR raised concerns that asylum seekers presenting themselves outside of Skopje were not accounted for and might be informally returned or transported to third countries.

The country continued to experience an increase in arrivals of new migrants from outside the region, primarily from Central Asia and the Middle East, but also from North Africa, Sub-Saharan Africa, and South Asia. The lack of qualified interpreters in Pashtu, Dari, or Arabic made identification and interviews difficult. Most asylum seekers left the country spontaneously within weeks of filing asylum claims. As of the end of August, 400 asylum seekers had been registered during the year, compared with 740 in 2011. Of these, 85 were present at

the end of August at the reception center for asylum seekers in Vizbegovo, which has a capacity of 150 persons.

The government issued identity documents to recognized refugees and other persons under subsidiary protection. However, authorities frequently delayed or failed to issue identification documents to new asylum seekers. The government had a formal system for appointing guardians. In practice no appointed guardian met an unaccompanied minor seeking asylum.

Safe Country of Origin/Transit: The government discontinued the past practice of rejecting the asylum applications of persons who arrived in the country via a safe country of transit. Only one such rejection was issued during the year compared with approximately 60 rejections in 2011. Such persons were issued provisional identification documents to secure access to services. The documents were subject to extension as individual circumstances warranted. Rejected asylum seekers from Kosovo continued to be assisted by the UNHCR.

Durable Solutions: As of the end of July, 1,661 asylum seekers, refugees, persons under subsidiary protection, and other persons of concern remained in the country, most of them Roma from the 1999 conflict in Kosovo. The UNHCR continued to note progress in the return of Roma to Kosovo, which it facilitated on the basis of voluntary individual requests. As of the end of August, only eight individuals had returned to Kosovo, while 173 were awaiting return.

The Ministry of Labor and Social Policy is responsible for the social protection of persons granted asylum. An office within the ministry provided integrated, durable solutions with the support of the UNHCR. As of August, 785 refugees (196 families) had applied for integration in the country. However, the country lacked sufficient housing for these persons.

Temporary Protection: Although the law allows the government to provide temporary protection to individuals who may not qualify as refugees, no individuals were provided with temporary protection during the year.

### **Stateless Persons**

As of the end of 2011, there were 1,154 stateless persons in the country. The vast majority of these were entitled to citizenship but lacked identity documents. Some stateless persons were Roma who were not registered at birth, while others did not obtain citizenship after Macedonian independence. The UNHCR worked to assist these persons in obtaining identity documents.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, mostly free, and fair elections held on the basis of universal suffrage. There were no national or local elections during the year.

### **Elections and Political Participation**

In December the government failed to follow correct parliamentary procedures in adopting the 2013 budget. The ruling coalition skipped several steps to move the budget bill out of committee for plenary consideration while the speaker of parliament failed to provide copies of the budget for review prior to voting, as required by law. On December 24, opposition parliamentarians claimed they were not given the cards necessary for electronic voting. Opposition members physically blocked access to the speaker's rostrum; security personnel forcibly removed them from the plenary room on the speaker's order. Journalists also were forcibly removed without the two-thirds majority vote of parliamentarians required by the constitution. The rump parliament then passed the budget as well as several other controversial pieces of legislation without debate.

Recent Elections: In June 2011 the country held parliamentary elections with high public turnout and only minor confirmed incidents. The OSCE's Office for Democratic Institutions and Human Rights reported that the elections were "transparent and well administered throughout the country"; however, insufficient separation between party and state activities and pressure on public sector employees to support the ruling coalition were problems. For the first time, citizens residing abroad could vote by absentee ballot.

Political Parties: In August 2011 the government demolished the Cosmos apartment building owned by Fijet Canoski, leader of the opposition Party for European Future, claiming that it failed to meet building code requirements. Canoski asserted that the demolition was political retaliation for having joined the opposition and financing opposition-oriented A1 Television, allowing it to remain on the air during the election campaign. The government subsequently filed four court cases against Canoski and appointed as judge the aunt of the



minister of interior. Canoski also reported difficulty in obtaining a firm to assess the damages of 2.2 billion denars (\$47 million) for insurance purposes. On November 30, the government withdrew from parliament a draft amendment to the Construction Law, which would have legalized the Cosmos demolition retroactively. In August Canoski's motion requesting adjustments to the code requirements was denied, forcing him to excavate the foundations of the Cosmos building. Canoski filed a complaint with the ECHR, which was pending at year's end.

Participation of Women and Minorities: There were 38 women in the 123-seat parliament and three women in the 23-member Council of Ministers. The law requires gender diversity in each political party's candidate list; at least one in every three candidates must be of the gender opposite of the majority gender on the list. Sixty percent of judges were women. None of the country's 85 mayors was a woman.

There were 24 ethnic Albanians, four ethnic Serbs, two ethnic Vlachs, two ethnic Turks, two ethnic Roma, and three ethnic Bosniaks in parliament. There were nine members of minority communities in the 23-member Council of Ministers.

## Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, there were reports that some officials engaged in corruption with impunity. According to World Bank governance indicators, government corruption was a problem.

During the year there were credible claims that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce government officials and party members or to intimidate key opposition leaders.

Police and judicial corruption remained problems. As of August the Judicial Council removed five judges, four for unprofessional and unethical conduct and one for a criminal conviction and prison sentence.

In February a court acquitted Vasil Tupurkovski, a former deputy prime minister and director of the Agency for Reconstruction and Development, in a retrial after he previously had been convicted to a three-year prison sentence on corruption charges. On December 14, the Skopje Appellate Court overturned the acquittal and returned the case for retrial.

The retrial of former prime minister and former minister of defense Vlado Buckovski, previously convicted of abuse of office, continued with sporadic sessions at year's end.

The Anticorruption Commission (ACC) was the government body responsible for asset disclosure, investigation of conflict of interest of appointed and elected officials, and corruption complaints submitted by citizens. As of September it received 125 new allegations of corruption and/or conflict of interest. The ACC reviewed a total of 328 complaints and motions, including some from the previous year. It dismissed 141 of those complaints for lack of jurisdiction and 143 others as unfounded. It referred 27 complaints for review and action to other institutions. As of September the ACC conveyed to the prosecution office 14 complaints against government and political party officials and political parties as legal entities, with a recommendation to press criminal charges, including three complaints against opposition Social Democratic Alliance of Macedonia and A1 Television for alleged June 2011 election campaign finance irregularities. None of the 10 complaints against current and former public officials referred to the prosecution office by the ACC in 2011 resulted in criminal charges to date. The Prilep prosecution office dismissed the charges against the director of a public company near the city because the statute of limitations had expired. The prosecution did not provide any feedback to the ACC at year's end about the remaining nine complaints.

During the year through September, the ACC did not file any misdemeanor charges for complaints received.

The law provides for public access to government information. However, implementation of the law lagged in many areas, especially with regard to citizens' access to the government's financial and public procurement dealings. The anticorruption legislation requires income and asset disclosure by appointed and elected officials and their close family, including penalties for noncompliance. The declarations are made available to the public on the Anti-Corruption Commission Web site. However, anticorruption experts and the civil sector criticized the Anti-Corruption Commission for lack of political will and capacity to verify declarations' veracity and lack of ability to sanction noncompliant officials effectively.

## 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 cooperative and sometimes responsive 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 special needs, promote equitable representation in public life, and address children's rights. The ombudsman has the right to visit all detained persons and report findings to the UN. Most of the 3,940 complaints that the ombudsman received as of early December concerned violations of judicial procedures, police abuse, police services to citizens, prisons, labor, and consumer or property rights. The ombudsman reported good cooperation and communication with the government but noted that, while government responses to the ombudsman's inquiries were usually timely, they often were not substantive and at times lacked the requested information.

The Inter-Ministerial Body for Human Rights, chaired by Foreign Minister Nikola Poposki, held its first meeting in July. The purpose of the body is to examine problems related to the promotion of human rights and freedoms stemming from obligations in international human rights agreements ratified 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 the law. The commission does not, however, have the power to punish offenders. During the year through September, it received 54 complaints and resolved 12. The commission ruled that 17 of the complaints were unfounded, while 15 were still in process. The commission did not have a full-time staff and was located in an office inaccessible to persons with physical disabilities. Unlike the ombudsman, the commission reviewed complaints from both the public and the private sectors. However, the public continued to be largely unaware of the commission's existence. Citizens who are not satisfied with the outcome of complaints may seek remedy in court. The written opinion of the commission is admitted as evidence.

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

The constitution and law prohibit discrimination based on gender, race, disability, language, gender identity, religion, and national, social, or political affiliation; it provides for fines ranging from 400 to 1,000 euros (\$528 to \$1,300) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In its 2011 report, the ombudsman stated that discrimination existed in all spheres in society, especially on the grounds of ethnicity and political affiliation. The report recommended education campaigns to strengthen citizen awareness of discrimination.

### Women

**Rape and Domestic Violence:** Rape, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment. Due to poor enforcement of the law, however, the penalties did not serve as a significant deterrent. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. Domestic violence is illegal, but authorities rarely enforced the law in practice. Cultural norms, including victims' concerns over possible shame to the family, discouraged the reporting of violence against women and the filing of criminal charges. Advocates reported progress in improving the legal structures related to domestic violence.

The government ran seven limited-capacity shelters, and one NGO operated a shelter for women at risk that can accommodate a maximum of 30 women. A national NGO-operated hotline (in Macedonian and Albanian) and two crisis centers for temporary (24- to 48-hour) shelter for victims of domestic violence were active. 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, particularly in the private sector. However, victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

**Reproductive Rights:** Couples have the right to decide freely and responsibly the number, spacing, and timing of their children and means to do so free from discrimination, coercion, and violence. The government-sponsored health insurance does not cover contraceptives. Roma women generally lacked access to gynecological services.

**Discrimination:** Women have the same legal status as men under the family law, inheritance law, and in the judicial system. Advocates reported that the number of women who own property and businesses was minimal 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 communities, the practice of men directing the voting, or voting on behalf of, female family members disenfranchised women. Women who worked outside the home earned approximately 78 percent of what men earned.

The Department of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. There were also gender equality commissions at the municipal council level.

## Children

**Birth Registration:** The law determines citizenship primarily by the citizenship of the parents. It also allows for acquisition of citizenship by birth for a child found in the territory of the country with unknown parents, if authorities do not discover that the parents were foreigners before the child reaches the age of 18. Births of all children in hospitals and medical institutions were registered automatically, and the law requires that all children, including those born at home or elsewhere, be registered at magistrate offices within 15 days of birth. Some Romani families delayed 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 of being institutionalized. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse.

The government operated a hotline for domestic violence, including child abuse. An NGO operated a helpline, provided an e-mail address for battered or abused children, and conducted advertising campaigns aimed at children to promote the helpline.

**Child Marriage:** The minimum legal age for marriage is 18. A court can issue a marriage license to persons between 16 and 18 years old if it finds them mentally and physically fit for marriage. Child marriage occurred in the Romani community and, to a much lesser extent, in the ethnic Albanian community. It was difficult to estimate the number of child marriages because they were rarely registered. In 2011, according to official government statistics, 1,926 women and 236 men under 20 years of age were married.

**Sexual Exploitation of Children:** Penalties for commercial sexual exploitation of children are between 10 and 15 years in prison. The minimum age for consensual sex is 16. The law prohibits child pornography, and the penalties for it are between five and 15 years in prison. Prostitution of children was considered a problem, but its extent was not known. According to available data, the number of child sex abuse cases rose during the last few years with 70 cases registered in 2011, compared with 45 in 2010, and with 16 percent being repeat offenders. In January the country created an online registry of convicted child trafficking and child sex abuse offenders. The registry provides photos, conviction records, and residential addresses of 102 convicted child sex abusers and trafficking offenders. The registry is searchable by name and address. Ten years after serving their sentence without a repeat offense, offenders can request to be removed from the registry.

**Displaced Children:** According to 2008 data from UNICEF, there were between 500 and 1,000 street children in the country, most of them Roma. With international support, the Ministry of Labor and Social Policy operated five day centers for street children. According to the ministry, an estimated 630 vulnerable children received basic education classes in shelter centers. The government maintained a transit shelter for street children; however, its small size made it difficult to provide appropriate social services.

**Institutionalized Children:** Advocates and the ombudsman's office reported a lack of accountability with regard to cases of child neglect and abuse in orphanages, shelters, and detention centers. NGOs were also active in this area.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's Report on Compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

## Anti-Semitism

The Jewish community estimated that 250 to 300 Jews lived in the country. There were no reports of anti-Semitic acts.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## Persons with Disabilities

The antidiscrimination law protects against discrimination on the basis of physical sensory, intellectual, and mental disability. However, persons with disabilities faced discrimination in employment, education, air travel and other transportation, and access to health care and other state services. The law requires persons with physical or mental disabilities to obtain approval from a medical commission of the government to serve in supervisory positions in both the private and public sectors. The law provides incentives to certain "shelter companies" to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified for incentives limited employment opportunities for persons with disabilities. The law allows those who allege discrimination to submit their complaints to the Commission for Protection from Discrimination.

The law requires that only new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible. NGOs reported the situation was improving over time. Public transportation is largely inaccessible for physically disabled persons. The Ministry of Education failed to provide suitable special education services for disabled persons, although children with disabilities attended school. The right to vote and participate in civic affairs was not restricted. The government and its agencies did not take any significant steps to improve respect for rights of persons with disabilities during the year.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration of persons with disabilities into society. Additionally, the low salaries offered to the often undertrained persons with disabilities further discouraged them from seeking employment.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

In its 2010 visit the CPT noted consistent allegations of mistreatment of psychiatric patients by staff and violence between patients, in particular at Demir Hisar Psychiatric Hospital. The alleged mistreatment included the use of wooden sticks and metal rods. Many patients at Demir Hisar forensic ward also alleged that they had been physically abused by other patients, that they feared for their personal safety, and that staff did not intervene to prevent violence between patients, preferring to withdraw from such situations for their own protection.

The CPT reported finding the wards at Demir Hisar extremely dilapidated, poorly maintained, dirty, and reeking of urine. Two wards in particular had sanitary facilities in a poor state of repair, with feces on the floor and clogged, inoperative plumbing. For this reason patients were obliged to use bedpans, which the patients then emptied. The CPT also reported finding the wards at Negorci Hospital very dilapidated with some of the rooms severely overcrowded. In the facility there was poor or no artificial lighting and blocked toilets contained mounds of dirty rags. There were no indoor communal areas for patients, so patients were effectively confined to their rooms during the winter.

## National/Racial/Ethnic Minorities

According to the 2002 census, the ethnic composition of the population was 64.2 percent Macedonian, 25.2 percent Albanian, 3.9 percent Turkish, 2.7 percent Roma, 1.8 percent Serbian, 0.8 percent Bosniak, and 0.5 percent Vlach.

Relations between the ethnic Macedonian and Albanian communities were often strained. Several interethnic incidents that triggered protests added to tensions between the two largest communities. Ethnic Albanians continued to complain of unequal representation in government ministries and public enterprises, although there has been improvement since 2001.

According to the annual report of the ombudsman, ethnic Albanians and other national minorities, with the exception of ethnic Serbs and Vlachs, were underrepresented in the civil service and other state institutions,

including the military, the police force, and the intelligence services, as well as the courts, the national bank, customs, and public enterprises, in spite of efforts to recruit qualified candidates from these communities. Ethnic Albanians constituted 18 percent of army personnel, while minority communities as a whole accounted for 25 percent of the population according to statistics provided by the government. However, certain ministries declined to share information about ethnic makeup of employees.

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 languages continued to increase, especially after secondary education became mandatory.

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 and UNHCR 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, including assistance with education, housing, employment, and infrastructure development. However, with the exception of education, the funds were not sufficient to produce significant results, especially in the area of healthcare. The government also continued to fund Romani information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education, including conditional cash transfers for 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, the absence of urban municipalities where ethnic Turks were a majority and could therefore use the Turkish language officially, and the inadequacy of Turkish-language education and media. Turkish is an official language in four rural municipalities.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sexual orientation is not a protected category under the law, although the Commission for Protection from Discrimination created by the law considered complaints from the LGBT community.

Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media and from the government. In November the Helsinki Commission's LGBTI Center was vandalized and two activists were attacked while hanging signs for the march of tolerance.

## **Other Societal Violence or Discrimination**

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 to form and join independent unions without previous authorization or excessive requirements. The law provides for the right to strike, but restricts the right to strike of members of the military and police. During a strike the law allows employers to “exclude” or temporarily release up to 2 percent of workers who they believe are potentially violent or engaged in “undemocratic activity” and are obstructing the negotiations between the workers and the employer; employers must pay the workers' benefits during the exclusion period and rehire them after the strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages.

The law protects the right to bargain collectively but requires that any resulting collective agreements cover at least 20 percent of employees in the public or private sector and at least 10 percent of employers. By law collective agreements apply to all workers whether union members or not. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The government did not always enforce laws against antiunion interference. Procedures were not subject to lengthy delays.

Freedom of association was respected in practice. Unions may freely register with the Central Registry of Macedonia. Worker organizations were independent of the government and political parties. The government respected the right to collective bargaining in practice.

Workers exercised the right to strike in practice, but the unions maintained that the law's "exclusionary" provision allows employers to bar union leaders from collective bargaining negotiations during a strike.

Union representatives reported that managers and government ministers used threats to end a strike. There were also instances of managers forcing union members to sign statements declaring whether they were on strike, to use the signatures to determine whether the members would be paid. Some union members were threatened with dismissal if a strike was not terminated. Other union members stated that authorities threatened their spouse's or family's business with a state inspection when they were on strike. Companies also told union members who were temporary employees they should not join a strike if they wanted to become permanent employees.

There were instances when the government negotiated with a union that was not on strike but refused to talk to the actual striking union, claiming that the nonstriking union was the legal representative of the striking workers.

There were instances of antiunion discrimination, but only during strikes.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children; however, the government did not enforce those laws effectively in the case of Romani children who were especially vulnerable to human trafficking, specifically forced begging in public places, usually by family members.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law protects children from exploitation in the workplace, including forced or compulsory labor. However, the government did not effectively enforce the law in practice for Romani children. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment is 15. Children who are 14 years old can work as apprentices or as part of an official education program. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors from working nights or more than eight hours per day or 40 hours per week.

There were reports that individuals used child labor in the informal economy, primarily involving children who begged, cleaned vehicle windshields, and sold cigarettes and other small items in open markets, the streets, bars, or restaurants at night. The children involved in these activities were primarily Roma and most often worked for their parents or family members. Officials did not punish such violations, and children remained vulnerable to exploitation. The police are charged with enforcing laws on forced begging and trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate forced begging by children were largely ineffective. Although the necessary laws were in place, officials seldom enforced them.

During the year the Ministry of Labor and Social Policy funded three centers that provided education, medical, and psychological services to children who beg on the street. NGOs funded two additional centers for children in Skopje with support from the government. International donors supported programs to prevent children from begging on the street and to increase school enrollment of children at risk for such work. The government operated a center for social services in Skopje to provide services to children working in the streets, including children who beg.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

## **d. Acceptable Conditions of Work**

The legal national minimum wage was 8,050 denars (\$171) per month. According to official statistics, the average monthly net wage in September was 20,779 denars (\$442).

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 (first 30 days are paid by the employer, with possible extensions depending on the diagnosis, which are covered by the Social Security Insurance Fund). Employees may not legally work more than eight hours of overtime per week or 190 hours per year. According to the collective agreement between the government and the unions, employees in both the public and private sector have a right to overtime pay at 135 percent of their regular rate. In addition, the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary. However, many employers hired workers without complying with the law. In particular small retail businesses often required employees to work well beyond the legal limits.

During the year the Labor Inspectorate of the Ministry of Labor and Social Policy filed complaints against several private businesses for forcing employees to work long hours without the legally required breaks and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the employer corrects the violations. In cases of repeated violations, the owners can be fined.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. It employed 110 labor inspectors. 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 in practice. In 2011-12 an average of 44 workers per year lost their lives in the workplace as a result of lax or nonexistent protection measures or long hours at construction sites.

Studies indicated that a significant number of employees in the informal economy were not part of the legal workforce. Estimates of the size of the informal economy were between 15 percent and 40 percent of the gross domestic product.